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Under Rules of War, 'Proportionality' in Gaza Is Not About Evening the Score

The concept, important for determining the legality of an act of war, is about weighing civilian harm against military objectives, not about achieving a balanced number of casualties.

By Steven Erlanger Reporting from Jerusalem and Tel Aviv

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The international laws governing war are unfeeling. They give more precedence to military advantage than to civilian harm. They do not consider comparative numbers of dead or wounded. They ask commanders in the field to judge, often very quickly, the military advantage of an attack, the nature of the threat they face, what means they possess to counter it and what feasible measures they can take to reduce the expected damage to civilians and civilian infrastructure.

[...]

“This is different,” said **Pnina Sharvit Baruch**, who previously led the Israeli army’s international law department. “ Hamas is open in aiming to destroy the state of Israel and any peaceful resolution of the conflict.”

As in 1948 when Israel, soon after its founding, was attacked by its Arab neighbors, she said, “our existence is at stake, and we are fighting here for our lives, for our future, for the ability to stay here.”

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For full article:

https://www.nytimes.com/2023/12/13/world/middleeast/israel-gaza-proportionality-law-of-war.html?unlocked_article_code=1.Fk0.0TzS.Zj5L7BX1Lsa7&smid=url-share