

Other

Proportionality and Necessity in Israel's Invasion of Gaza: A Reply to McMahan

Simon Lucas^{1,*}

¹ Independent researcher

* Corresponding author: simonlucas@web.de

Submitted: 8 July 2025, accepted: 21 October 2025, published: 11 November 2025

Abstract: Jeff McMahan has recently argued that Israel's current military campaign in Gaza constitutes an unjust war on the grounds that it fails to satisfy the requirements of proportionality and necessity. His case rests on a comparative moral calculus: the harm inflicted on Palestinian civilians is judged excessive in relation to the number of Israeli lives saved, even when granting special weight to the lives of one's compatriots. However, his account is marked by several analytical limitations. His treatment of associative duties is reductive, grounding their moral force exclusively in co-nationality and neglecting thicker accounts of collective responsibility. He also adopts a narrow conception of benefit, focused entirely on immediate lives saved, while bracketing other morally salient goods such as long-term security or deterrence. His account of civilian liability is similarly narrow in scope, relying on prior electoral support while disregarding broader forms of collective entanglement. Finally, his critique of necessity relies on counterfactuals and general trends – such as civilian harm and cycles of retaliation – that, if applied universally, would challenge the justice of nearly all wars. These limitations significantly compromise McMahan's analysis and render his conclusion – that Israel's military campaign fails the just war criteria of proportionality and necessity – unpersuasive.

Keywords: Gaza war; proportionality; necessity; lesser-evil justification; permissible partiality; civilian liability

How to cite: Lucas, S. Proportionality and Necessity in Israel's Invasion of Gaza: A Reply to McMahan *Journal of Controversial Ideas* 2025, 5(3), 7; doi:[10.63466/jci05030007](https://doi.org/10.63466/jci05030007).

©2025 Copyright by the author. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY 4.0) license.



1. Introduction

In a recent article, "Proportionality and Necessity in Israel's Invasion of Gaza, 2023–2024," Jeff McMahan argues that Israel's military campaign in Gaza during 2023 and 2024 constitutes an unjust war on the grounds that it violates both the principles of proportionality and necessity (McMahan, 2024). Central to McMahan's analysis is

an assessment of harm inflicted on innocent civilians, measured against the number of lives saved, and framed by the relative moral significance he attributes to special obligations between combatants and their fellow citizens. On this basis, he concludes that the war cannot be morally justified: it is, in his view, gravely disproportionate and morally unnecessary.

Yet, as I aim to show, McMahan's argument is compromised by a series of overly reductive assumptions. Foremost, he narrows the scope of special or reciprocal obligations to a thin account of co-nationality, thereby overlooking more textured and context-sensitive frameworks of moral responsibility. Furthermore, he adopts a constricted conception of benefit, understood exclusively in terms of lives saved, while paying insufficient attention to broader and longer-term goods – such as regional stability or the prevention of future atrocities – that may legitimately inform proportionality assessments. Likewise, he dismisses arguments concerning civilian liability based on a reductive interpretation of voting behavior, failing to consider alternative forms of reciprocal engagement that bear moral relevance.

In addition, while McMahan introduces some original considerations regarding the necessity criterion – particularly a retrospective assessment of whether war constituted the least harmful available option – he does not engage with the implications of this approach in sufficient depth. His analysis rests instead on hypothetical counterfactuals about what Israel ought to have done before or after the onset of hostilities, culminating in a conception of necessity that is implausibly exacting and hence of limited normative value. Consequently, his argument fails to demonstrate that Israel's war against Hamas substantively violates the requirements of proportionality and necessity.

2. Proportionality

The principle of proportionality, both in the resort to war (*jus ad bellum*) and in its conduct (*jus in bello*), requires that the anticipated harms not be excessive in relation to the expected benefits. This understanding serves as a central normative foundation for the legal frameworks governing armed conflict.¹ Under international humanitarian law, the legality of an attack is judged not retrospectively by its outcomes but by what a military commander knew or reasonably could have known at the time, with the key standard being whether expected civilian harm was excessive in relation to the anticipated explicit and proximate military advantage. Accordingly, proportionality assessments hinge not on *post* casualty figures but on an appraisal of intent, situational awareness, and the extent to which all feasible precautions were taken to mitigate civilian harm (see, e.g., [Kalshoven & Zegveld, 2011](#), pp. 113–118). Statistical claims about civilian deaths sometimes seem to obscure rather than illuminate these normative and legal considerations, offering little insight into the real-time judgments and operational constraints that define lawful conduct in armed conflict. This seems particularly true for commentators and moral philosophers who lack the strategic and intelligence data available to military commanders, but it is more broadly exacerbated by the absence of any reasonable comparator. Both factors are highly relevant to the current conflict, in which urban warfare occurs in a densely

¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

populated area with extensive underground tunnels, and where civilians are deliberately instrumentalized as human shields or sacrificed for propaganda purposes – a situation that appears to have no clear historical precedent.²

As with other principles of just war theory, there is ongoing debate not only about whether proportionality is a useful criterion for assessing the justice of war, but also – on a more nuanced level – about how such principles should be interpreted, particularly in terms of whose interests ought to take precedence.³ McMahan argues that it is insufficient merely to intend not to kill civilians and to take positive measures to avoid doing so; rather, one must also consider some quantifiable account of the harm inflicted on innocent bystanders. As he illustrates with a domestic analogy, it would be regarded as grossly disproportionate if “one innocent person’s only means of preventing another innocent person from being murdered will almost certainly kill 100 (or 500, or 1000...) innocent bystanders as a side effect” (McMahan, 2024, p. 391).

We can set aside the broader debate over whether such assessments matter morally and, for the sake of argument, assume that the kinds of evaluations McMahan envisions do carry moral weight.⁴ That is, we can follow McMahan in treating certain forms of reciprocally inflicted harm as morally relevant, when assessed retrospectively. It should be noted, however, that this marks a clear departure from the notion of reciprocity embedded in international humanitarian law, which does not rest on backward-looking comparisons but instead emphasizes prospective assessments, including factors such as anticipated military advantage, among others. In addition – as will become evident below – McMahan’s account of reciprocity appears to elide important distinctions articulated in other philosophical treatments of the principle, retreating instead into a simplified tit-for-tat logic or a balancing of casualty counts, adjusted by considerations of special relations.

To advance his position, McMahan proceeds on the assumption that the proportionality requirement in war mirrors the structure of a lesser-evil justification. That is, he assumes that the morally necessary ratio of benefits conferred to harms inflicted in war corresponds to the ratio required to justify harming innocent people as a side effect of preventing greater harms. On this view, wide proportionality – that is, the infliction of harm on individuals who are not liable to be harmed – sets the upper limit on the harm to innocents that can be morally justified as the lesser evil, when such harm results incidentally from the pursuit of a just cause through war or a particular act of war.

² This is not to suggest that, in principle, statistical considerations cannot assist decision-makers in assessing the balance between benefits and harms across different military options. When judging a war or specific operations *ex ante*, statistics can be highly informative, as they draw on patterns observed in numerous past cases. As noted in the main text, this may have been difficult at the very outset of the war in Gaza due to the absence of comparable conflicts. However, as a specific war unfolds in a unique environment, military commanders can develop fairly accurate assessments of expected fatalities on both sides, which are indeed informed by statistical data.

³ For different approaches to the interpretation of the principle in the context of asymmetrical warfare see, e.g., Cohen (2010).

⁴ In his reasoning, McMahan deliberately distances himself from Michael Walzer, who argues that – in the context of the present conflict – “proportionality is a fool’s game, more suited to propaganda than to reasoned judgement,” both on epistemic and normative grounds (Walzer, 2023). According to Walzer, the term “disproportionate” is often used rhetorically, less as part of a reasoned moral assessment and more as an expression of horror at the scale of harm, or as an argumentative cudgel wielded by commentators and critics not to offer “any kind of measured judgment, not even a speculative kind,” but to preemptively discredit “violence they don’t like, or [...] violence committed by people they don’t like” (Walzer, 2009).

3. Permissible Partiality and Proportionality Assessments

At the heart of McMahan's argument lies the ambition to develop a defensible ratio of harm prevented to harm caused, which would be necessary for a lesser-evil justification. He argues that intuitive evidence for such a ratio can be found in the trolley problem, a well-known philosophical thought experiment, which presents abstract scenarios in which killing as a side effect is just barely proportionate and, thus, barely permissible. In these scenarios, a ratio of five lives saved to one life lost serves as a rough rule of thumb for justifying the killing of innocents (McMahan, 2024, p. 396).

McMahan further incorporates the moral weight of special relations into his framework, suggesting that one might be morally permitted to kill an innocent bystander as a side effect of saving one's own child, precisely because of the moral significance of the special relation between parent and child, and the duties that stem from that relationship (McMahan, 2024, pp. 397–398). He plausibly argues that the moral weight of co-nationality between a combatant and an unknown civilian is significantly weaker than the intimate bond between parent and child (*ibid.*). To advance his argument, McMahan hypothesizes – though he believes the argument flawed – that combatants could possess a special relations justification for killing five opposing civilians as a side effect of saving one of their own civilians (McMahan, 2024, p. 399).

McMahan subsequently applies this ratio through a series of quantitative evaluations. To illustrate a purported violation of the *jus in bello* proportionality requirement, he references the rescue of four Israeli hostages from the Nuseirat refugee camp in June 2024. Applying certain assumptions, he argues that the operation has resulted in the death of 37 Palestinian civilians “as side effects of reducing the duration of each adult hostage's captivity and substantially reducing the probability that that hostage would be killed” (McMahan, 2024, p. 400). Since this outcome surpasses the five-to-one ratio that he considers barely permissible, he concludes that the action is morally unjustifiable. Similarly, McMahan applies the same ratio to argue for Israel's purported violation of *jus ad bellum* proportionality. In his further quantitative assessment, he asserts that, assuming the Israeli Defense Forces (IDF) were responsible for the deaths of no more than 24,000 innocent civilians, and that Israel possesses a special relations justification for killing five Gazan civilians for every Israeli civilian it prevents Hamas from killing, the number of Israeli civilians Hamas would need to kill in order for Israel's actions to be proportionate would be 4800 (McMahan, 2024, p. 404). Yet, on 7 October 2023 Hamas succeeded in killing “only 695 Israeli civilians, 373 Israeli security personnel, and 71 foreigners” (McMahan, 2024, p. 403).

McMahan's analysis is marked by significant shortcomings. Some arise from broader theoretical commitments that fall outside the scope of this discussion, having already been subject to extensive critique elsewhere (see, e.g., Steinhoff, 2021, pp. 216–222). Foremost among these is the revisionist premise that a unified “deep morality” underlies both warfare and domestic self- and other-defense. This premise is taken to a particularly implausible extreme in the present article, where McMahan engages in a statistical inference – deriving permissible civilian casualties from stylized trolley cases and intuitive claims about the moral force of associative obligations. Some of the problems with this approach will be examined in the following section on civilian liability. Leaving such foundational concerns aside, two more immediate problems emerge in his treatment of the current conflict: first, his reduction of special obligations to a thin account of

co-nationality; and second, his constricted conception of benefit, which he equates solely with lives saved, thereby unduly limiting the scope of proportionality assessments within his lesser-evil framework.

Contrary to McMahan's view, there seems to be considerable intuitive force to the claim that states may justifiably prioritize the lives of their own citizens. After all, the protection of a state's population is often the central and conventionally accepted justification for the resort to war, whether as a response to prior aggression or as a preemptive measure aimed at safeguarding those for whom the state bears primary responsibility. This protective role appears to be a core function of any political community. Jewish military ethics, drawing on diverse currents within earlier Jewish thought, makes this point especially vivid. As one scholar observes: "The primary responsibility of political leaders and citizens is to protect their own people. Israel goes to war even to redeem one captive. This is part of a general ethos that people have particularistic obligations to their family, comrades, community, or nation. These 'associative commitments' create a moral obligation not to shirk one's responsibility to fight on behalf of the collective" (Brody, 2024, p. 109).

Similar views in Jewish military ethics emphasize obligations rooted in a shared collective fate, arguing that one must prioritize one's own citizens and soldiers over those bound to a different destiny (Brody, 2024, pp. 294–298). War, on this view, is a confrontation between collective entities, not isolated individuals, and thus challenges rights-based ethics focused solely on the individual (Zohar, 2007). It gives rise to collective moral identification, where pride, shame, and moral responsibility are borne by association, not personal involvement. This perspective does not claim individual liability to targeting but acknowledges the political reality that citizens, like children with respect to their parents, inevitably share in the consequences of their leaders' choices.

These views are, of course, open to philosophical critique and might be interpreted as reflecting an underdeveloped or residual form of tribalistic moral thinking. Yet the emphasis on protecting one's own people – and especially on bringing abducted citizens and soldiers home by all means available to the state – is not merely a thought experiment, but a clear cornerstone of Israel's political *raison d'état* (see, e.g., Hirsch, 2016, p. 71). It is a policy Israel appears willing to uphold even at great cost, recognized not only by Israeli leaders and soldiers, but also by its adversaries. This is starkly illustrated by the Gilad Shalit case: in exchange for one Israeli soldier, Israel released 1,027 Palestinian prisoners, including many convicted of deadly attacks (Wright, 2011). Hamas appears to understand and exploit this prioritization, gaining extraordinary bargaining power in hostage negotiations. Recent phases of hostage release agreements have seen Israel accept highly asymmetrical terms, including the release of large numbers of security prisoners, to secure the return of its citizens.

According to some views in moral philosophy and in the ethics of war, such a widely accepted custom can be said to possess moral force in its own right, particularly if one presupposes that some form of reciprocal calculus carries moral significance. Reciprocity figures prominently in conventionalist approaches to ethics – that is, in views which hold that legal norms and conventions are not merely procedural rules, but historically refined articulations of moral principles, or repositories of accumulated moral insight. These views appear in various strands of conservative moral theory that emphasize reverence for a moral order embedded in customs and traditions (see, e.g., Scruton, 2000, pp. 57–68). Yet they also play a prominent role in contemporary just war theory, where different

accounts seek to explain the moral mechanisms by which such customs acquire normative authority. One influential line of thought, grounded in a contractarian framework, holds that conventions become partially constitutive of the moral rules of war insofar as they conform to principles of mutual benefit, principles that would be endorsed under fair contractual conditions (Benbaji & Statman, 2019). Other war ethicists, working within a constitutivist paradigm, place specific emphasis on the centrality of reciprocity. On this view, certain morally relevant conditions governing the justified use of force depend on reciprocal recognition: under specific circumstances, these conditions may be relaxed or suspended in light of shared expectations and established practices (Steinhoff, 2021).

On either of those views, it is a well-established standard that Israel places high value on the lives of its citizens, and this shapes the terms of negotiation. If Hamas strategically exploits this principle to its own advantage, it can hardly object when Israel, in turn, invokes the same principle in ways that may disadvantage others. One way to explain the moral force of such a convention is through a counterfactual benefit model. Belligerents might accept the same underlying principle, albeit under starkly divergent interpretations. Israel might accept it in the understanding that it entails prioritizing the protection of its civilians, while Hamas benefits from the same convention by according minimal weight to the protection of its own. A more promising account, however, appeals to reciprocal agreement: under this view, parties who strategically exploit such a principle may forfeit their standing to object – or, at the very least, weaken their claim – when the principle of extraordinary regard for civilian life is invoked in ways that place them at a disadvantage.

Such a view of reciprocity can support the claim that Israel arguably retains greater moral latitude in prioritizing the protection of its own citizens, not only because it often operates under conditions of strategic disadvantage, but also in light of Hamas's systematic disregard for the distinction between combatants and civilians, including its deliberate targeting of civilians as part of its military strategy. In addition, reciprocity, in this context, offers a more refined lens for ethical assessment, one that exceeds a tit-for-tat logic. The concept of reciprocity introduces a form of moral sensitivity that can help forestall the descent into unrestrained violence by allowing one party to condition its conduct on the prospect of moral restraint, even in the face of asymmetry (Steinhoff, 2021, p. 238). An example of the kind of moral sensitivity that reciprocity can engender is the stark asymmetry between Israel's adversaries' deliberate targeting of civilian infrastructure, including hospitals in southern Israel, as in the recent missile attack by Iran (Rasgon, 2025), and, conversely, the conduct of the Golani Brigade's engineering battalion in Khan Younis. Rather than destroying a Hamas tunnel with explosives, as is common practice elsewhere in Gaza, the unit opted to seal the subterranean passage, located beneath the European Hospital, by pumping concrete into the tunnel (Emanuel, 2025). This decision appears to reflect a conscious effort to avoid damaging critical medical infrastructure above ground and may be read as a case in which reciprocal norms shape military restraint even in the absence of symmetrical conduct by the opposing side.

However, even if one grants, for the sake of argument, a tit-for-tat moral framework of reciprocity – one in which the harms or benefits inflicted by each warring party are weighed against one another – it still remains a profound conceptual shortcoming to treat casualty counts as the principal measure of proportionality. In its most rudimentary form, tit-for-tat reasoning risks generating conclusions that are not only counterintuitive but morally grotesque. A strict application of such a reciprocal calculus might suggest that

Israel, in responding proportionally, should calibrate its actions according to population ratios and then infer how many civilians it may permissibly kill, abduct, torture, or mutilate in return. To be sure, McMahan's account offers a more refined framework by shifting the focus to casualty counts adjusted for special relations. This is not an entirely unreasonable parameter; indeed, the number of lives lost seems morally salient. Yet, it is far from evident that the moral appraisal of proportionality should be confined exclusively to this metric; such a restriction risks an overly reductive account that overlooks the multifaceted dimensions integral to discerning what constitutes proportionality in war. Both international humanitarian law and conventionalist approaches to war ethics hold that other considerations should also inform such assessments. In the conduct of war and in the resort to war, moral permissibility hinges on whether the goods pursued are sufficiently weighty to justify the harms incurred, and these goods are by no means reducible to the mere minimization of casualties.

Several recurring justifications for the resort to war extend beyond the immediate aim of rescuing or protecting one's own citizens. These include the prevention of non-imminent future harms, the rectification of grave injustices, deterrence, or retribution (see, e.g., [Steinhoff, 2021](#), pp. 52–68). Other rationales appear especially salient in the context of the present conflict, such as the restoration of civic trust or the possibility of alleviating future suffering for a population subjected to genocidal authoritarian rule. More important, both in general and in the present case, seems to be the preservation of state sovereignty. For example, it would be implausible to argue that British forces should have refrained from fighting Nazi Germany simply because Hitler's primary objective was to assert political control rather than to kill British civilians. Likewise, even if all Israeli residents along the Gaza border had been safely evacuated and Hamas had merely occupied a portion of Israeli territory, Israel would still have a justified cause to respond with force, even if this entailed collateral harm to innocent Gazans.

McMahan is, of course, correct in arguing that the fact that Hamas shows disregard for the lives of innocent Gazans does not grant Israel the freedom to ignore the value of those lives, especially if killing them in large numbers is neither effective in achieving the war's objectives nor likely to deter Hamas. Similarly, none of the considerations discussed above provides an unconditional license for war or for particular military operations. Rather, they must be weighed carefully in light of the stakes involved and the moral costs they entail. It is not implausible to assume that, under conditions of sufficiently grave threat, even considerations that may at first seem morally highly contestable could, upon closer reflection, contribute meaningfully to a just cause. Some argue more broadly that, when the stakes are sufficiently high, there is scarcely any action – even those initially perceived as morally repugnant, such as the use of torture to save a child – that could not, under certain conditions, be justified ([Steinhoff, 2013](#)). Yet McMahan's moral framework appears ill-equipped to register such forms of justification, let alone to accommodate the nuanced evaluative balancing that morally complex, high-stakes contexts demand.

Furthermore, McMahan provides no coherent rationale for his restrictive approach to assessing the accrual of good effects. Instead, he dismisses these broader justifications – particularly the role of deterrence – as flawed arguments espoused by “various apologists for Israel's war” ([McMahan, 2024](#), p. 404), which, he argues, have been refuted in practice. He claims that “the slaughter in Gaza *provoked* rather than prevented the conflicts that are now beginning between Israel and Hezbollah in Lebanon and Israel and Iran” (*ibid.*). Moreover, McMahan argues that, in this case, deterrence is represented by Israel's use

of civilian casualties and the destruction of Gaza's civilian infrastructure as a means of deterring others, for whose actions the civilians in Gaza bear no responsibility. For McMahan, "[t]his is terrorism" (ibid.).

Such a view not only fails to consider a substantial body of scholarship on deterrence (see, e.g., Mazarr, 2018) but also overlooks the region's complex geopolitics and well-documented intelligence regarding the intentions of Israel's adversaries. The suggestion that an unrelated theater of war is being used to threaten other countries with wanton large-scale destruction seems far-fetched, especially given the reality of interconnected regional dynamics. This encompasses the networks of vessels, proxies, and regional patrons, all financed and orchestrated by Iran, the principal architect behind both Hamas and Hezbollah, as well as the Houthis.

By contrast, those of Israel's military operations that demonstrably contributed to restoring its deterrent posture were planned and executed with a high degree of precision, resulting in minimal or no civilian casualties. These included, for example, the 2024 Lebanon electronic device attacks, or the targeted strikes against senior Hamas and Hezbollah leadership figures, such as Ismail Haniyeh, Mohammed Deif, and Fuad Shukur (see, e.g., Mead, 2024). Such operations not only neutralized high-ranking operatives but also unequivocally signaled the logic underlying Israel's approach to deterrence: that consequences would be borne by culpable leadership and senior decision-makers, who were deliberately rendered vulnerable, and explicitly excluding civilians from harm. Moreover, the demonstrated capacity to execute precise strikes in close proximity to Hezbollah and Iranian leadership inflicted significant reputational damage and strategic humiliation, thereby reinforcing the logic of Israel's deterrent posture.⁵

4. Civilian Liability

In general, there is a strong moral constraint against harming civilians in war. However, contextual factors may render civilians liable to suffer even serious harm under certain conditions. McMahan has argued elsewhere that civilians can become morally implicated in conflict through various forms of contribution, thereby sharing responsibility and becoming liable to lesser harms, such as sanctions or the intentional destruction of civilian infrastructure (McMahan, 2009, pp. 218–221). He also describes scenarios in which severe civilian harm, though foreseen and unintended, may not constitute a moral wrong. In one illustrative case, he contrasts neutral civilians with those "known to be supporters of their country's war and to have contributed to it and benefited from it in various ways," concluding that "it is better to kill more unjust civilians as a side effect than to kill fewer nonresponsible civilians as a side effect" (ibid.).

Yet in the context of the current conflict, McMahan finds such reasoning implausible. He identifies the 2006 electoral victory of Hamas in Gaza as a turning point in public perceptions of Palestinian civilian innocence, according to which even those who did not vote for Hamas, but continue to live under its rule, are deemed complicit. McMahan rejects this view, arguing that if electoral support suffices to establish moral liability, then

⁵ One might plausibly argue that the number of justified deaths of innocent civilians should be lower in cases of deterrence than in direct self-defense. However, given the examples of operations with an explicit deterrence function and the apparent sparing of civilians in these instances, Israel can hardly be accused of engaging in any form of "terrorism."

the same reasoning would apply to civilians in other nations, including Israel, who exert influence over their leaders and policies. He underscores that Israeli citizens, unlike Gaza's population, have significantly greater power to shape government decisions.

While McMahan's argument is persuasive on a principled level, his focus on electoral support as a basis for civilian liability appears overly narrow. A reciprocal analysis that grounds liability in voting behavior or general support for government actions indeed risks implying a problematic general liability of all populations with some degree of political influence. In contrast, other ethicists have advanced a thicker conception of reciprocity – one that ties the respect of individual rights, including the right to life, to reciprocal recognition, which can be forfeited through failure to uphold it (see, e.g., Miller, 2014; Rodin, 2014). Uwe Steinhoff (2021) goes further, suggesting that reciprocity is the decisive mechanism for determining the scope and limits of the moral force embedded in the laws and customs of war. This broader account presents a more comprehensive and context-sensitive view than the limited notion of reciprocity that underpins McMahan's analysis.

Civilian complicity in war arguably extends beyond political allegiance or voting behavior. For example, the degree to which individuals exhibit genuine respect for the lives of innocent others – particularly those on the opposing side – may also be morally relevant. Civilians who endorse or tolerate indiscriminate violence, or who express indifference toward the suffering of noncombatants, may bear a different kind of moral burden than those who oppose such actions, regardless of their formal political influence. This broader understanding of moral responsibility has been cogently articulated by Steinhoff in the context of the current conflict. He writes:

One fundamental element of morality is a principle of reciprocity. It is sometimes expressed in the Golden Rule “Do unto others as you would have them do unto you,” but is in fact even more plausible and stringent in its negative form, meaning that your moral rights are conditional on your respecting the same rights of others. A murderer has no standing to complain if others do unto him what he is so very willing to do unto others. Likewise, civilians applauding the slaughter of women and children, as many recently did in the Gaza strip, forfeit or at the very least diminish their standing to complain if the opponent refuses to give their lives more weight than they themselves accorded the lives of innocent others. This shifts proportionality restrictions in a way that give more moral latitude to the Israel Defense Forces. (Steinhoff, 2023)

Granting wider moral latitude in wartime still presupposes the difficult task of identifying who is liable to be killed. Strictly speaking, symmetry of liability applies only when citizens are actively engaged in killing or materially assisting such killings. Many civilians, however, do bear some degree of complicity, whether through taking or detaining hostages, participating in atrocities, or otherwise supporting violent operations. Drawing on Steinhoff's account of reciprocity, a more promising approach is not to treat such comparisons as a straightforward license to target, but rather as a way of gauging the moral entanglement of civilians and the burdens they may legitimately be expected to bear. This view sits – albeit somewhat uneasily for McMahan – with McMahan's claim that, *ceteris paribus*, greater incidental harm to “unjust civilians” may be preferable to harm to “nonresponsible civilians” (McMahan, 2009, p. 220). For example, a devoted Nazi civilian during the Second World War – one who embraced racial ideology, celebrated mass murder, and benefited from the regime – plausibly bears a different moral burden

than a passive follower or someone privately opposed to the regime but too fearful to act. Even so, careful moral and evidential inquiry is still required before any conclusions about liability or proportionality can be drawn. Specifically, the fact that an individual lacks standing to complain about being harmed does not, by itself, furnish a sufficient moral justification for inflicting harm. Nonetheless, such a consideration may mitigate the justificatory burden typically associated with causing foreseeable civilian harm by reducing the weight of the moral wrong involved. In the context of the current war, several factors – such as deterrence, the liberation of hostages, or the prevention of future atrocities – may contribute to a morally defensible rationale for action. Yet even absent these additional grounds, the example above demonstrates that McMahan’s narrow emphasis on electoral behavior seems to be insufficient for assessing degrees of civilian complicity and the moral permissibility of collateral harm.⁶

This returns us to a central challenge faced by revisionist just war theories: their reliance on a form of moral universalism that assumes the applicability of “deep moral principles” irrespective of the profound contextual differences between war and individual self-defense. While revisionists would likely concede that the application of universal moral principles depends on context, they often fail to appreciate how radically the context of war differs, most notably in being a collective rather than an individual enterprise. War is among the most paradigmatic forms of collective human action. The principle of self-defense in war rests on the notion of a collective agent – a nation, state, or political community – defending itself against another collective entity: at most as *if* it were an individual, but not in the sense that it straightforwardly acts as, or can be judged as, an individual moral agent.⁷

More generally, contextual factors evidently possess moral relevance – for instance, insofar as the justificatory force of public authority is often taken to bear normative weight, and legal distinctions may, under certain conditions, plausibly track or generate morally salient differences. For example, a police officer is generally viewed as morally authorized to stop a suspect for an alcohol breath test, whereas in normal circumstances, one would be skeptical that a private citizen possesses comparable moral authority (Steinhoff, 2021, pp. 220–221).

Or, to put the point more broadly: while revisionists argue that “[t]here is really only one morality” (McMahan, 2010, p. 505), conventionalists reply that “[t]here is also only one Diego Maradona, but that hardly implies that Maradona’s nose must have the same properties as his feet” (Steinhoff, 2021, p. 219). Maradona’s nose arguably has properties

⁶ A further complication arises as Israel is compelled to distinguish between civilians who are liable to be targeted and those who are not, given that Hamas fighters lack identifiable insignia and often operate within civilian areas, thereby obscuring the conventional combatant–civilian distinction and complicating lawful targeting. When opposing forces fail to bear any distinguishing marks, such as uniforms, that would identify them as combatants, the other side (in this case, Israel) has no reliable means of determining whether ensuing harm is direct or collateral, and thus no clear basis for assessing, either *ex ante* or *ex post*, whether such harm satisfies the requirement of proportionality.

⁷ If one regards belligerents as collective agents defending themselves as if they were individuals, even high casualty numbers could, at least in principle, be morally justified. In domestic cases of self-defense, an individual is indeed permitted to go to great lengths, even at the cost of innocent lives, arguably beyond the limits McMahan deems decisive, to preserve their own. A mere extrapolation from the individual to the collective level – which I take to be flawed, as it obscures the moral transformations that occur when self-defense becomes a coordinated, large-scale enterprise involving many agents and victims – could nonetheless, within McMahan’s moral framework, be used to account for significant collateral loss of life.

that matter in a restaurant, while his feet are of importance on the football field. That both belong to the same person does not entail that they serve the same function or carry the same significance across contexts. The same, one might argue, holds for morality in war: even if there is “one morality,” its practical salience and normative expression may differ across domains.

Revisionists often test the plausibility of their claims, such as the permissibility of collateral harm, through domestic analogies, frequently involving police officers – ironically overlooking that such cases presuppose the moral authority of public institutions – and abstract from contextual features central to wartime scenarios. Nir Eyal, for example, in an article cited by McMahan, invokes the analogy of a “police officer chasing an armed suspect who runs into a thick crowd for cover” to illuminate his view on the ethics of collateral harm in cases involving human shields in the present conflict (Eyal, 2023). He maintains that “we’d think the officer would be acting wrongly were they to start shooting into the crowd, and would be at least substantially blameworthy for any injuries or death they cause to bystanders, even though it was the suspect who chose to hide in the crowd.” From this, he advances an explicitly revisionist position, arguing that “[t]he underlying morality of such cases does not change when we replace ‘a crowd’ or ‘Israeli hostages’ with ‘innocent Gazans’” (ibid.).

Yet it is precisely through the exclusion of potentially salient moral considerations, such as complicity or association, that such analogies reveal a deeper problem with revisionist approaches: the tendency to derive war-specific moral conclusions from decontextualized domestic analogies or stylized thought experiments that frame moral conflict in individualistic rather than collectivist terms. In cases like the one cited above, a single moral variable – here, the absence of individual culpability – is isolated and treated as dispositive, with the unsurprising result that the conclusion reiterates the premises. When a moral question is framed so that one factor is stipulated in advance to override all others, or no competing factors are acknowledged at all, the resulting analysis may appear neat or decisive, but it is philosophically trivial.⁸ This becomes even more starkly apparent in a later thought experiment proposed by McMahan in a subsequent article in the same journal, where he invites readers to ponder: “Suppose that the only way one can prevent oneself from being killed by a culpable attacker would kill 50 children as a side effect” (McMahan, 2025a). Such nothing-else-considered reasons for prioritizing the lives of innocent bystanders remain vulnerable to potential overriding considerations, for example, through subtle reconfiguration of the underlying premises that render the scenario more collectivist in nature.

Consider, for instance, a modification of Eyal’s thought experiment: a police officer pursues an armed suspect who has kidnapped a family member of the officer. The suspect takes refuge within a crowd of individuals, many of whom harbor deep animosity toward the officer’s family and would welcome their disappearance. Furthermore, several members of this crowd have openly celebrated the abduction, and some have been complicit in detaining the abducted person. While such a hypothetical scenario arguably

⁸ For a more general reflection on the dangers of deriving conclusions from stylized thought experiments and on the ease with which their premises can be subtly reconfigured to yield entirely different outcomes see Brennan and Freiman (2024).

does not justify directly targeting the crowd, it plausibly shifts moral intuitions toward greater leniency in inflicting collateral harm upon them.

5. Necessity

McMahan offers an extensive treatment of the principle of proportionality, particularly in relation to civilian immunity and the moral weight of special obligations among compatriots. By contrast, his engagement with the principle of necessity is comparatively short, receiving only cursory attention in the concluding section of his article (McMahan, 2024, pp. 405–406). There, he emphasizes what he terms the “retrospective dimension” of necessity, drawing on a proposal advanced by Daniel Schwartz (Schwartz, 2020). On this view, the necessity of a given act of war cannot be evaluated solely at the moment of its execution. Rather, earlier decisions that have constrained the range of available alternatives must also enter into the moral assessment. When a belligerent, through its own prior actions or omissions, has foreclosed less harmful courses of action, its subsequent appeal to necessity is significantly weakened. In such cases, moral responsibility for the constrained circumstances rests with the agent itself, which may no longer permissibly resort to more destructive options, such as a full-scale military invasion, even if these now appear to be the least harmful means remaining. According to McMahan, this logic applies to the current conflict: Israel’s alleged failure to fulfill its prior obligations of justice toward the Palestinian population is said to undermine its moral standing to engage in acts of self-defense that impose extensive civilian harm.

McMahan credits Schwartz with having demonstrated that the principle of necessity includes a neglected retrospective dimension, yet he does not meaningfully engage with the implications of this view, particularly as applied to the present conflict. While Schwartz argues that retrospective considerations may legitimately inform judgments of necessity, he is equally attentive to a range of counterarguments that question the normative weight such considerations ought to bear in practice. Notably, Schwartz concedes that even if an agent is found to have breached the principle of necessity when assessed retrospectively, it does not straightforwardly follow that they forfeit the right to self-defense or that inflicting significant harm on an attacker thereby becomes impermissible. On the contrary, such action may still be morally justified – or even required – on the basis of a lesser-evil justification (Schwartz, 2020, pp. 597–601).

There are, indeed, significant difficulties in extending a retrospective account of necessity to the moral evaluation of wars and armed conflicts. Unlike the domestic self-defense cases discussed by Schwartz, where the actions of individual agents are scrutinized in relative isolation, the context of war introduces far more complex questions. These include the challenge of attributing moral responsibility across groups or institutions for past decisions, many of which may have been made by different actors under different circumstances. Moreover, the assessment of historical and political alternatives – the range of options plausibly available at earlier junctures – is vastly more complicated than in paradigmatic cases of repelling a culpable individual attacker. The epistemic and moral uncertainties involved are correspondingly greater.

Moral agency is ordinarily anchored in the options presently available to the agent. To hold individuals morally culpable for actions taken under constrained circumstances risks unjustly condemning them for conditions they did not create or can no longer alter. If past failures are taken to undermine one’s right to act in the present, then virtually all actors

engaged in warfare might be disqualified from self-defense, insofar as most are embedded in morally complex or compromised histories. Such a view risks sliding into a kind of moral fatalism, whereby even necessary defensive actions are rendered perpetually suspect and, by extension, unjustifiable. A further difficulty lies in the epistemic uncertainty that invariably attends retrospective judgment. It is rarely possible to determine with confidence what alternatives were genuinely available at some earlier point, or how different choices might plausibly have unfolded. As a result, moral assessments based on speculative counterfactuals introduce a high degree of uncertainty and risk distorting rather than clarifying the requirements of necessity. Finally, one might object that even if a state or its military apparatus has acted unjustly in the past, it does not follow that present restrictions on self-defense are morally justifiable. Such constraints may unjustly penalize the current civilian population, which stands to suffer most if the state refrains from protective action. To make present agents, including innocents, bear the full moral burden of historical wrongdoing risks compounding rather than correcting injustice.

The retrospective approach to necessity also yields a range of counterintuitive and arguably implausible implications in domestic self-defense scenarios. Even when prior conduct has been imprudent or morally questionable, the permissibility of defensive action is typically judged by reference to the immediacy and proportionality of the response. A homeowner, for instance, is not required to stand by while an intruder proceeds, merely because the front door was left unlocked. Similarly, a pedestrian does not forfeit the right to defend themselves simply by walking into a dangerous neighborhood. In such cases, past decisions that may have increased one's vulnerability do not nullify the right to resist unlawful threats. The prevailing emphasis typically remains on the wrongfulness of the current threat and the necessity of the response. The same principle applies to war, and it illustrates the futility of reasoning that seeks to justify present violence through past wrongs. Thus, Hitler could not have justified his offensive in 1939 on the basis of the Versailles Treaty, even if that agreement had indeed wronged Germany. Likewise, real or alleged rights violations on either side of the Israel–Palestine conflict, extending back to the 1917 Balfour Declaration and beyond, cannot nullify *ad bellum* criteria when resorting to war in the present.⁹

Unsurprisingly, retrospective reasoning of the kind McMahan invokes is not a central feature of most legal systems' treatment of self-defense. In both German and U.S. law, for example, only limited traces of retrospective considerations can be found, and primarily within narrowly circumscribed doctrines such as provocation or the duty to retreat. German law, for example, gives strong normative weight to the immediacy and legitimacy of defensive action, irrespective of prior strategic or moral missteps. This is reflected in the legal maxim "Das Recht muss dem Unrecht nicht weichen" (roughly: "right need not yield to wrong"), which underpins key provisions of the German Criminal Code on self-defense (see, e.g., as early as Berner, 1857, p. 129). The principle affirms that one acting lawfully need not retreat in the face of unlawful aggression and may use necessary and proportionate force to defend themselves, even if this results in harm to the attacker.

⁹ The kind of reasoning McMahan invokes here is also surprising, insofar as individualist ethics can hardly justify a war on the basis of injustices committed by past – and now deceased – individuals. By contrast, such reasoning might be more coherently situated within the collectivist notion of just war, which conceives of nations and states as historical entities with continuity stretching backward into the past and forward into the future.

That said, a limited retrospective element is recognized in specific cases. Under Germany's provocation doctrine, which is well-developed in jurisprudence, individuals who deliberately provoke an attack to create a pretext for violence may forfeit the legal protections of self-defense.¹⁰ Even so, the restraint expected of a provocateur in response to an unlawful attack is not indefinite. Similarly, when a person's negligent conduct contributes to the escalation of a conflict, the law may impose a duty to retreat or to pursue de-escalation before the use of force is considered justified. Analogous provisions exist in other jurisdictions. In U.S. law, the "initial aggressor" doctrine limits the right to self-defense for those who initiate or escalate conflict – illustrated in cases such as *US v Peterson*.¹¹ English case law, too, reflects similar concerns, as seen in *R v Keane*, where the defender's role in provoking or escalating the situation was deemed relevant to the justification of force.¹²

These doctrines underscore an important point: while some retrospective considerations are relevant at the margins, they do not support a general principle that past wrongdoing negates the moral or legal right to defend oneself. Rather, the dominant view – both in moral reasoning and positive law – seems to be that self-defense remains permissible so long as it meets the criteria of necessity and proportionality in the moment the threat arises.

At the very least, for the retrospective perspective to carry normative weight in the present case of Israel's war against Hamas, one would need to establish that Israel either provoked the attack with the intention of creating a pretext for military retaliation, or that it engaged in severely negligent conduct that significantly contributed to the escalation while failing to pursue less harmful alternatives. The former claim – that Israel deliberately sought to provoke an attack in order to justify a military response at the expense of its own civilian population – appears highly implausible. Indeed, certain prior actions, such as the unilateral withdrawal from the Gaza Strip in 2005, are more credibly interpreted as gestures aimed at reducing tensions rather than as acts of provocation.

While it is more plausible that past negligence may have contributed to the deterioration of the situation, and certain policy decisions might lend support to such a view, it remains doubtful that these potential failings suffice to extinguish Israel's moral right to mount a military response, or that acting on this right would violate the principle of necessity. A serious discussion of the moral responsibilities that may arise from prior failings would indeed be warranted and potentially illuminating, not only in relation to cases of deliberate or negligent provocation, but also in scenarios of the kind discussed by Schwartz, where an agent intentionally forecloses less harmful options to manufacture a pretext for violent action. These cases raise difficult normative questions concerning agency, foresight, and culpability. Yet McMahan does not engage with this dimension of the debate. Rather, he invokes the retrospective criterion of necessity without adequately addressing the complex and contested moral terrain that such a position entails.

As a consequence, McMahan's recommendations regarding what Israel ought to have done remain largely speculative judgments made with the benefit of hindsight. While strengthening border security or expanding intelligence capacities prior to 7 October might

¹⁰ See, e.g., BGH, Judgment of January 17, 2019. 4 StR 456/18, NStZ 2019, 263.

¹¹ *United States v. Peterson*, 483 F.2d 1222 (D.C. Cir. 1973).

¹² *R v Keane*. 2010. EWCA Crim 2514.

indeed be prudent measures in retrospect, the failure to implement them does not seem to preclude the moral right to retaliate. Implementing such measures in the aftermath of the 7 October attacks – whether alone or in conjunction with other proposals McMahan advances – appears at least somewhat unlikely to succeed; such actions could just as easily be interpreted as signs of weakness, potentially inviting further escalation by Israel's adversaries.¹³ Speculation about the likelihood of either outcome seems futile. The range of conclusions that can be reasonably drawn from such counterfactuals is, therefore, quite limited. Taken together, McMahan's recommendations and assumptions seem to lack the immediacy and practical relevance required for a compelling critique of Israel's conduct under conditions of the current crisis. Elsewhere, McMahan has suggested that Israel should aim to demonstrate moral leadership and generosity in contrast to Hamas, thereby shifting public sentiment in Gaza from support to resistance.¹⁴ These proposals are also framed as counterfactuals. Yet upon closer inspection, there is empirical evidence that complicates this framing. For instance, Israel has, even during periods of high tension, continued to provide medical treatment to Gazan civilians, including convicted terrorists and even members of Hamas leadership and their families – acts that entail both security risks and significant emotional strain for medical personnel, many of whom have themselves been affected by terrorism (Gesundheit et al., 2009; Katz et al., 2024). These practices exemplify precisely the kind of moral restraint and humanitarian commitment McMahan calls for. They should not be dismissed as hypothetical ideals but acknowledged as real-world actions that reflect efforts toward moral distinction in the face of severe provocation and grossly asymmetrical violence.

McMahan introduces additional arguments aimed at challenging the necessity of Israel's military response. He points, for example, to data indicating that approximately 1,000 Israelis had died by the time of his writing, suggesting that fewer casualties might have occurred had Israel prioritized defensive measures over initiating a ground offensive (McMahan, 2024, p. 405). While this may be trivially true in the unremarkable sense that armed conflict tends to produce more casualties than inaction, it risks rendering the necessity requirement nearly unattainable. By this logic, any military engagement would fail the necessity test, since most – if not all – wars predictably result in increased casualties among one's own population. In a related argument, McMahan argues that the killing of Hamas militants is likely to lead to the recruitment of many more fighters, thereby exacerbating Israel's long-term security situation. This line of reasoning, though it rightly draws attention to the risk of protracted cycles of violence, again imposes an

¹³ This is not to suggest that all forms of aggression or retaliation in the history of the conflict should be treated as morally equivalent. Rather, the point is to illustrate the limitations of the understanding portrayed in McMahan's arguments. Elsewhere, he goes so far as to assume that "the only reason that Hamas was able to kill so many innocent Israelis on 7th October was that the Israeli government had complacently assumed that Hamas could be indefinitely contained even without the permanent stationing of combat-ready forces along the border with Gaza," and that the proper response would have been to strengthen the military presence along the border and initiate international negotiations for a Palestinian state, rather than resorting to war (McMahan, 2025b). This perspective misses the point that the primary reason for the attacks was arguably the terrorists' determination to commit such atrocities, and ignores the abundant historical precedence of how policies of appeasement and yielding to aggression tend to encourage aggressors to escalate further (e.g., the 1930s' acquiescence to German remilitarization and territorial expansion).

¹⁴ [link to the article](#) (accessed on 7 July 2025).

implausibly demanding standard: that any action which generates future resentment or resistance *ipso facto* fails the necessity criterion. Taken together, these claims imply that the very features common to nearly all wars – civilian harm, resentment, and reciprocal violence – invalidate their justification. Yet this would amount to a wholesale rejection of the possibility of just war. Accordingly, McMahan's attempt to demonstrate the failure of necessity in the context of Israel's war with Hamas ultimately rests on criteria so exacting that they would disqualify nearly all forms of armed defense, rather than offering a convincing critique specific to this case.

6. Conclusion

McMahan's claim that Israel's war against Hamas is unjust, based on the failure to meet the proportionality and necessity criteria, fails due to narrow definitions and excessive reliance on speculative reasoning. First, his account of special relations in war relies on a reductive view of co-nationality, overlooking other moral bases for such relations, as well as how these relationships translate into considerations of proportionality, such as through contractual obligations or the reciprocal recognition of special bonds. Second, he employs a constricted understanding of benefit, which he defines exclusively in terms of lives saved, paying insufficient attention to broader and longer-term goods. Third, he discounts the potential liability of civilians to suffer collateral harm by focusing almost exclusively on prior electoral support, thereby neglecting other morally salient forms of civilian complicity. Finally, his argument that the war fails the necessity criterion relies too heavily on counterfactual speculation and general observations – such as the inevitability of civilian harm, resentment, and reciprocal violence – that, if applied consistently, would render nearly all wars unjustifiable.

Funding: This research received no external funding.

Acknowledgments: The views expressed herein have, at times, elicited resentment or even ostracism from many former colleagues and friends. I am deeply grateful to the few who engaged with intellectual honesty – whether in agreement or disagreement – and who offered valuable feedback on earlier drafts of this manuscript, though they now prefer to remain anonymous. I also thank two reviewers of the Journal of Controversial Ideas for their thorough analysis and insightful comments, which helped sharpen several arguments and illustrate them with appropriate examples from both historical contexts and contemporary conflict. A large language model was used to check for grammatical accuracy, spelling, and terminological consistency through paragraph-by-paragraph analysis. No AI tools were used to develop, revise, or improve the substantive arguments presented in this article.

Conflicts of Interest: Simon Lucas is employed as a technology ethicist at Merck KGaA, Darmstadt, Germany; however, the present work has been undertaken independently and does not reflect the views of the company.

References

- Benbaji, Y., & D. Statman. (2019). *War by agreement: A contractarian ethics of war*. Oxford University Press.
- Berner, A. F. (1857). *Lehrbuch des deutschen Strafrechtes* (1st ed.). Breitkopf und Härtel.
- Brennan, J., & C. Freiman. (2024). How not to argue for the presumption of liberty. *Inquiry*, 1–25. [CrossRef]
- Brody, S. (2024). *Ethics of our fighters: A Jewish view on war and morality*. Toby Press.
- Cohen, A. (2010). *Proportionality in modern asymmetrical wars*. Jerusalem Center for Public Affairs.
- Emanuel, F. (2025, June 17). Troops seal off Khan Younis tunnel under hospital where Hamas boss was killed. *The Times of Israel*.
- Eyal, N. (2023, December 20). *Disproportionate and intended harm to innocents in Israel's war in Gaza*. Daily Nous.

- Gesundheit, B., N. Ash, S. Blazer, & A. I. Rivkind. (2009). Medical care for terrorists—To treat or not to treat? *American Journal of Bioethics*, 9 (10), 40–42. [[CrossRef](#)] [[PubMed](#)]
- Hirsch, G. (2016). *Defensive Shield: The unique story of an IDF general on the front line of counterterrorism*. Gefen.
- Kalshoven, F., & L. Zegveld. (2011). *Constraints on the waging of war: An introduction to international humanitarian law*. Cambridge University Press; International Committee of the Red Cross.
- Katz, N. T., M. L. Katz, S. M. Glick, & J. D. Lantos. (2024, February 29). *A timely review of ethical medical practice in Israel—A response to accusations of genocide*. *Bioethics Today*.
- Mazarr, M. J. (2018). *Understanding deterrence*. RAND.
- McMahan, J. (2009). *Killing in war*. Oxford University Press.
- McMahan, J. (2010). Laws of war. In S. Besson & J. Tasioulas (Eds.), *The philosophy of international law* (pp. 493–509). Oxford University Press.
- McMahan, J. (2024). Proportionality and necessity in Israel's invasion of Gaza, 2023–2024. *Analyse & Kritik*, 46(2), 387–407. [[CrossRef](#)]
- McMahan, J. (2025a). A reply to Statman's defense of Israel's war in Gaza. *Analyse & Kritik*, 47(1), 209–236.
- McMahan, J. (2025b). Moral responsibility for the scarcity of healthcare in Gaza. *Journal of Medical Ethics*, *online ahead of print*. [[CrossRef](#)] [[PubMed](#)]
- Mead, W. R. (2024, August 1). Israel brings deterrence back to the war on terror. *The Wall Street Journal*. [link to the article](#).
- Miller, D. (2014). Are human rights conditional? In T. Sakurai & M. Usami (Eds.), *Human rights and global justice: The 10th Kobe lectures, July 2011*. Franz Steiner Verlag.
- Rasgon, A. (2025, June 19). Iranian missile hits hospital in southern Israel. *The New York Times*.
- Rodin, D. (2014). The reciprocity theory of rights. *Law and Philosophy*, 33(3), 281–308. [[CrossRef](#)]
- Schwartz, D. (2020). Necessity historically considered. *Journal of Moral Philosophy*, 17, 591–605. [[CrossRef](#)]
- Scruton, R. (2000). *Animal rights and wrongs*. Metro in Association with Demos. Demos.
- Steinhoff, U. (2013). *On the ethics of torture*. State University of New York Press.
- Steinhoff, U. (2021). *The ethics of war and the force of law: A modern just war theory*. Routledge.
- Steinhoff, U. (2023, October 27). *Civilians, reprisals, and reciprocity: A comment on the Gaza-Israel conflict*. [link to the article](#).
- Walzer, M. (2009, January 8). On proportionality. *New Republic*.
- Walzer, M. (2023, December 1). Gaza and the asymmetry trap. *Quillette*.
- Wright, L. (2011, October 18). Gilad Shalit: The living and the dead. *The New Yorker*.
- Zohar, N. (2007). Double effect and double intention: A collectivist perspective. *Israel Law Review*, 40(3), 730–742. [[CrossRef](#)]