

Just War Theory and the Gaza War:
Assessing the Case for Humanitarian Intervention

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Introduction

On October 7, 2023, Hamas invaded Israel from the Gaza Strip and committed horrible terrorist attacks. Hamas killed about 1200 civilians and soldiers and took a further 250 people hostage. These attacks shocked the world. In retaliation, Israel launched a large-scale military operation which has taken many Palestinian lives and destroyed much of the Gaza Strip. Estimates of Palestinian casualties since October 7 are about 69,000, of which more than 20,000 children, 1500 aid workers, and 250 journalists (Tech for Palestine 2025). However, according to calculations of medical journal The Lancet, it is not implausible to assume that the actual number of casualties is much higher, in the range of 200,000 (Khatib et al. 2024). As a result, it can be concluded that between 3% and 9% of the Palestinian population has been killed as a result of Israel's war in Gaza. Besides, reports suggest that more than 80% of the deaths in Gaza are civilians. At its high point, about 82% of Gaza was under IDF control. Moreover, it is estimated that more than three-quarters of buildings, roads, and schools in Gaza have been destroyed (OCHA 2025). Furthermore, the destruction of about 86% of arable land and 72% of the fishing fleet (OCHA 2025) has resulted in famine (WHO 2025). The food shortage in Gaza is caused by Israel's refusal to allow sufficient humanitarian goods into the Gaza Strip (OCHA 2025) and due to the deliberate destruction of critical infrastructure and food supplies.

As a result of the worsening situation in Gaza, the International Association of Genocide Scholars (IAGS) declared that: "Israel's policies and actions in Gaza meet the legal definition of genocide" and "Israel's policies and actions in Gaza constitute war crimes and crimes against humanity" (IAGS 2025). Apart from the IAGS, an independent commission established by the United Nations Human Rights Council concluded that Israel committed genocide in the Gaza Strip as a result of the Israeli military operations in Gaza, including killing and seriously harming unprecedented numbers of Palestinians; imposing a total siege, including blocking humanitarian aid leading to starvation; systematically destroying the healthcare and education systems in Gaza; committing systematic acts of sexual and gender based violence; directly targeting children; carrying out systematic and widespread attacks on religious and cultural sites; and disregarding the orders of the International Court of Justice. (OHCHR 2025).

The humanitarian crisis in Gaza raises questions about the international community's responsibilities. What are the duties and rights of the international community when it comes

to assisting the Gazan population? One way in which the Palestinians suffering from the war between Hamas and Israel could be helped is through a military humanitarian intervention aimed at stopping the famine, civilian deaths, destruction of critical infrastructure in Gaza, and the war that causes it. Intervention, however, is not easily justified. The burden of justification for the use of force against another country is high, both morally and legally. The moral theory that deals with questions about war is just war theory. Through sets of conditions for both the resort to and acts within war, just war theory determines the justness of wars. In this thesis, I will research whether a humanitarian intervention in Gaza aimed at relieving the suffering of the Palestinian people can be permissible according to just war theory. I will argue that Israel's war in Gaza is unjust, and that this strengthens the case for humanitarian intervention in Gaza, but that intervention will be impermissible, all things considered. In the first chapter, I will introduce just war theory, its conditions, and relevant terminology and nuances to the rest of my thesis. In the second chapter, I will provide a just war analysis of the war in Gaza, arguing that both sides are fighting an unjust war. The third chapter will examine whether humanitarian intervention in Gaza is permissible according to the ethics of war. I will argue that there is a just cause for humanitarian intervention, but that other conditions may be more demanding to satisfy.

Chapter 1 - Just War Theory

In this chapter, I will discuss just war theory and its relevance to my thesis. First, I shall briefly introduce just war theory and the difference between the traditionalist and revisionist strands. Then I will discuss the conditions of *jus ad bellum* and *jus in bello* and the special significance of the proportionality and necessity conditions. I shall conclude the chapter by discussing why the justness of war is important when considering humanitarian intervention.

1.1 Just War Theory, Traditionalism, and Revisionism

The moral theory that deals with questions about war is just war theory. It is the middle path between realism, which denies that morality applies in war, and pacifism, which denies that the horrors of war can be justified by a moral theory. Just war theory's appeal is that it can justify some wars while providing moral rules to limit them (Lazar 2020).

Traditionalist just war theory is the state-centred, legalised theory of war. Michael Walzer is the most famous proponent of traditionalism. He sought to find a moral foundation and, simultaneously, to stabilise the international law of war. Traditionalism treats states as the primary agents of war due to its collectivist account of war and self-defence. According to the collectivist account, states' rights are the collective form of individual rights (Walzer 2015, 54). A key concept that underlies this collectivist account is Walzer's domestic analogy. This holds that the moral principles which govern violence and self-defence among individuals also apply to states. Since individuals have a right to integrity and self-defence, so too states have the right to territorial integrity and the right to defend against aggression (Walzer 2015, 58-9). On the traditionalist account, then, states may permissibly go to war to defend against aggression, to defend other states from aggression, and to prevent acts that shock humankind's moral conscience (Walzer 2015, 61-2; 107). Important to note is that on Walzer's account, only wars of self-defence and other-defence are justified, as well as in very rare cases of the gravest humanitarian crimes. He places much value on the territorial integrity and political sovereignty of states. In this way, his legalist paradigm can both provide a moral foundation and stabilise the international law of war. Another noteworthy detail about traditionalist just war theory is the moral equality of combatants. For Walzer, soldiers on both sides are moral equals because they should be equally protected by the legal

and moral framework of war, regardless of the justness of their cause. The collectivist account plays a role here. Since combatants act on behalf of the collective, their individual actions cannot be judged by the moral standards that we apply to individuals. To a traditionalist such as Walzer, there is something more to fighting in war than simply two groups of people fighting. Besides, responsibility for the fighting rests at the state level, not the individual level. This is because, on the traditionalist account, war is between states, not between individuals (Frowe 2023, 102-3).

The fundamental difference between traditionalism and revisionism lies in collectivism versus reductive individualism. Whereas traditional just war theory attributes special morality to war through the collectivist account and the domestic analogy, revisionist just war theory denies that there is special morality in war, such that, for example, soldiers can be morally equal and that the principles governing war are grounded in the rights and duties of individuals. (Lazar 2017, 3; Frowe 2023, 29). Jeff McMahan, the most influential advocate of revisionist just war theory, argues that war is not the exercise of a state's distinct right of self-defence, but the coordinated exercise by persons of their individual right of self- and other-defence (McMahan 2012, 309-10). Accordingly, there are two significant differences between traditionalism and revisionism. First, revisionists are sceptical about the moral standing of states. They criticise traditionalists for defending a presupposed moral alchemy that allows people to do otherwise immoral things, such as killing, as long as they do so in an organised fashion by means of a state. Traditionalist just war theory thus seems to justify killing through self-legislation (Frowe 2023, 33). Conversely, revisionists do not attribute special moral status to states. What the state may do fully reduces to what individual members are permitted to do, and group action does not suddenly create the right to harm or kill others (McMahan 2012, 309-10). Second, revisionists reject the independence of the resort to war and the conduct within it. In revisionist theory, the moral wall that permits combatants on the unjust side to fight permissibly under the rules governing conduct in war is denied. Since war is morally continuous with self-defence for revisionists, the permissibility of harming people depends on the justness of the overall cause. In traditionalist theory, a Nazi soldier would have been able to permissibly fight and defend himself as long as he adhered to the rules of conduct in war. Revisionist just war theory denies this possibility since an individual who lacks a just cause, or even has an unjust cause, such as wanting to rob another person, to use violence against another person, is acting unjustly. Thus, unjust combatants who advance an unjust cause can have no legitimate targets in revisionist just war theory (McMahan 2012, 310-11).

1.2 The Conditions of Just War Theory

In just war theory, the morality of war is evaluated on two sets of conditions: one for the resort to war or *jus ad bellum*, and the other for acts within war or *jus in bello*. For a war to be justified, the conditions of *jus ad bellum* have to be satisfied. The traditional conditions of *jus ad bellum* are: just cause, legitimate authority, right intention, a reasonable chance of success, proportionality and necessity.

A just cause for the resort to war arises when that war is an attempt to avert the right kind of danger. Traditionally, the use of military force is justified if it is a form of self- or other-defence aimed at averting unjust aggression. Besides, humanitarian intervention can also serve as a just cause for war if aimed at the worst kinds of harm, such as the mass slaughter of civilians.

Legitimate authority is satisfied only if the resort to war is initiated by an entity empowered to act for the political community in its external and military affairs. This condition has been criticised by revisionists for possibly not being a moral requirement at all (McMahan 2024a, 389), or at least not something exclusive to states. This is because the resort to violence may be proportionate and necessary even when legitimate authority is not satisfied (Lazar 2020). Besides, the right to defend basic human rights by force, it is argued, is a human right, irrespective of political status, and held by individuals, not just states (Fabre 2008).

The condition of a right intention demands that a war must be aimed at preventing or correcting the injustice that constitutes the just cause for war. This condition mostly has historical relevance. It stems from a time “when princes rather than governments went to war” (Lazar 2017, 6). Moreover, this condition has also been criticised by revisionists for not being a moral requirement. This is because if a war serves as a necessary and proportionate means to bring about a just cause, it might not matter if those in power have multiple or ulterior aims (Frowe 2023, 58-60; McMahan 2024a, 389).

A reasonable chance of success is satisfied only when it is sufficiently reasonable to believe the war’s legitimate aims can be achieved.

Proportionality posits that the resort to military force is justified only if its scale and scope are not excessive relative to the suffered wrong, which determines the just cause. In expectation, the goods secured by achieving the just cause must outweigh the harms of going to war.

Necessity, or last resort, requires that other non-violent alternatives, such as diplomatic negotiation and sanctions, have been seriously pursued or are judged ineffective or too slow to secure the just cause. Besides, when different violent courses of action are available, necessity demands that the least harmful way to achieve the just cause is chosen.

The conditions of *jus in bello* determine whether acts within war are permissible. Traditionally, *jus in bello* consists of three conditions: discrimination, proportionality, and necessity.

Discrimination demands that combatants must always distinguish between legitimate military targets and noncombatants (civilians), and may intentionally attack only military targets (Lazar 2020).

For proportionality, foreseeable but unintended harm to noncombatants is permissible only if it is not excessive in relation to the concrete and direct military advantage anticipated. This means that a balancing of the harm inflicted versus the harm averted is required. This is not as simple as comparing numbers of deaths: the *in bello* proportionality consideration requires the overall amount of evil averted to be taken into account as well as the military advantage gained. Besides, *in bello* proportionality also depends on the moral status of those harmed and whether the harm is intended or merely foreseen. *In bello* proportionality does thus not only rely on totals but also on who is harmed and with what intention (Frowe 2023, 110-4). Moreover, proportionality in *jus in bello* is distinct from *ad bellum* proportionality since it applies specifically to individual actions within a war as opposed to the war as a whole (Lazar 2020).

In bello necessity stipulates that force, including any collateral harm to noncombatants, is permissible only when it is necessary to achieve a legitimate military objective. Here, necessity requires that the least harmful feasible means have been chosen. Soldiers should pursue their goals with the minimum force necessary for success, avoiding needless suffering. The *in bello* condition of necessity mirrors *ad bellum* necessity since both demand the minimising of harm and only allow necessary force (Lazar 2020).

The conditions of proportionality and necessity have special significance in just war theory. According to Seth Lazar (2020), these are the only two conditions that need to be satisfied for a war to be permissible. This is because even if the other conditions are not satisfied, it might still be the case that war is the least bad option, thereby satisfying both proportionality and necessity. The other conditions of *jus ad bellum* are mostly important to the extent that they contribute to the evaluation of proportionality and necessity. To start, without a just cause, it

would be very difficult to satisfy the proportionality requirement. This is in part because the people fighting in this war would not be liable to be killed in battle (Lazar 2020).

Additionally, revisionists such as McMahan argue that the proportionality condition is important to determine whether there is a just cause to begin with. For him, only causes that warrant the killing of people can be considered to be a just cause. Proportionality is thus built into the notion of a just cause but only to a limited extent: it determines whether something can qualify for a just cause, but whether war is proportionate overall should be considered separately (McMahan 2005). Besides, when legitimate authority is satisfied, this would provide additional reasons in favour of fighting. If it were not satisfied, it would serve as a hurdle to be overcome by proportionality and necessity: if the harm to be averted is grave enough, the resort to violence may be both necessary and proportionate, even without the proper authority (Lazar 2020). Moreover, the reasonable chance of success condition can be seen as both surmountable and subsumed by proportionality. Usually, when a war is unlikely to succeed, it is also disproportionate. However, in some cases, fighting may be the best available option even when the chances are bleak. Thus, proportionality and necessity would still be satisfied (Lazar 2020). On top of that, the chance of success condition is, in a way, always subsumed by proportionality. This is because proportionality takes all relevant probabilities into account (McMahan 2024a, 389).

1.3 The Justness of War and Humanitarian Intervention

In the next chapter, I will provide a just war analysis of the war in Gaza. I will argue that both Hamas and Israel are fighting an unjust war, failing the conditions of proportionality and necessity. This is important when considering whether humanitarian intervention would be permissible. In this section, I will discuss why this is so. The humanitarian crisis in Gaza warrants questions about the duties of the international community to the Palestinian people. Could military intervention be of use? And if so, against whom would the military force be directed?

Humanitarian intervention is the use of military force to protect people from humanitarian harms inflicted, typically, by their own state. In the case of the Gaza war, I argue, it is also appropriate to speak of humanitarian intervention, rather than regular other-defence. First, this is because the people of Gaza and Palestinians in a broader sense

lack a proper state. Second, those who do exert power over the Palestinians in Gaza act contrary to their interest. On the one hand, Hamas largely controls the Gaza Strip, but they do not properly act in the interest of the Palestinian people and even provoke military response from Israel through terrorist attacks. On the other hand, Israel exerts a great level of control over the Gaza Strip and has occupied various Palestinian territories to varying degrees since 1967 (Global Centre for the Responsibility to Protect 2025). Thus, whilst it is ambiguous whether the Palestinian people are hurt by their own state in the strict sense, I feel justified in arguing that humanitarian intervention is the appropriate term since the Palestinians lack a proper state of their own, and they are harmed by Hamas's and Israel's influence and control over them.

Humanitarian intervention is among the possible just causes for war on both accounts of just war theory discussed at the beginning of this chapter. On the traditionalist, statist account, great importance is placed on state sovereignty. As a result, only the gravest kinds of humanitarian harm warrant a humanitarian intervention (Walzer 2015, 107). Besides, it needs to be clear that the state being intervened against is actually responsible for the harm being sought to be averted (Lazar 2020). For traditionalists, there is a higher burden of justification for humanitarian intervention than for wars of self- or other-defence. Humanitarian intervention differs from self- or other-defence since the latter are instances of national defence. A country may permissibly defend itself or an ally against aggression from another country. Another major difference is the humanitarian motive of intervention. For traditionalists, humanitarian intervention is a type of aggressive war that violates state sovereignty and thus requires a higher burden of justification (Lazar 2020). A possible solution for meeting this high justificatory burden is conditional sovereignty. On this account, a state has sovereignty only as long as certain humanitarian criteria are met. As a result, sovereignty is instrumentally valuable. If a state or group harms the citizens for whom they are responsible by failing to meet humanitarian standards, they might lose their sovereignty and may permissibly be intervened against (Frowe 2023, 86-7). This is mirrored by the United Nations doctrine 'responsibility to protect' or 'RtoP', which states that the international community has an obligation to prevent human rights abuses and may permissibly use military force when required. The international community has decided to limit RtoP to four types of humanitarian crises to warrant intervention: genocide, ethnic cleansing, crimes against humanity, and war crimes (Pattison 2013, 576).

On the revisionist account, humanitarian intervention is more easily justified; people may be defended from unjust aggression in the context of war just as they would in ordinary

self- and other-defence (McMahan 2012, 314). McMahan claims that this does not mean that revisionists are more permissive of war in general. This is because soldiers lacking a just aim can, as opposed to the traditionalist account, not fight a just war. For this reason, the soldiers on the side that is being intervened against may not permissibly defend themselves. The morally just thing for them to do would be not to resist the intervening forces (McMahan 2012).

While there are certainly differences between traditionalist and revisionist justifications of humanitarian intervention, the justness of the war matters for both. This is because it is of utmost importance to know who is responsible for the harm that the intervention tries to prevent. Additionally, it is important to know who the intervention is aimed at. For example, for traditionalists, the justness of the war is important to determine which party causes the humanitarian harm and thereby forfeits the right not to be intervened against. For revisionists, knowing who is responsible is important because it determines who is liable to be harmed in pursuit of the just defence of humanitarian victims. When it comes to the Gaza war, the way to determine who is responsible for the humanitarian crisis the people of Gaza are suffering is to analyse the justness of the war. If Israel has a just cause and fights a just war, then it would be very hard to argue for military intervention against Israel, and the international community may even have a duty to assist in order to achieve Israel's goals more effectively. As I will argue in the next section, however, both Hamas and Israel violate the conditions of just war theory. As a result, both parties in the war are responsible for the humanitarian crisis of the Gazans. In the next chapter, I will provide a detailed just war analysis of the conflict between Hamas and Israel. By doing so, I shall show that despite arguments to the contrary, Israel's war in Gaza is unjust. In this section, I have shown that a military operation undertaken to relieve the Gazans' suffering would rightly be seen as a humanitarian intervention due to Gaza's political situation and the unjustness of both warring parties. Besides, if I am right, then both Hamas and Israel are responsible for the humanitarian crisis in Gaza, thereby rendering themselves liable to being intervened against.

Chapter 2 - A Just War Analysis of the War in Gaza

To determine whether a humanitarian intervention in Gaza would be justified, it is important to assess the overall justness of the war being fought. This is because it would be more difficult to justify intervention in a just war: a war that is being fought for a just cause and satisfies the other moral rules of *jus ad bellum* and *jus in bello*. The justification for preventing or hindering a country from pursuing its just aims carries a heavy burden of proof. It would need to be demonstrated that there are moral reasons which are stronger than those that constitute the just war to begin with. In this chapter, however, I will argue that Israel is fighting an unjust war, which will serve as a premise for my later argument that there is a just cause for humanitarian intervention in Gaza. I will argue for two separate positions here. First, that Hamas's war against Israel is unjust since they violate important conditions of *jus ad bellum* and *jus in bello*. Second, I will argue with McMahan (2024a; 2025) that Israel's war in Gaza is unjust since it violates the conditions of proportionality and necessity. I will consider and refute arguments made in favour of Israel's war in a just war context and arguments against McMahan specifically.

2.1 Hamas's War Against Israel

Hamas's war against Israel is clearly unjust. In this section, I shall explain why Hamas fails every relevant condition of just war theory. This is important because it will strengthen my later argument for a just cause for humanitarian intervention.

Hamas lacks a just cause for war against Israel. Hamas's aims are clearly stated in their 1988 charter. A two-state solution and or peace initiatives that entail giving up any part of Palestine count as the abandonment of their faith. They see no other solution to the situation between Palestine and Israel besides armed resistance, to expel or kill all Jews from their land (Charter of Hamas 1988). Hamas thus has obviously unjust aims since it seeks to wipe out the Jewish population of Israel. McMahan, however, has argued that Palestinians may have a just cause for armed resistance against Israel. This is because of the longstanding oppression Palestinians have endured from Israel (McMahan 2024a, 387; 2025, 210-11). It is important, he argues, to distinguish between the just aims of a people and the unjust aims of

their rulers. In this case, Hamas pursues unjust ends, even if the Palestinians have claims of justice against Israel (McMahan 2025, 210-11).

Hamas's attacks on October 7 clearly did not satisfy the condition of proportionality. Proportionality demands that the expected goods achieved must not exceed the expected harms. In order to secure unjust aims, Hamas proceeded to indiscriminately murder and abduct hundreds of non-labile people in Israel. And even if they did act on the arguably just aims of the Palestinians, the terrorist attacks would have been disproportionate since no good was likely to be achieved, and the expected harms were sure to be devastating on both sides.

When it comes to necessity, or last resort, Hamas's attacks on Israel were certainly not the morally best available means of achieving their goals. Indeed, their attacks have been counterproductive to both Hamas's goals and the Palestinians' cause (McMahan 2024a, 388).

Concerning the rules of *jus in bello*, Hamas does not shy away from harming non-labile civilians. They use the Gazan population as human shields and have killed many non-labile Israeli civilians as a result. This suffices to state that they do not act indiscriminately. Revisionist just war theorists, like McMahan, do not believe that an unjust aggressor can satisfy *jus in bello* to begin with. And even if one disagrees on this point, it would be impossible to argue that Hamas's acts within war are permissible.

In sum, Hamas's war on Israel lacks a just cause, proportionality, and necessity. Their overall resort to war and acts within it are unjust, counterproductive and harmful to the people in Gaza.

2.2 Israel's War in Gaza

According to McMahan: "it is clear that Israel has a right of defense against the murder, maiming, and kidnapping of its citizens by Hamas, and thus in principle has a just cause for war against Hamas" (McMahan 2024a, 389). However, he argues that Israel's war in Gaza has been unjust since it violates the important just war conditions of proportionality and necessity (McMahan 2024a; 2025). There have been objections against McMahan's arguments about both conditions. These objections coincide with support for the permissibility of Israel's war in Gaza. I will consider each condition and its objections separately. McMahan has responded to some of the criticism himself (McMahan 2025). I will provide an overview of his defence and provide support for his arguments.

Proportionality

According to McMahan, Israel's war in Gaza violates proportionality both at the *ad bellum* and the *in bello* level. He distinguishes between narrow and wide proportionality. Narrow proportionality concerns harm to people who are liable to some degree of harm. Wide proportionality concerns harm to people who are innocent or not morally liable to be harmed (McMahan 2024a, 392). The latter is relevant to assessing the permissibility of Israel's war in Gaza because of the vast amounts of civilian deaths.

McMahan discusses possible moral justifications for harming innocent people. First, he considers a lesser-evil justification, which holds that it may be justified to harm innocent people if doing so prevents other innocent people from suffering substantially greater harm. The harm that the other group would otherwise suffer has to be substantially greater due to the general constraint against inflicting harm (McMahan 2024a, 395). To start his inquiry into proportionality in Gaza, McMahan refers to the famous Trolley thought experiment, wherein people generally regard it permissible to kill one innocent person to save the lives of five different innocent people (McMahan 2024a, 395; 2025, 227). A ratio of five innocent Israeli citizens saved to one innocent person in Gaza killed could, on a lesser-evil justification, be defended as proportional. The precise ratio is not the most important. What the lesser-evil justification and the Trolley example are meant to illustrate is that when the number of lives saved is greater than the number of lives taken, it is possible to argue for its permissibility. However, McMahan concludes that neither the IDF nor the Israeli government seem to take this common-sense baseline or a lesser-evil justification seriously. In fact, the numbers seem to suggest the opposite. Using the generally accepted lesser-evil justification, wide proportionality can be understood as "the limit to the harm to innocent people that can be justified as the lesser-evil when it is caused as a side effect of the pursuit of a just cause by means of war or an act of war" (McMahan 2024a, 396). Israel's just cause for war is to defend its citizens from further harm or death by Hamas. But, if not lesser-evil, then what could serve as a permissible justification for the killing of innocent Palestinians? To defend Israel from proportionality charges, a more permissive justification is needed. A justification that McMahan thinks could override the constraint against harming innocent people, even when lesser-evil is not applicable, is a special-relations justification. Using this justification, it can be permissible for an agent to bring harm to innocent people in order to protect someone with whom he has a special relationship. For example, according to the special-relations justification, a parent may permissibly kill an innocent child as a byproduct

of an attempt to save their own. McMahan is not convinced that this one-to-one ratio, based on the moral significance of the relation between people, is defensible, let alone more permissive ratios. While he is very sceptical of it, for the sake of argument, McMahan assumes that soldiers have comparable morally significant relations to their co-nationals as parents have to their children, and that the appropriate ratio for the special-relations justification is five Gazan civilians killed as a side effect of saving one Israeli civilian (McMahan 2024a, 398-9). Note that McMahan was already apprehensive about the applicability of the special-relations justification in the context of the war in Gaza. By assuming an even more permissive standard, he proceeds to show that even on an unrealistically favourable justification, Israel's war in Gaza is nonetheless disproportionate. This is meant to show just how badly Israel's war fails the proportionality condition of *jus ad bellum*. Israel's war fails *ad bellum* proportionality since the death and destruction caused in Gaza cannot be justified, on any conceivable standard of justification, by the likely benefits.

Having established a very permissive standard for permissible harm to civilians, McMahan proceeds to determine whether Israel's Gaza war and individual acts within it could satisfy the condition of proportionality. Israel's war in Gaza violates *in bello* proportionality since large numbers of civilians are often killed to achieve little military advantage. For example, McMahan discusses the rescue of four Israeli hostages from a refugee camp in Gaza. The Gaza Health Ministry reported that 274 Palestinians were killed, whilst the IDF claimed the actual number was below 100. Given that Israeli soldiers did not stay behind to count the dead and because of the testimony of Doctors Without Borders, McMahan assumes, for the purpose of argument, that 200 people were killed, of which 150 were civilians. This results in a ratio of 37 Palestinian civilians killed as a side effect of rescuing one Israeli hostage (McMahan 2024a, 399-00). It is worth noting that McMahan has been criticised for using this example as a case where *in bello* proportionality is violated. This is because the rescue operation in question did not go as planned due to a misfiring car and would likely have caused far fewer casualties had everything gone according to plan. This is relevant to the proportionality condition, since proportionality concerns expected harms relative to expected benefits. Thus, since it was not Israel's intention to cause the number of casualties they did, nor could they have reasonably foreseen them, it is difficult to use this example for *in bello* proportionality compared to the earlier established ratio of justification (Statman 2025, 196-7). While this is a fair point, I would like to add two things. First, McMahan, belonging to the revisionist school of just war theory, does not think that it is possible that a side which lacks *jus ad bellum* can satisfy the conditions of *jus in bello*.

Therefore, the overall force of his argument does not rely on the use of this example, nor does it rely specifically on the analysis of acts in war. Second, and related to the previous point, the example of the rescue operation remains illustrative of the lengths the IDF is willing to go to and the number of people it is willing to harm to secure its objectives.

More importantly, then, is to determine whether Israel satisfies wide proportionality in *jus ad bellum*. To determine proportionality, McMahan first tries to make sense of reports of how many of the casualties in Gaza were Hamas militants. As he did for the standard of permissible harm to non-labile citizens, McMahan now assumes estimates highly in favour of Israel. Although reports state that about 80% of the total number of deaths in Gaza were civilians, McMahan, again for the sake of argument, takes it that about 40% of those killed were Hamas militants (McMahan 2024a, 401). From here, I will substitute the numbers that McMahan uses in his October 2024 essay with more recent numbers. The general conclusion will remain the same, but I believe doing so will make for a more accurate and reliable argument. The generally accepted number of people killed in Gaza by Israel since October 7, 2023, is around 69,000. Using McMahan's unrealistically favourable to Israel estimate of 40% of those being Hamas militants, there remain 27,600 Hamas fighters and 41,400 civilians dead. It should be noted just how unrealistic these numbers are, considering the number of women and children who have been killed.

Being left with an estimate of 41,400 innocent civilian deaths in Gaza, wide proportionality can be assessed. McMahan (2024a, 402) also assumes that all these deaths have been unintended side effects of attacks on military targets. Wide proportionality requires weighing the harms of the war against its expected benefits. In this case, the good effects are the number of Israelis who have been prevented from being killed by Hamas as a result of the war in Gaza. This number is not easy to determine. But, since McMahan has established a permissible ratio, it is possible to see what the number of people saved would have to be for the war to be seen as proportional in the wide sense. For every five Palestinian civilians killed, one Israeli civilian would have to be prevented from being harmed by Hamas. Thus, it needs to be likely that a total of 8,280 Israeli civilians would not be harmed by Hamas because of the war in Gaza. According to McMahan, it is extremely unlikely that Hamas would have been able to harm even remotely that number of Israeli civilians, had Israel not fought this war. This is because in the four wars that Hamas and Israel fought between 2008 and 2021, Hamas were able to cause 27 Israeli civilian deaths. This, in combination with the extra precautions and border control that Israel, according to McMahan, could and should

have taken after October 7, makes it very unlikely that Hamas would have been able to kill even close to 8,280 civilians (McMahan 2024a, 402-4).

In conclusion, even on a highly permissive standard of special-relations justification and on highly unrealistic, favourable to Israel assumptions, Israel's war in Gaza fails to satisfy *jus ad bellum* wide proportionality.

Objections to Proportionality

There are opposing analyses about the proportionality of Israel's war in Gaza (Walzer 2023; Bauhn 2024) as well as direct criticism of McMahan (Statman 2025). Although the arguments are numerous and sometimes overlapping, I will categorise them into three main strands. First, there is scepticism of proportionality as a moral requirement for war (Walzer 2023; Statman 2025). Second, there is the argument that Hamas is mainly responsible for civilian deaths in Gaza and that proportionality arguments aimed at Israel are thus misguided (Walzer 2023; Bauhn 2024; Statman 2025). Third is the thought that when Hamas's intentions are properly included in the proportionality analysis, Israel's killing in Gaza becomes permissible (Bauhn 2024; Statman 2025). Although the authors offering these arguments often present them in intersecting ways, I will treat them separately and discuss why they all fail, often following McMahan's (2025) reply to Statman (2025). By doing so, I will show that arguments denying the proportionality condition's feasibility or defending Israel's satisfaction of the criterion all fail.

First of all, there is scepticism about the proportionality condition itself (Walzer 2023) and, specifically, about the way McMahan deploys it (Statman 2025). The first line of criticism of proportionality as a condition concerns the epistemic problems it entails. According to Walzer, "the numbers are always disputed and so is the balance of fighters and civilians" (Walzer 2023). Statman argues that "epistemically imperfect subjects as humans are simply unable to make reliable *ad bellum* proportionality calculations" (Statman 2025, 193). Proportionality, then, cannot serve as a serious moral requirement of war since we humans are unable to know the actual numbers and because the numbers are disputed or can even be manipulated (Walzer 2025, 5). Although it is true that there is a discrepancy in the numbers coming from the Gaza Health Ministry and those reported by the IDF, this does not mean that proportionality arguments are what Walzer (2023) would call a "fool's game". This has two reasons. First, McMahan has shown that the epistemic problem of disputed numbers, both of casualties and the balance of militants to civilians, need not be a problem for proportionality. Indeed, I think that by assuming numbers which are highly favourable to

Israel, McMahan has shown that proportionality arguments can still be made even without a precise estimate of the actual numbers. What Walzer and Statman seem to forget is that there is a difference between not being able to know what the precise amount of Hamas fighters or civilian casualties is and using hugely unrealistically inflated or deflated numbers to suit whatever cause one wants to defend. Second, McMahan has argued that the war in Gaza has been one of the few cases in which there is little epistemic uncertainty about proportionality. McMahan clearly distinguishes between narrow and wide proportionality. Hamas militants can generally be seen as liable to harm in the narrow sense because of Israel's just defensive aims. Wide proportionality concerns harm to non-liable civilians. It was clear from very early in the war that non-liable civilians, especially women and children, were among the main victims of the war. The number of women and children is especially relevant since Hamas, being Islamic, prohibits their participation in war (McMahan 2025, 226). The number of innocent civilians harmed and the ratio of militants to civilians are thus not as epistemically problematic as Walzer and Statman make them out to be. The other argument sceptical of proportionality is that there is no clear answer to the question "proportionate to what?" (Walzer 2023). According to Walzer, it is difficult to pinpoint exactly what civilian casualties are supposed to be proportionate to. To a specific military target, or to the safety of Israeli civilians? Walzer thinks that it would be too easy to make arguments of this sort. So easy in fact that he does not regard proportionality arguments as morally serious (Walzer 2023). His position is that proportionality arguments can easily be constructed to justify any number of civilian casualties. By choosing a favourable answer to the question "proportionate to what?", it becomes easy to justify any killing and even to shift blame to the opposing side (Walzer 2023). He argues that it is too easy to justify the killing in Gaza to any number of possible Israeli objectives, such as justice after October 7, deterrence of future pogroms, or the safety of Israeli citizens. This easiness diminishes the moral weight of proportionality. If proportionality arguments can easily be constructed in support of any position, they become irrelevant. For Walzer, as long as Israel is taking necessary precautions to prevent civilians from being harmed, they have done everything they are morally obliged to do (Walzer 2023). McMahan, taken aback by Walzer's argument that "there is no number that it would be disproportionate for Israel to cause as a side effect of achieving ... (their) aims" (McMahan 2024a, 390), argues that this sort of argument is impossible to make. McMahan does not think that proportionality can easily be used to justify any killing, as Walzer suggests. To illustrate this point, McMahan makes use of Walzer's 'domestic analogy'. Suppose an innocent third party can stop a murder only by using a grenade that will almost certainly kill

about 100 bystanders, despite her taking all the available precautions. She doesn't intend their deaths, yet the act remains impermissible because its harms are disproportionate (McMahan 2024a, 391). For the same reason, it would be disproportionate to stop a country from committing future attacks that will kill a few people if doing so would certainly kill a hundred times as many people. Thus, by using Walzer's own domestic analogy, McMahan shows that proportionality arguments are in fact not very easy to construct for either side or even morally irrelevant. Besides, the aforementioned lesser-evil and special-relations justifications can serve as possible tools for determining whether and to what extent a war is proportionate. Overall, scepticism about proportionality has focused either on epistemic problems or on the 'proportionate to what' of proportionality, and both approaches are unsuccessful.

Secondly, there is the argument that Hamas is mainly responsible for civilian deaths in Gaza and that proportionality arguments aimed at Israel are thus misguided. Arguments of this sort state that Hamas is responsible for creating a situation in which civilian deaths are inevitable, that it is Hamas that benefits from this situation, and that responsibility for civilian casualties as side-effects of legitimate military targets thus shifts to Hamas. Or put differently, it would be morally unfair to hold Israel to proportionality standards while it is Hamas that deliberately uses human shields. According to Walzer (2023) and Per Bauhn (2024), Hamas militants deliberately embed themselves amongst civilians and civilian infrastructure in Gaza in order to exploit the rules of *jus in bello*. By doing so, they force Israel to either kill a lot of innocent civilians as a side effect of achieving just goals or essentially surrender by not attacking. Hamas thus exploits the moral rules that govern conduct in war. Walzer calls this an 'asymmetry trap'. Besides, it is Hamas who benefits from the use of human shields. This is because civilian casualties in Gaza lead to international pressure on Israel to accept a ceasefire sooner. This would leave Hamas in power and capable of planning its next terrorist attack on Israel (Walzer 2023). According to Bauhn, civilian casualties fuel pro-Hamas propaganda and a narrative of Zionist aggression in the West (Bauhn 2024, 868). According to this view, Hamas deliberately creates a situation that makes it impossible for Israel to fight their just war of self-defence in a proportionate manner. Just war theorists such as Walzer, Bauhn, and Statman think that Hamas bears sole responsibility for the extra civilian deaths that are caused as a result of Hamas's use of human shields. They argue that it is too demanding to expect Israel not to pursue their just aims because of Hamas's proportionality trap and that Hamas bears full responsibility for creating and benefiting from it. Statman mentions another reason why there cannot be a prohibition on disproportionate wars. This is because such a prohibition would provide a strong incentive for Hamas and other militant

groups to pursue similar tactics involving human shields in the future (Statman 2025, 193). A moral rule prohibiting the killing of human shields as side effects of attacks on just military targets would thus promote moral coercion.

It seems correct that Hamas should be held responsible for using Gazan civilians as human shields. The analysis that the deaths of civilians, in a way, benefit the malicious ends of Hamas also seems fair enough. What is not correct, however, is that this means that Israel is not subject to the proportionality condition or that it cannot be held responsible for civilian deaths. It should first be noted that (moral) coercion is a feature which is common in war. For example, Russia has threatened to use nuclear weapons in Ukraine if Western countries plan to militarily intervene. Thereby rendering third-party intervention disproportionate (McMahan 2022; 2024b). It may well be the case that coercion through the exploitation of various conditions of just war theory is simply a feature of permissible self-defence (Frowe 2023, 156). Returning now to Statman's point that allowing Hamas to morally coerce Israel not to kill civilian human shields might encourage future groups to pursue similar tactics. According to this line of reasoning, being more permissive in the proportionality analysis of Israel's killing in Gaza is a good thing since it deters others from using human shields. McMahan, discussing the deterrent effect the war against Hamas might have on Hezbollah and Iran, warns against arguments of this sort "for using the harming of innocent people as a means of influencing the action of the leaders of states or other political organisations is terrorism" (McMahan 2025, 220). Besides, whether additional factors beyond the just cause for starting the war should play a role is a debate between global and specific liability theorists. The former hold that it is permissible to include additional benefits, beyond the just cause, in the proportionality calculation. The latter argue that liability to military harm goes only so far as to correct the wrong specified in the just cause (Frowe 2023 66-7). McMahan leans more towards specific liability (McMahan 2005, 11). In McMahan's view, while the deterrence of Israel's enemies, such as Hezbollah and Iran, is an undeniable benefit, it cannot enter into the proportionality calculation. What further complicates the situation is that there is a clear distinction between the harm inflicted upon innocent Palestinians and Hamas militants. While Hamas may be liable to harm on the global account to deter them and other militant groups from future attacks and using morally objectionable tactics, it is hard to see why innocent Palestinian civilians should also be liable to harm. McMahan's argument that harming innocent civilians for these purposes counts as terrorism seems to hold regardless of whether one endorses global liability or specific liability.

Third, there is the objection that when Hamas's intentions are properly understood, Israel's war is not disproportionate. According to this type of argument, McMahan's understanding of proportionality in the Gaza war is wrong. Properly understood, proportionality should include the intentions of Hamas and what would happen to Israel if Hamas were to win the war. According to Bauhn, the intentions of Hamas are genocidal (Bauhn 2024, 864-5). As a result, when acts of war are judged according to the proportionality condition, it is insufficient to compare civilian deaths to the value of a military target alone. Instead, the wider context of what the war is all about needs to be considered. If Hamas were to be victorious, this would mean annihilation and genocide for Israel. For this reason, Bauhn believes that the more evil the war aims are, the greater the need to prevent them and that the number of non-combatant deaths must be seen in light of the prospect of defeat (Bauhn 2024, 873). To illustrate this argument, Statman (2025) compares the war in Gaza to the war in Ukraine. Statman also specifically restates just how evil Hamas's aims are. He compares Hamas to the Nazi's and states that their goals are to eliminate Israel and expel all the Jews from their lands (Statman 2025, 182-3). Statman argues that if Ukraine's war against Russia is proportionate, then Israel's war against Hamas is even more proportionate. This is because the harm prevented by Ukraine, supposedly, is much less severe than the harm prevented by Israel. If Israel were to lose the war, then Hamas's genocidal aims would be realised. If Russia were to win the war, then the Ukrainian identity would probably survive. The only thing Ukraine would really lose is political autonomy and territorial legitimacy (Statman 2025, 197). Statman argues that since McMahan regards Ukraine's war of self-defence as paradigmatically just (McMahan 2022, 2024b), he must also regard Israel's war as just (Statman 2025, 198). Statman argues that if Ukraine's war, which has caused so many casualties already, is judged proportionate and may thus be fought permissibly, then Israel's war must also be judged proportionate and permissible in large part because there is so much more at stake (Statman 2025, 198-9). The sentiment represented by arguments of this kind is captured well by Walzer, commenting that "the defeat of Hamas is a moral necessity, and it requires a kind of moral toughness that isn't always admirable" (Walzer 2023).

McMahan has responded to Statman's comparison of Hamas's and Russia's aims. He concedes that in a literal sense, the comparison is correct. If completely unrestrained, Hamas would probably have murdered many more Israelis than they have so far been able to, and Russia would probably disarm the Ukrainian military and take over political control. He argues, however, that this comparison is completely morally irrelevant. This is because it is

absurd to judge the gravity of a threat only based on intentions: “Suppose there were a single Palestinian in Gaza armed with a toothpick who fully intends to use it to murder every Israeli Jew—and certainly would do that if he could ... Such a person would not pose a threat of mass murder” (McMahan 2025, 221). Of course, intentions play a role when determining the seriousness of a threat, and the just war analysis of Ukraine’s (or the international community’s) military response would probably have been different if Russia had intentions similar to Hamas’s. But this is largely because Russia’s capacities are completely different from Hamas’s. The capacity to fulfil threats, as well as the likelihood and the extent to which they can be achieved, are crucial. Besides, proportionality concerns expected harms weighed against the expected benefits of war. It is thus, by definition, already concerned with intentions and the likelihood that they will be achieved. It is clear that the expected benefits of war are precisely the prevention of unjust intentions being realised. Moreover, McMahan has shown that it is highly implausible to include the threat of Hamas realising their goals of mass expulsion or even genocide in the proportionality calculation to the extent that Statman or Bauhn suggest. Between 2008 and 2023, Hamas were able to kill fewer than 1000 Israeli civilians, and it is unrealistic to assume that they held back on October 7. Thus, it is incredibly unlikely that Hamas would have been able to realise anywhere near their full ambitions (McMahan 2025, 222). Thus, the arguments by Bauhn and Statman justifying civilian deaths by including Hamas’s intentions in the proportionality are misguided.

Necessity

According to McMahan, Israel not only violates the principle of proportionality but also necessity, since there were morally better means available of ensuring the safety of Israeli citizens (McMahan 2024a). While acknowledging that Israel had a just cause for launching a defensive war against Hamas in the direct aftermath of October 7 (389), he argues that Israel’s war has been unnecessary. McMahan argues that Israel’s war in Gaza has been unnecessary, first, because there were morally better alternatives for securing Israel’s security after October 7 (McMahan 2024a, 405). He has several suggestions for what Israel could have done instead of invading Gaza: “1) Strengthen the barrier between Israel and Gaza; 2) Indefinitely deploy far more combat-ready forces on the Israeli side of that barrier. Units that could be redeployed there include those currently deployed in the West Bank where their mission is to protect the settlers who are engaged in violently dispossessing shepherds, farmers, and other Palestinians who live there; 3) Continue to Strengthen the Iron Dome missile defense system; 4) Repair the intelligence systems that failed to provide adequate

warning on October 7 - and ensure that the government is more attentive to the intelligence it receives; 5) Begin to work in closer cooperation with Egypt to prevent the smuggling of components of missiles into Gaza; 6) Temporarily station UN or other international peacekeeping forces in Gaza and the West Bank, particularly near the border with Israel; 7) Begin to dismantle the blockade of Gaza; 8) Begin the gradual withdrawal of most of the half a million Israeli settlers in the West Bank and offer the settler infrastructure to the Palestinians - perhaps with the exception of some of the settlements along the border with Israel; 9) Begin to work in good faith toward the establishment of a Palestinian state in the West Bank and Gaza, with East Jerusalem as its capital” (McMahan 2024a, 402-3). These alternatives are preferable to war in Gaza, for if Israel had implemented only some of these, McMahan claims, Hamas would not have been able to harm more than a few Israelis (McMahan 2024a, 403).

A second reason why the war in Gaza has been unnecessary is that it has not only been ineffective, but also counterproductive. With regard to Israel’s direct aim of preventing more Israeli casualties, McMahan takes it to be likely that the war has caused more civilian deaths in Israel than Hamas would have been able to cause if Gaza had not been invaded. Besides, the invasion of Gaza has likely worsened Palestinian grievances against and hate towards Israel. And while it would be noble if Palestinians did not seek retribution for their murdered family members, it is likely that many young boys in Gaza will feel motivated to join Hamas. As a result, Israel’s war on Hamas might be counterproductive since it encourages the recruitment of Hamas militants. The war has also had adverse effects on the economy, diplomacy, and international reputation (McMahan 2024a, 405). These effects are all counterproductive to Israel’s aim of protecting Israelis, effects that McMahan’s alternatives to the war would not have.

Third, McMahan argues that the alternatives he lists are not morally optional but required. The first five of the options listed above are all duties Israel owes to its own citizens. According to McMahan, Israel violated these duties by believing Hamas would only be able to kill very small amounts of citizens at the time, which they could each time respond to with overwhelming force. This strategy was supposed to keep Hamas at bay and would only result in attacks every few years. The last few of the suggested alternatives are duties that Israel owes to Palestinians (McMahan 2024a, 405-6). McMahan thinks that Palestinians have claims of justice against Israel (McMahan 2024a, 387-8). And while I think this is relatively uncontroversial, I will not pursue this argument further here, for it is unnecessary

for the general claim that Israel's invasion of Gaza does not satisfy the just war condition of necessity.

Objections to Necessity

Statman offers four main objections to McMahan's arguments about necessity. First, he argues that McMahan's understanding of ethics is faulty since it has radical implications for the ethics of war. Statman argues that on McMahan's account, war can only be a necessary response for undoing unjust attacks. When the attacks are stopped, or in the case of Israel, when Hamas was expelled from Israeli territory, war will be unnecessary because other defensive alternatives are morally preferable. According to Statman, this conception of the necessity condition opens the door to 'risk-free' types of attacks, such as occasionally firing missiles into enemy territory, as long as it is made clear that there will be no extra violence for the time being. He argues that, on McMahan's account, going to war to prevent further attacks and destroy military capacities would not be allowed (Statman 2025, 185).

McMahan has responded to this criticism. Since the necessity condition can be satisfied if it is the morally best means of achieving a just cause, a lot depends on this just cause. According to McMahan, necessity depends on how broadly or narrowly a cause is defined. In the case of Israel's war, the just cause could be broadly defined as the protection of Israeli citizens from further violence, or narrowly as the annihilation of Hamas. For the sake of argument, McMahan assumes that Israel's just goal is that Hamas does not inflict further serious harm on Israelis (McMahan 2025, 214). Statman does not show that McMahan's use of the necessity condition leads to radical implication for the ethics of war. It might be that Statman does not agree with McMahan's proposed just cause for Israel. In fact, Statman, by drawing much attention to Hamas's intentions (Statman 2025, 181-3), seems to lean more heavily to the narrower conception of a just cause. McMahan argues that the invasion of Gaza was unnecessary for the just goal of preventing more harm to Israelis. However, in a different scenario, the just cause for war may be different. And correspondingly, what is morally necessary may change. Necessity depends, for a large part, on what the just cause for war is. This specific necessity argument does not have radical general implications for just war theory. To illustrate this, consider Statman's aforementioned 'risk-free' types of attacks. If Hamas were to use this as a tactic, then Israel's just cause for war could be specifically to prevent this type of attack by disabling their military infrastructure or launching site. It might then be deemed necessary to undertake a military invasion. Of course, proportionality would still apply, so the above-listed arguments would

prevent the permissible killing of great numbers of Palestinian civilians and a full-scale invasion of Gaza. Besides, McMahan adds that what is important for necessity is also the type of war that is used to pursue a just goal. McMahan does not seek to argue that any type of war would definitely fail to satisfy the necessity condition. Instead, he is more concerned with necessity in the war that Israel has actually been fighting (McMahan 2025, 215). Thus, both the just goal and the type of war are highly important for the necessity condition. And McMahan's discussion on necessity does not have radical general implications for the ethics of war as Statman argues.

Second, Statman criticises the suggestions McMahan deems morally better alternatives. He argues that some of the suggestions concerning improved defensive measures have already been tried by Israel after previous attacks by Hamas (Statman 2025, 186). What October 7 showed is that when an actor is determined enough to cause harm, they will find creative ways to do so. Besides, Statman argues that McMahan's suggestions lean on the assumption that there is always some technological improvement ready to be implemented to stop future threats. However, there are certain weapons, such as mortar shells, against which there is no effective defence. Moreover, the Iron Dome is not infallible. Thus, even if Israel were to implement some of the defensive measures, they would still be vulnerable to already existing and future creative methods of violence by Hamas (Statman 2025, 187).

In his response to Statman, McMahan addresses this issue mostly by restating his earlier arguments that Hamas has historically been very unsuccessful in harming Israelis and that Israel ought to have been better prepared and should have implemented more defensive measures after October 7. I would like to add that McMahan does not claim his list of alternatives is exhaustive. In any case, the yes-no argument about the effectiveness of defensive measures and Hamas's ability to harm Israeli civilians in the future is largely irrelevant. What the necessity discussion should be about is whether Israel's response to October 7 was the morally best means for achieving its just goals. McMahan showed that there are many measures which could have resulted in more safety for Israeli citizens, short of a full-blown invasion of Gaza. What matters is whether the type of war that Israel has initiated was necessary. Israel has a highly advanced military, which has proved to be capable of targeted attacks. For example, in 2024, Israel remotely set off explosives hidden in thousands of pagers secretly sold to Hezbollah, thereby killing dozens of people and injuring thousands. This attack is not without criticism of its own (OHCHR 2024). What this shows, however, is that there is a broad range of alternatives between the current war in Gaza and more specialised missions aimed at taking out specific enemy officials or military

infrastructure. These types of alternatives could be added to McMahan's list of suggestions. I will not argue here that any specific type of attack or war is the morally best means for achieving Israel's just cause. Instead, I argue that any number of alternatives could be morally preferred over the war that Israel actually fights in Gaza. Statman's critique of McMahan's suggested alternatives is thus unsuccessful, for it does not show that Israel's war has been necessary or that the alternatives are not still morally preferable.

Third, Statman argues that the war has been necessary for the deterrence of enemies of Israel, such as Hezbollah and Iran. Refraining from war against Hamas would send a dangerous message to Hezbollah and Iran that Israel can be attacked without repercussions (Statman 2025, 187).

Having already touched on deterrence arguments in the discussion of the proportionality condition, I think it suffices to state that the deaths of large numbers of Palestinian civilians cannot be justified on grounds of deterrence; the type of war that Israel has fought was certainly not the necessary response in the just war sense to achieve such effects.

Fourth, Statman argues that a two-state solution and normalisation between Palestinians is impossible so long as Hamas remains in power (Statman 2025, 188). This means that the last few of McMahan's suggestions aimed at improving the situation in Gaza and the relationship between Palestinians and Israelis are impossible and can thus not count as morally preferable alternatives to war.

Against this reasoning, McMahan offers a counterexample. He argues that the only feasible way to eliminate the threat of Hamas is to grant the Palestinians justice (McMahan 2025, 217). As mentioned, the war in Gaza has likely exacerbated the hatred and grievances of Palestinians towards Israel. It is thus also very likely that many Palestinian men and boys might be swayed to join Hamas. As a result of these counterproductive effects, McMahan maintains that granting Palestinians justice is the only durable way of dealing with the threat from Hamas "other than simply killing them all" (McMahan 2025, 217).

To sum up, Statman poses some challenges to McMahan's arguments about necessity, but fails to argue that Israel's war was morally necessary. If anything, Statman has encouraged McMahan to further clarify and strengthen his case. What is important for the necessity condition argument is not so much the specific alternatives that McMahan proposes but the more general claim that the type of war that Israel has waged in Gaza is definitely not the morally best means of achieving their just goals, irrespective of how these are specified.

Chapter 3 - Humanitarian Intervention in Gaza

Having argued that both parties at war in Gaza are fighting an unjust war, I will now consider whether a military humanitarian intervention to stop the suffering of the Palestinians would be justified. I will first discuss the role of humanitarian intervention in the ethics of war. Then, I will argue that there is a just cause for military humanitarian intervention in Gaza. After which, I will consider the other conditions of *jus ad bellum* to determine if an intervention would be overall permissible.

3.1 Humanitarian Intervention and Just War Theory

Humanitarian intervention usually refers to the use of armed force by an external state or coalition, without the target state's consent, with the primary aim of protecting people from grave harms or violations of their rights, such as massacres or ethnic cleansing. The definition of the term can be separated into its constituents and reveals two important elements. First, it isolates the protective humanitarian motive of the intervention as the most important rather than incidental other benefits to the intervener. In this regard, military humanitarian intervention is crucially different from other types of aggressive war. Second, intervention refers to the operation breaching the sovereignty of the intervened party since it is done without its consent (Coady 2002).

Humanitarian intervention has a special role in just war theory. This is because, on traditional accounts, just causes for the use of military force are heavily burdened. In traditional just war theory, humanitarian intervention is often seen, together with national- and other-defence, as one of the only two just causes for a resort to war. For humanitarian intervention, the threshold of harm to be averted is of great importance. Traditional just war theory treats humanitarian intervention as only permissible in situations so dire that humankind's moral conscience is shocked (Walzer 2015, 107). Besides, interventions of this kind typically undermine the target state's sovereignty and territorial integrity. As a result, military humanitarian intervention bears a higher justificatory burden than wars of self-defence (Lazar 2017). Within Walzer's traditionalist just war theory, humanitarian intervention is treated as a just cause for war under exceptional circumstances in his otherwise sovereignty-focused framework. In Walzer's theory, the prohibition of aggression, the wrongful crossing of borders without consent, is of utmost importance. Because of this,

humanitarian intervention is very hard to justify. According to Walzer, when a government commits or permits mass atrocities such as genocides, domestic self-determination is forfeited. In the direst cases, it may be morally necessary to defeat the perpetrators through military force (Walzer 2015, 106-7). On the traditionalist account, humanitarian intervention is not impermissible, but the justificatory bar is set high. It is only permissible to address the gravest wrongs and subject to the conditions of *jus ad bellum*.

Revisionist just war theory is generally more permissive of humanitarian intervention than traditionalists. Revisionist just war theory is individualist, not statist. This means that the morality of war mirrors the morality of ordinary self- and other-defence. When looking at the moral rules governing force in this way, humanitarian intervention should be understood as a case of other-defence. If, for example, a government is responsible for causing a famine in its country, it can be liable to proportionate intervening defensive military force. The people against whom the humanitarian intervention is directed are liable to attack to prevent them from violating the rights of others (McMahan 2012, 314).

Moral accounts of humanitarian intervention do not directly correspond to a legal right to humanitarian intervention. George Fletcher and Jens Ohlin have developed an account of justification for humanitarian intervention which is consistent with international law: the doctrine of legal defence. Their argument rests on the notion of nations being more primary than states and that a theory of international defence must be sensitive to this (Fletcher & Ohlin 2008, 140). Since the nation is primary to the state, it may be the case that while a nation has the right to exercise self-defence, it lacks the appropriate control or power to act upon that right. In that case, the world community has the right to exercise the legitimate use of other-defence. A nation may legitimately be defended from threats to its existence, such as oppression or genocide, even when this involves violating the sovereignty or territorial integrity of another nation or state. This is because protecting a victim from an attack necessarily entails a transgression against the aggressor (Fletcher & Ohlin, 2008, 147). According to Fletcher & Ohlin, it would be absurd to require consent before exercising the right to other-defence since the nation that is being harmed may be under the control precisely of the state that has political control over them (Fletcher & Ohlin 2008, 151). This doctrine of legal defence shows that it is possible to justify a right to humanitarian intervention on grounds beyond solely moral reasons. Thus, if it can be shown that there is a just cause for humanitarian intervention in Gaza, this may not only be a moral right, but a legal right as well.

3.2 A Just Cause for Humanitarian Intervention in Gaza

In this section, I will argue that there is a just cause for military humanitarian intervention in Gaza. Specifically, a just cause for humanitarian intervention to end the suffering of the Palestinian people and the unjust war that causes it. I shall argue that this just cause follows from the previously established unjustness of both Hamas's and Israel's war in combination with the existing accounts of humanitarian intervention in just war theory.

First, as established in the introduction, the Palestinian people are suffering a great deal as a result of the war in Gaza. Tens of thousands of innocent civilians have been killed. Many more have been injured. The destruction of important civilian infrastructure, schools, and hospitals, as well as most of the arable farmland, has resulted in a severe threat to the existence of the Gazan population. The International Association of Genocide Scholars has declared that the situation in Gaza meets the legal definition of genocide (IAGS 2025). This conclusion is supported by an independent commission of the United Nations Human Rights Council (OHCHR 2025).

Second, in chapter two, I have established that both Israel and Hamas are fighting an unjust war and thus are responsible for this suffering. Hamas's terrorist attacks on October 7 in Israel were obviously unjust. Besides, they are responsible for using the Gaza population as human shields. They embed their military infrastructure amongst civilians. They do this both for strategic and political reasons. Their strategic goal is to make it more difficult for Israel to attack military targets without harming a considerable number of innocent civilians. The political advantage of this tactic is that the number of civilian deaths results in more pressure on Israel to stop its war in Gaza. Israel probably had a just cause for military response after October 7. However, the war that they have waged has been neither proportional nor necessary. I have established that the great number of civilian deaths is completely disproportional to their just aims. Moreover, Israel's response was far from the morally best available means to achieve its goals. Israel and Hamas, by fighting an unjust war, are thus responsible for the large number of civilian deaths and the destruction of Gaza.

Third, it is important to note the role of the unjustness of both Israel's and Hamas's war when considering whether humanitarian intervention would be appropriate. If Hamas were fighting a just war and Israel an unjust war, the situation would be different. In this case, the suffering of the Palestinian people as a result of the war, combined with Hamas's just war, would constitute a right to assist Hamas in their struggle against Israel on grounds of

other-defence. If the reverse were true, Israel fights a just war and Hamas an unjust war, then other countries could help prevent suffering by joining Israel's struggle against Hamas. Other countries could then aid Israel by providing the military power and technology needed to carry out precision attacks on Hamas militants. Thereby ensuring that the war more easily satisfies both proportionality and necessity. This, however, is purely hypothetical and far removed from reality. The Palestinian people are experiencing incredible suffering at the hands of two unjust warring sides. Military intervention in Gaza would thus not be aimed specifically at either of the warring parties. The intervention would be carried out purely for the benefit of the people of Gaza and the humanitarian crisis they are facing.

Fourth, other parties may permissibly come to the aid of the Palestinian people without the consent of either Israel or Hamas on all three justifications of humanitarian intervention outlined above. On Walzer's account, humanitarian intervention is justified when it is a response to acts "that shock the moral conscience of mankind" (Walzer 2015, 107). The quintessential case of such acts is the mass slaughter of civilians. For Walzer, the self-determination of states is essential for his theory of war. Still, he argues that the ones engaged in acts such as mass slaughter or genocide may lose their right to self-determination and their defeat may be morally necessary (Walzer 2015, 106). While Walzer does not think that Israel's war is unjust, I have argued, following McMahan, that he is wrong on this point. Using Walzer's justification of humanitarian intervention, it is obvious that there is a just cause for such an enterprise in Gaza. Most importantly, the acts in Gaza definitely shock the moral conscience of mankind. The appalled reaction of people worldwide to the destruction of Gaza and large numbers of civilian deaths would be sufficient to classify it as such. Few present-day conflicts have dominated public discourse as much as the Gaza war. There are varying levels of support for Israel and the Palestinians around the world. But overall, support for Israel does not mean that people are not shocked by the suffering of the Palestinians. In any case, I have argued in chapter two that arguments in support of Israel's war are misguided. Israel and Hamas are responsible for the mass slaughter of Palestinians and the destruction of Gaza. While it is questionable whether Hamas qualifies for political self-determination, on Walzer's account, Israel has forfeited the right not to be intervened against by causing the deaths of many innocent civilians. Both Hamas and Israel may be permissibly intervened against to save the Palestinian people. Overall, humanitarian intervention in Gaza is justified on Walzer's traditionalist account of just war theory since the situation in Gaza shocks the moral conscience of mankind and because both parties involved forfeited the right to self-determination.

On McMahan's revisionist account, there is certainly a just cause for intervention in Gaza. An intervention aimed at ending the suffering of the Palestinians would be justified for two reasons. Revisionist just war theory is individualist rather than statist. So, it goes without saying that the individuals who are harmed may permissibly be protected. More importantly, since Hamas and Israel are the ones harming the Palestinians, they have both made themselves liable to be attacked or killed in an operation aimed at preventing them from causing further harm (McMahan 2012, 314).

Walzer argues that states capable of stopping the acts that he classifies as worthy of humanitarian intervention have the right to try to do so. They have this right even when the legalist paradigm cannot account for it. The legalist paradigm rules out interventions by any state capable of stopping the humanitarian crisis, since there are instruments such as vetoes which prevent this. He argues that this only means that the legal paradigm is unable to account for the moral reality of military intervention (Walzer 2015, 107). However, Fletcher and Ohlin's doctrine of legal defence could reconcile international law and at least some cases of humanitarian intervention. Due to their argument that the nation precedes the state, nations may permissibly be defended when they are sufficiently harmed by state-like entities (Fletcher & Ohlin 2008). While I do not wish to defend their overall argument here, I will argue that on their account, there is also a clear case of a just cause for humanitarian intervention in Gaza. This shows that an intervention would not only be justified on moral grounds, but also in international law. Fletcher and Ohlin define a nation as having to do primarily with "peoples" and "culture" with undefined boundaries. They are metaphysical entities and are difficult to specify (Fletcher & Ohlin 2008, 137). When it comes to Palestine, however, things are not so ambiguous. While the Palestinian state is not universally recognised, it is clear that the Palestinian people constitute a nation. There is a clear sense of shared culture, language, and ethnic background that satisfies the broad conditions for a people. They argue, following the UN Charter, that nations have the explicit right to self-determination. They also argue that it cannot be that only states have the right to become states. Instead, peoples and nations have the right to self-determination, and a state can serve as a vehicle for this right (Fletcher & Ohlin 2008 139-40). International law is primarily concerned with states. It should, however, be more attentive to what states are made of: nations (Fletcher & Ohlin 2008, 144-5). On their account, nations may legitimately be defended in the form of humanitarian intervention in accordance with Article 51. A nation whose existence is under threat due to armed attack by another group may permissibly be assisted, even if the aggressor's sovereignty is violated. While there are shortcomings to their

framework for humanitarian intervention, the main one being that intervention is limited to nations (Fletcher & Ohlin 2008, 147-51), this is not of much consequence to intervention in Gaza since the Palestinian people constitute a nation. What their framework does show is that a just cause for intervention can be established on the interface between international law and moral theory. The Palestinian people are certainly under severe threat, and other nations or states can have a just aim for coming to their aid.

In conclusion, I have argued that there is a just cause for humanitarian intervention on three differing accounts of just war theory. My argument for a just cause for humanitarian intervention in Gaza is concisely formulated as: The people of Gaza are suffering terribly. Those responsible for this suffering are the two warring parties, who are both fighting an unjust war. The fact that both parties are fighting an unjust war creates a unique situation which warrants humanitarian intervention. The people of Gaza may permissibly be defended against aggression from Hamas and Israel. Israel's and Hamas's political sovereignty may be overridden. Thus, there is a just cause for humanitarian intervention in Gaza. I have supported this by showing that, on the theories of the two most important and often conflicting just war theorists, there is a just cause for humanitarian intervention in Gaza. Furthermore, there is also a just cause for intervention on Fletcher and Ohlin's doctrine of legal defence, which shows that moral arguments for humanitarian intervention in Gaza are compatible with international law.

In this section, I have shown that humanitarian intervention meets the threshold condition of *jus ad bellum*: a just cause. In the next section, I will consider whether intervention in Gaza satisfies the other *ad bellum* conditions as well.

3.3 Intervention, Proportionality, and Necessity

Having established a just cause for military humanitarian intervention in Gaza, the next step is to ask whether the other *ad bellum* conditions would be satisfied as well. In this section, I will argue that an intervention in Gaza would have failed the conditions of proportionality and necessity, rendering the intervention impermissible overall. If I am right, then the international community, led by the USA, continuously supporting Israel as opposed to taking serious (military) steps to relieve the suffering in Gaza, is a serious moral failure.

Before I continue, I need to explain what a humanitarian intervention would look like. Minimally, an armed humanitarian intervention in Gaza would entail a country or coalition of

countries entering Gaza. These forces would then, if necessary, forcibly prevent Hamas and Israel from further harming the people in Gaza and stay there until the humanitarian crisis has been solved. A more expansive idea of what an intervention looks like includes that the intervening forces stay until Hamas lays down their weapons, Israel fulfils the duties they owe to Palestinians (lift the blockade of Gaza, give back the occupied territories on the West Bank, and work on a two-state solution), and assists in rebuilding the civilian and agricultural infrastructure. While I cannot support these ideas with knowledge of military strategy, nor is it within the scope of my thesis to explore them further here, the above examples serve to illustrate what the possibilities are.

Proportionality

When determining the *jus ad bellum* proportionality of an armed humanitarian intervention, it is naturally important to consider whether the humanitarian harm the intervention seeks to avert is worth a military response. In many countries in the world, grave crimes such as torture and political persecution occur. However, full-blown military intervention to rectify such harms is most often disproportionate (Coady 2002, 27; Téson 2014, 72). Here, closely related to a just cause, it is important that the harm to be averted is sufficiently grave. Again referring to Walzer's famous words, the resort to war is only proportionate when it is to prevent the kind of harm that shocks the moral conscience of mankind (Walzer 2015, 107). When it comes to the War in Gaza, this part of the proportionality calculation will, I argue, easily be met. The worldwide moral outrage, combined with the staggering numbers of killed civilians, including many women and children, provides evidence for this.

More important for proportionality when considering humanitarian intervention is the scale of likely outcomes. Proportionality is prospective. It thus takes likely outcomes and probabilities into account. As a result, intervention may be proportionate in one case and disproportionate in another, as I will illustrate below, even when the harm averted is the exact same. When the likely outcome differs, so does the permissibility (Coady 2002, 27). Applying this insight to Gaza, it becomes clear that a humanitarian intervention would be disproportionate. First, consider the war in Gaza as an isolated case. As argued in the previous chapter, Hamas and Israel fight an unjust war and are responsible for the humanitarian crisis in Gaza. On the face of it, Hamas does not pose much of a military threat, especially compared to the military might of a potential intervening force. When it comes to Israel, things are a little more complicated. Israel has the world's smallest nuclear arsenal (Nuclear Weapons Ban Monitor 2025), and Prime Minister Netanyahu has, in the past,

threatened to use these weapons against enemies who threaten to wipe out Israel (Williams 2018). Overall, the likelihood that Israel would risk nuclear escalation against a coalition of intervening forces seems low, especially since an intervention would focus specifically only on Gaza and not be of any threat to Israeli citizens. There is also the risk of military escalation in the region, and these concerns have to be taken seriously. Precise military strategy and nuclear risk assessment, however, are beyond the scope of my thesis, but at first glance, it seems as if an intervention in Gaza as an isolated case would probably meet the proportionality condition.

In reality, Hamas and Israel are not just two isolated warring parties. Instead, the geopolitical reality would almost certainly render an intervention in Gaza disproportionate. This is because the United States of America is Israel's closest ally. Since the founding of Israel in 1948, Israel has received over \$130 billion in security and military aid from the USA and is the leading recipient of the Foreign Military Financing programme. Besides, Israel is a major non-NATO ally under United States Law (U.S. Department of State 2025). Moreover, since October 2023, Israel has received more than \$16 billion in additional military aid (Masters 2025). This close relationship and continuous military funding have a large impact when considering the scale of likely outcomes. It can safely be ruled out that the United States would be willing to be part of the coalition of intervening forces in Gaza. This is important for several reasons. Most obviously, to move against one of the major US allies would immediately be vetoed in either NATO or the UN. If it were decided to intervene in Gaza regardless of US approval, the risk for further military escalation would be too dangerous. For example, it would be completely disproportionate for a coalition of European countries to intervene in Gaza. With one move, trans-Atlantic relations would be shattered, and the risk of further military escalation would endanger not only the lives of people in the Middle East but potentially also of those in Europe. Geopolitical reality ensures that an intervention in Gaza would be disproportionate. If circumstances had been different, most notably if Israel did not have powerful allies, proportionality could have been satisfied for a military intervention.

Necessity

Necessity or last resort is also a condition that cannot be said to be met when it comes to military intervention in Gaza. For necessity to be satisfied, other available, more peaceful options have to be seriously pursued. If these alternatives prove unsuccessful, then war or military intervention might be the best available means to achieve the just goals. I argue,

however, that the available alternatives have not been seriously pursued. There are clear diplomatic or political measures which could, and should, have been implemented. First, as mentioned, the US is the leading military and financial benefactor of Israel. One simple and likely effective measure would have been to immediately halt military support until the needless killing of innocent civilians stopped. Second, more direct economic sanctions would potentially also have been effective. Netanyahu has long been a controversial political figure in Israel. As of March 2025, more than half of Israeli adults did not approve of him, and reports suggest that more than 70% of the people in Israel feel that he should take responsibility for the events of October 7 by resigning (Statista 2025; Sokol 2025). Putting a direct halt to military support as well as economic sanctions could potentially have tipped the scales and forced Netanyahu and his regime to stop the war in Gaza and resign. A third measure that could have been effective is imposing cultural sanctions. One of the most effective historical measures has been to ban South Africa from sporting events during the Apartheid regime (Coady 2002, 29). As it stands, Israel will participate in the 2026 Winter Olympics and is permitted to participate in the popular musical contest Eurovision. Of course, there have been sanctions on Israel, but none of them have had the desired effect. In any case, a sanction that would likely have been the most effective: direct halt of military and financial support, has not been pursued. As a result, it is hard to argue that military response has at any time during the Gaza war been the morally best available means for achieving the just goal of ending the humanitarian crisis.

If my argument about the unjustness of Israel's war in Gaza and responsibility for the humanitarian crisis and needless killing of innocent civilians has been correct, this has moral consequences for the actions of the international community, especially for the United States. By failing to stop the continuous military and financial support of a regime fighting an unjust war with genocidal consequences, the prospects for the Palestinians have been significantly worsened. Not only does the near-unconditional support for Israel render intervention disproportionate, but it also ensures that no potential diplomatic, political, or economic measures have been effectively implemented.

Discussion

In this thesis, I have explored whether humanitarian intervention to relieve the suffering in Gaza would be permissible under the conditions of just war theory. To answer this question, I first set out to explore the broader just war theory. In Chapter 1, I introduced the major strands and conditions of just war theory, as well as the specific relevance to the justness of war and humanitarian intervention. I argued that an assessment of the justness of war is important, for it determines both who is responsible for the humanitarian crisis and against whom potential military action would be directed. In Chapter 2, I analysed whether the war in Gaza has been permissible. Hamas obviously violates the conditions of *jus ad bellum* and *jus in bello*. Whether Israel's war in Gaza has been permissible is less straightforward. However, following McMahan, it can be concluded that Israel's war in Gaza has been neither proportionate nor necessary. Having assessed that Israel's war in Gaza is impermissible, in Chapter 3, I argued that there is a just cause for humanitarian intervention. I showed that on the two important strands of just war theory, namely, traditionalism and revisionism, as well as on Fletcher and Ohlin's more legalised account, a just cause can be established. In the final section of Chapter 3, I argued that despite a just cause, an intervention would nonetheless be impermissible. This is because the important conditions of proportionality and necessity would not both be met due to Israel's special connection to the USA, and the international community's general failure to seriously pursue non-violent alternatives.

In my thesis, I have not fully been able to explore the strategic, military, and diplomatic dimensions. This would have been interesting, especially for my discussion of the permissibility of humanitarian intervention in Gaza. While I do think that broadly speaking, the geopolitical landscape prohibits intervention in Gaza. It would have been interesting to explore topics such as nuclear escalation and the precise extent to which the international diplomatic and political community has pressured Israel to stop the war.

The answer to my research question is significant in two ways. First, it shows that a severe humanitarian crisis on its own does not render intervention permissible. Even when there is a just cause, geopolitical circumstances can hinder other conditions from being met. Determining a just cause for intervention does seem to depend in large part on the justness of war, but the permissibility of intervention is still very much dependent on the conditions of *jus ad bellum*. Second, I have argued extensively for the unjustness of Israel's war in Gaza. A solid just war analysis of such a debated topic is of great importance for determining moral

responsibility, humanitarian intervention, and post-war duties. My conclusion, though pessimistic about the permissibility of humanitarian intervention in Gaza, clarifies where other moral failures lie that could be further explored.

Conclusion

The question I aimed to assess was whether a military humanitarian intervention to relieve the suffering in Gaza would be permissible according to just war theory. I argued that Hamas's war against Israel is clearly unjust, and, drawing on McMahan's argument, that Israel's war is also impermissible, for it violates the important conditions of proportionality. The central issue in my thesis was whether intervention in Gaza to relieve the suffering of the Palestinian people can be permissible according to just war theory. My conclusion is that an intervention would have a strong just cause given the scale of the humanitarian crisis, and the responsibility both Hamas and Israel bear on it. An intervention would, all things considered, be impermissible because of the scale of likely outcomes, such as military escalation and the weakening of trans-Atlantic relations. Besides, the failure of the international community, especially the United States, to seriously pursue non-violent alternatives such as economic sanctions and the suspension of military aid, ruled out intervention as the morally best means for achieving the just aim.

In closing this thesis, I outline potential directions for future research. Having argued for a just cause for intervention in Gaza, there are several questions that remain to be answered. First, it would be interesting to research to what extent a just cause for intervention truly depends on the permissibility of the belligerent's wars. In Gaza, both Israel and Hamas fight an impermissible war, allowing for a just cause to intervene. But what if a humanitarian crisis arises in a war in which at least one party is fighting a permissible war? Would an intervention on humanitarian grounds be warranted? More generally: to what extent does the justness of war affect the permissibility of humanitarian intervention? Second, I have argued that intervention in Gaza would be impermissible, mostly due to the near-unconditional military and financial support of the United States to Israel. A topic for research could be the moral and legal implications of having supported a country that fights an unjust war, which has genocidal consequences. Third, the question of the effectiveness and possible moral obligation of seriously pursuing non-violent alternatives to military intervention, such as economic sanctions, is interesting. In the Gaza war, the international community cannot be said to have seriously pursued alternatives to the extent that military intervention could be seen as a last resort. Are countries morally blameworthy for not pursuing sanctions that come with little comparable moral cost?

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