

Human Rights & Human Welfare

Volume 9

Issue 2 *February Roundtable: An Annotation of
"Proportional to What?" The Economist.*
December 30, 2008.

Article 5

2-1-2009

Proportionality and Unjust Wars

Sarah Stanlick
Harvard University

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Military, War, and Peace Commons](#), [Near and Middle Eastern Studies Commons](#), and the [Peace and Conflict Studies Commons](#)

Recommended Citation

Stanlick, Sarah (2009) "Proportionality and Unjust Wars," *Human Rights & Human Welfare*: Vol. 9: Iss. 2, Article 5.

Available at: <https://digitalcommons.du.edu/hrhw/vol9/iss2/5>



All Rights Reserved.

This Roundtable is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Proportionality and Unjust Wars

Abstract

As violence rages in the Middle East, policymakers, academics, and the public alike have been embroiled in debate over the proportional use of force. As The Economist article points out, historical grievances leave both Israelis and Palestinians with compelling arguments for defense and resistance. However, at this point, the cycle of violence has perpetuated blame that goes beyond a simple tally sheet. World leaders remain divided on the rights and wrongs of the Israeli-Palestinian conflict, but human rights groups internationally are crying out for Israel and Hamas to end attacks that “do not discriminate between civilians and military targets.” While there is much debate over the use of rocket attacks to eliminate targets where aggressors have taken refuge, there are clear human rights violations that must be addressed. Unfortunately, what is being experienced now is not a mindful use of force meant to achieve peace, but a dizzying amount of force and human rights abuses that amount to an unjust war.

Keywords

Human rights, War, Gaza, Proportional use of force, Israel, Palestine

Copyright Statement / License for Reuse



All Rights Reserved.

Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

Proportionality and Unjust Wars

by Sarah Stanlick

As violence rages in the Middle East, policymakers, academics, and the public alike have been embroiled in debate over the proportional use of force. As *The Economist* article [points out](#), historical grievances leave both Israelis and Palestinians with compelling arguments for defense and resistance. However, at this point, the cycle of violence has perpetuated blame that goes beyond a simple tally sheet. World leaders remain divided on the rights and wrongs of the Israeli-Palestinian conflict, but human rights groups internationally are [crying out](#) for Israel and Hamas to end attacks that “do not discriminate between civilians and military targets.” While there is much debate over the use of rocket attacks to eliminate targets where aggressors have taken refuge, there are clear human rights violations that must be addressed. Unfortunately, what is being experienced now is not a mindful use of force meant to achieve peace, but a dizzying amount of force and human rights abuses that amount to an unjust war.

When discussing proportionality, oftentimes the debate is centered too literally on casualty tallies rather than the contextual wrongs of decisions like the one that was made to block off aid to Gaza. What happens when the means to survive are [denied](#) to a population? Is this not as bad as brute force, as it ensures suffering and starvation? Essentially, blocking off the aid needed to keep civilians healthy in light of hospitals and infrastructure being destroyed is a death sentence. One must take into account that despite questions about Hamas’ motives (especially in light of the rockets that were created during the ceasefire period), they gained power by [concentrating](#) on the social, welfare, and educational needs of Palestinians. By cutting off the supplies and humanitarian aid to those in Gaza, this only serves to consolidate anger and blame for the Palestinian situation on Israelis. As Israeli officials [contended](#) that no humanitarian emergency exist in Gaza, the people who are picking up the pieces of their lives—with little food, no electricity, and no gas—see a much different suffering.

Equally wrong is the entrenchment of Hamas leaders among innocent Palestinians in Gaza. As rocket attacks attempt to mitigate the threat of Hamas attacking Israel, terrorist leaders have hidden out among innocent families and have used the casualties around them to bring public scorn against Israel. As hospitals fill with [mainly civilians](#), it is clear that the toll of war has been paid more by the innocents than the combatants. When one must nitpick about the definition of “civilian,” there is more at play than a simple numbers game, there is a true intent to harm. The proportional appropriateness of force is multilayered and confusing, but there are egregious trespasses of [Just War Theory](#) that go beyond proportionality. Detractors of the theory point to the “moral illusions of war,” but when decision makers ignore the tenants that are set in place to ensure safety of the non-combatants, there is no justice left for the innocent.

Despite the ferocity of the conflict and losses on both sides, Israeli political leaders [on the far right](#) have gained popularity, as public sentiment is pushing for a harder line against Hamas. Following our election of hope, Israel is now in the midst of an election centered on fear. As our own recent history has taught us, when decisions are based in fear, the end result is usually a harried, ill-conceived policy that can end in devastation. The international community can no longer ignore the complexities of the Israel-Palestine conflict, and must dedicate efforts to securing and maintaining peace in the region. In his [interview](#) with Al-Arabiya TV, President

Obama called for a holistic approach to the conflict that goes beyond blame and works with all the actors in the region to bring about a lasting peace.

The very nature of conflict is ugly. Just war theory is simply that—a theory—meant to guide decision makers to achieve their aims while protecting as many innocents as possible. In *The New Republic*, Michael Walzer [affirms](#), “...war isn’t an act of retribution; it isn’t a backward-looking activity, and the law of even-Steven doesn’t apply.” In other words, despite the facts and analysis that may accompany a war’s inception, there is no benefit of hindsight. The answers are not clear, and therefore difficult decisions must be made using the best intelligence and data available. As the author of *Just and Unjust Wars*, Walzer came to the conclusion that there is sometimes no other option than the utilitarian for leaders to choose in the face of inhumane and unjust behavior, but that those decisions are no more cost-free than any other difficult decision made in government. Barring [Immanuel Kant’s “Perpetual Peace,”](#) there will be wars, and the onus must be on leaders to make the best decisions for the maximum number of people. As the saying goes, good should not be the enemy of perfect. Negating the inhumane elements of war does not mean that war is ever perfect or preferable. But it does ensure that the innocent are protected, and the human rights of combatants and non-combatants alike are sacrosanct despite the chaos.

Sarah Stanlick is currently heading a health and human rights project working to alleviate health burdens on the underserved population of Lawrence, MA and as a teaching assistant at Harvard University. She formerly served as Research Associate to Samantha Power at the Carr Center for Human Rights Policy at the Harvard Kennedy School, and was also affiliated with the Belfer Center for Science and International Affairs at HKS. She graduated as a Trustee Scholar from Lafayette College and holds a Master's degree in Conflict and Coexistence from Brandeis University.