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February Roundtable: Introduction

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February Roundtable: Introduction

Abstract

An annotation of:

"Proportional to What?" The Economist. December 30, 2008.

Keywords

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“Proportional to What?” *The Economist*. December 30, 2008.

An Annotation

In the context of the latest episode of violence in Gaza, renewed debates about the use of proportional force in war have resurfaced. According to just war theory, the proportional use of force must be assessed in determining whether to go to war, as well as in regulating conduct throughout the entire conflict. Given the rising number of casualties and immense violence and destruction that have occurred, these questions maintain their salience and continue to provoke complex debate about the protection of human rights for all in the midst of armed conflict.

“Proportionality in jus ad bellum and jus in bello are hard to separate: indiscriminate killing will color the view of whether a war is justified; and even proportionate actions in battle will be denounced if the war is deemed unjust...In the Israeli-Palestinian context, arguments about legality fast turn into ones about history.”

For many, debates over proportionality raise significant questions about the justification and legitimacy of war. However, escalating death tolls in Gaza highlight the fact that discussions can no longer afford to merely focus on proportionality in war. Instead, as the conflict in Gaza has illustrated, the need for more adamant adherence to human rights conventions is necessary. According to the article, the need to uphold and preserve the 1949 Geneva Conventions is of particular importance. Moreover, in this most recent renewal of violence in Gaza concerns over proportionality may become laden with political and historical controversies, thereby further obscuring the importance of much needed human rights considerations. To complicate matters further, this conflict begs several other difficult questions—the drawing of distinction between civilian and soldier, the role of state and non-state actors, and the consequences of unequal capabilities in war making—making international legal interpretation confusing and underscoring the need for a broad human rights framework to dictate policy.

These issues and others are considered in this month’s Roundtable.