

Beyond self-defense: A just war theory critique of Israel's military conduct in Gaza following the October 7, 2023, attack

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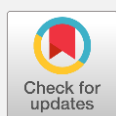
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ABSTRACT

This article evaluates Israel's military operations in Gaza from 2023 to 2024 through the lens of Just War Theory (JWT), focusing on both the justification for war (jus ad bellum) and conduct in war (jus in bello). Although Israel invokes Article 51 of the UN Charter to justify its actions as self-defense, the analysis reveals ethical and legal concerns regarding Just War principles, particularly proportionality, discrimination, and military necessity. A qualitative case study approach is employed, drawing on primary and secondary sources, including Israeli government declarations, international human rights reports, and civilian casualty data. The data is analyzed using thematic analysis, structured around the principles of Just War Theory. The study finds that while Israel's self-defense rationale may fulfill some jus ad bellum criteria, its military actions raise ethical and legal concerns under jus in bello. Evidence points to disproportionate force, inadequate distinction between combatants and civilians, and questionable military necessity in several operations conducted in Gaza. International reactions are divided, with some countries, like the United States, supporting Israel's right to self-defense, while others, like South Africa, condemn its actions as potential violations of International Humanitarian Law (IHL). This study makes a unique contribution to the literature by applying classical JWT to a contemporary asymmetric conflict complicated by technological warfare. It advances academic discourse on the ethics of state conduct in irregular wars and offers practical insights on aligning military necessity with moral responsibility in future conflicts.

Keywords:

just war theory; asymmetric conflict; Israel–Gaza

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INTRODUCTION

The ethical conduct of war is one of the critical subjects of debate in international relations, particularly in an era where asymmetric conflicts increasingly dominate the global

security landscape. These conflicts often occur in densely populated urban environments and pose unique moral and legal challenges, especially concerning the use of force and civilian protection. The 2023–2024 escalation between Israel and Hamas in Gaza triggers a renewed examination of longstanding ethical frameworks such as Just War Theory (JWT). The war had significant global implications, leading to protests worldwide, debates about international law and civilian protection, and discussions about the future of Israeli Palestinian relations (Moniruzzaman & Mondal, 2024). It also raised concerns about regional stability and the potential for wider conflict in the Middle East. As military technology advances and the boundaries between combatants and civilians become increasingly blurred, the question of how states can respond to security threats while upholding international humanitarian principles has become both urgent and contested (Norris, 2020). Against this backdrop, the Israel-Hamas conflict offers a compelling case for evaluating the relevance and limits of traditional ethical doctrines in the context of modern warfare.

While Israel justifies its military response as legitimate self-defense following Hamas's October 7 attack, the scale and nature of its operations in Gaza resulted in over 37,000 civilian casualties and widespread destruction of essential infrastructure by June 2024 (United Nations Office for the Coordination of Humanitarian Affairs, 2024). This transgresses the fundamental principles of a Just War, especially proportionality and discrimination. The contrast between Israel's self-defense claims and the significant humanitarian toll of its military actions raises crucial ethical questions about the limits of military force in modern urban warfare, especially when state actors engage with non-state militants embedded in civilian areas.

Three major topics of content are at the center of the academic debate regarding the application of just war theory to contemporary conflicts. According to Frowe & Lazar (2017) there is disagreement among experts over the theory's ability to effectively manage disputes involving non-state actors within its conventional state-centric framework. Second, there is a disagreement about how proportionality principles should be used when one side has overwhelming military dominance. Third, academics argue about whether the theory's focus on distinguishing between combatants and civilians is still applicable in urban conflicts where militants purposefully blend in with the civilian population.

This study addresses the following research question: *Why was Israel's military response in the 2023 after October Hamas attack, although justified as self-defense, considered inconsistent with the ethical principles of Just War?* By addressing this question, the article interrogates the legitimacy of Israel's military justification and assesses its operational conduct using JWT.

This study is therefore situated within growing scholarly debates about whether classical Just War principles are sufficiently adaptable to the realities of contemporary urban conflicts. JWT remains a relevant ethical framework, but requires reinterpretation in light of technological advancements, urban warfare, and the blurred lines between civilians and combatants (Abbood & Wahhab, 2024). Others contend that the theory's state-centric orientation renders it inadequate for addressing asymmetric power dynamics and the moral complexity of fighting non-state actors embedded in civilian populations. This research contributes to international relations scholarship in the following ways. First, it advances the theoretical understanding of Just War Theory's applicability to modern asymmetrical warfare. It also gives actual evidence of the difficulties in applying conventional ethical frameworks to non-state actors' disputes in urban settings. Finally, it offers insights for policymakers and military strategists regarding the ethical constraints that should govern military operations in civilian-populated areas.

METHOD

This study adopts a qualitative case study design to critically assess Israel's military conduct in the 2023–2024 Gaza conflict through the framework of JWT. The case study approach is used because of its in-depth exploration of contemporary events within their real-world context, especially when the boundaries between the phenomenon and its environment are blurred. This methodological orientation facilitates a detailed examination of the ethical, legal, and strategic dimensions of Israel's actions in a complex and evolving conflict setting.

The analysis draws on both primary and secondary data sources. Primary data include official statements and policy documents from the Israeli government, international human rights reports (Amnesty International, Human Rights Watch [HRW], the International Committee of the Red Cross [ICRC]), and situational updates from the United Nations Development Program (UNDP), United Nations Office for the Coordination of Humanitarian Affairs (OCHA). In addition, media coverage from internationally recognised outlets such as The New York Times, BBC, Al Jazeera, and First Post is utilised to supplement the timeline of events and provide insight into how Israel's self-defense claims, and military objectives were publicly framed. These media sources are not treated as empirical evidence of ground realities but rather as contextual supplements, which offer access to public statements and real-time reporting on conflict developments.

Secondary data consist of peer-reviewed academic literature on JWT and ethical warfare, including foundational works such as Michael Walzer's *Just and Unjust Wars* and Helen Frowe's *the Ethics of War and Peace*. These texts provide the conceptual lens through which the data are analysed.

The data analysis employs a thematic analysis technique, guided by predefined theoretical categories drawn from JWT, specifically the principles of *jus ad bellum* (just cause, legitimate authority, right intention, last resort) and *jus in bello* (proportionality, discrimination, and military necessity). Data from all sources is systematically coded according to these categories using manual coding procedures. For instance, patterns related to proportionality are identified by comparing casualty and infrastructure damage reports with Israel's stated military objectives, while instances of civilian targeting are analysed through the lens of discrimination. Findings were also synthesized into a comparative matrix (Table 1) to visually represent principle-by-principle assessment.

The study also employs source triangulation to ensure the credibility and trustworthiness of the findings. It compares data across multiple types of documents including NGO reports, official statements, academic analysis, and media accounts to corroborate key ethical concerns. Where inconsistencies are found, interpretative priority is given to reports by independent international organisations and peer-reviewed literature. Additionally, an audit trail of all data sources and coding decisions is maintained to enhance transparency and replicability of the analytical process.

This methodological approach allows for a rigorous and context-sensitive evaluation of Israel's military conduct in Gaza, grounded in both empirical documentation and established ethical theory.

RESULT AND DISCUSSION

This study reveals significant departures of Israel's Military operations from the core principles of Just War, particularly when assessed against both empirical data and normative standards. Although Israel has invoked Article 51 of the UN Charter to justify its actions as self-defense following the October 7, 2023, Hamas-led attack, the resulting scale of destruction and civilian harm raises questions about the proportionality, necessity, and

ethical legitimacy of these operations in light of JWT within the complex dynamics of asymmetric warfare.

To better understand this divergence, it is essential to first revisit the ethical foundations of JWT and how they are applied in contemporary conflict. Considering modern asymmetrical warfare, the Just War Theory offers an essential ethical framework for assessing military conflicts. This military ethics approach has contributed to developing a normative framework for evaluating the legitimacy of using force in combat. It has philosophical and religious roots and has influenced state-to-state relations as well as the laws pertaining to war and conflict throughout history (Frowe, 2014). This section highlights the theory's core principles and their evolution to address modern military challenges, with specific attention to their applicability in analyzing the Israel-Hamas asymmetric conflict.

Grotius established fundamental ideas regarding *jus in bello* that still influence contemporary debates about the morality of war. His focus on proportionality in combat guarantees that the damage caused during a struggle is always equal to the military advantage obtained (Forde, 1998). Furthermore, Grotius's principle of discrimination, which is especially relevant in modern urban warfare scenarios like the Israel-Gaza conflict, requires soldiers to discern between valid military objectives and non-combatants.

The complexity of today's wars, especially those involving asymmetrical warfare, has led to an evolution of just war theory. By analyzing the moral dilemmas presented by conflicts between state actors and non-state organizations like Hamas, Walzer's *Just and Unjust Wars* (2006) brought the theory back to life. *Jus ad bellum*, or the right to go to war, and *jus in bello*, or conduct within battle, need to change to reflect the realities of contemporary warfare. In confrontations like the Israel-Hamas, where Israel, a sovereign state with formidable military might, confronts Hamas, a non-state actor ingrained in civilian populations, these concepts become more challenging to apply. Such scenarios raise questions about proportionality and the distinction between combatants and non-combatants, making ethical evaluations of military actions more complex yet essential. Renic (2019) builds on these ideas, focusing on the moral dilemmas of radically imbalanced conflicts. Renic highlights that non-state actors often exploit civilian areas to obscure the line between combatants and non-combatants, complicating the application of *jus in bello*. This poses a twofold problem for state actors such as Israel which is upholding international moral principles while tackling risks incorporated into civilian infrastructure. Renic highlights that to manage the strategic and moral realities of contemporary asymmetric warfare, JWT must continue to evolve and make sure that its tenets are applicable and useful. These revelations highlight the necessity of continuously improving the theory to maintain its relevance in assessing the morality of military operations in a world that is becoming more complex by the day.

According to United Nations Office for the Coordination of Humanitarian Affairs (2024), by June 2024, over 37,000 Palestinians had been killed and 84,494 wounded in Gaza. In contrast, the initial Hamas attack killed around 1,200 people in Israel. While the loss of life on both sides is tragic, the stark asymmetry in casualties underscores a fundamental challenge in evaluating the proportionality of Israel's response. Proportionality, as defined in Just War Theory, requires that the harm inflicted during war not exceed the anticipated military advantage. The destruction of civilian infrastructure, including 148 schools, twenty-five hospitals, and thousands of homes, raises doubts as to whether these strikes were necessary or strategically indispensable (Amnesty International, 2024).

From a *jus ad bellum* perspective, Israel's cause may initially appear just, responding to an unprovoked armed attack. A just cause under involves self-defense against aggression or the protection of innocents (Lang, 2016). Israel's response to the October 7 attack, which

resulted in substantial civilian deaths and hostage-taking, aligns with the classic definition of just cause. Israel Ministry of Foreign Affairs stated that.

The barbaric attacks conducted by Hamas on October 7, involving mass killings and kidnappings, left Israel with no moral or legal option but to respond decisively. The goal of the operation is to dismantle Hamas's military infrastructure while minimizing civilian harm where possible. The use of force is proportional to the scale of the threat posed and aims to restore security for millions of Israeli citizens under attack.

The study has found that Israel has consistently invoked Article 51 of the UN Charter to justify its right to self-defence following the Hamas attack on October 7, 2023. According to the Israel Ministry of Foreign Affairs,

Following the terrorist attacks by Hamas on October 7th, the State of Israel will take all necessary measures to defend its citizens, uphold its sovereignty, and restore security to its communities. Hamas's deliberate targeting of civilians constitutes a gross violation of international law, and Israel will continue to act within legal frameworks to counter this threat.

This claim has been central to Israel's public messaging and international engagements. The scale and surprise nature of the attack, resulting in significant Israeli civilian casualties, strengthened its initial claim. Morkevičius (2024) affirms that self-defense is permissible when an armed attack occurs, but it must be immediate and necessary. However, critics argue that Israel's broad interpretation of self-defense, especially in prolonged operations, stretches the principle beyond its traditional scope. The temporal and proportional dimensions of Israel's response raise questions about whether continued operations months after the initial attack are still defensible. Thus, while initial military action might be justified, the continuation needs deeper legal and ethical scrutiny.

International reactions to Israel's self-defence claim have been mixed. The United States and several European nations endorsed Israel's initial actions as legitimate self-defense. However, countries like South Africa and Ireland expressed concerns about the proportionality and necessity of Israel's response. Qureshi et al. (2025) stresses that the right to self-defense must always adhere to the principle of necessity and proportionality, not become a license for broad military campaigns. Hamas' tactics of embedding within civilian populations further complicate Israel's claim under international humanitarian law. Nevertheless, continuous large-scale destruction and high civilian casualties challenge the ongoing validity of the self-defence argument. As such, while the initial justification might be solid, its persistence into an extended campaign remains controversial.

Legitimate authority pertains to recognized, sovereign governments acting under constitutional and international mandates (Rocheleau, 2020). Israel, as a sovereign state, clearly meets the formal requirement of legitimate authority to initiate defensive operations. The Israeli government, through official cabinet decisions and Knesset backing, authorized military operations against Hamas. According to the Letter to the UN Secretary-General

As a sovereign nation and a full member of the United Nations, Israel is entitled to defend its territory and population from armed aggression. The attack by Hamas on October 7 constituted a clear act of war, and Israel's response falls within the recognized parameters of lawful self-defense under international law. The government of Israel bears the responsibility to ensure the safety of its citizens and maintain national security through all necessary and proportionate means.

However, when that authority operates under conditions of prolonged occupation, its moral legitimacy becomes questionable. In asymmetric warfare, where one party controls the political and economic life of another, authority is not only legal but also ethical, and this dimension is contested in Israel's case. Empirical findings agree to Israel's formal government and military authorization. However, this is undermined by the international

community's condemnation of its continued blockade and de facto control over Gaza (Angwaomaodoko, 2024). Coercive occupation complicates Israel's claim to legitimate wartime authority. This erosion of moral legitimacy raises fundamental questions about Israel's ethical standing in initiating military operations. Legal recognition alone cannot substitute for moral legitimacy in contexts of occupation.

The principle of right intention requires that military force be used to secure peace and justice, not for retribution (Johnson, 2017). Yet statements by senior Israeli officials appear to reflect a punitive rather than preventive rationale. For instance, Israeli Defense Minister Yoav Gallant referred to Palestinians as "human animals" and ordered a "complete siege" on Gaza, stating, "There will be no electricity, no food, no fuel... we are fighting human animals and we act accordingly" (Al Jazeera, 2023). Similarly, COGAT head Maj. Gen. Ghassan Alian warned that Gaza "will only see destruction" and that residents "wanted hell and will get hell." These official remarks, combined with the scale of indiscriminate airstrikes, suggest that right intention was compromised. The extensive bombing of civilian infrastructure, including schools and hospitals where there is no evidence to support that Hamas used them to fire at Israel, suggests a punitive approach rather than a purely defensive one (Overton, 2023).

JWT asserts that even if a cause is just, intentions must be oriented toward peace, not vengeance or punishment. In urban and asymmetric warfare, where emotions run high, distinguishing genuine defensive intent from retaliatory violence becomes critical. Israel's inflammatory rhetoric and dehumanizing official discourse suggest an intent inconsistent with peace-seeking motives. Empirical evidence from statements by Netanyahu, Gallant, and COGAT's Ghassan Alian reflect collective punishment language that fuels suspicion about Israel's underlying motives. Highlights the destruction of non-military targets as undermining claims of purely defensive intent. The tone and content of official communications cast serious doubt on Israel's alignment with the principle of right intention. War motivated by retribution breaches the ethical limits of JWT.

The principle of last resort requires that military force only be employed when all peaceful options have been exhausted (Pattison, 2015). Prior to launching a full-scale offensive, Israel conducted limited retaliatory strikes and sought international condemnation of Hamas. However, critics argue that Israel did not adequately pursue diplomatic channels, ceasefire negotiations, or third-party mediation before escalating to a full military campaign. Notes that proposals for humanitarian corridors and ceasefires were initially rejected or delayed. The absence of robust diplomatic engagement undermines Israel's argument of last resort. Consequently, while Israel faced imminent threat, the procedural elements of exhausting peaceful alternatives appear insufficiently demonstrated.

On the other hand, Israeli officials argue that negotiation with Hamas, designated as a terrorist organization by multiple states, is impractical and historically ineffective. It has been revealed that.

Despite repeated efforts over the years to de-escalate and engage in indirect dialogue through international mediators, Hamas has continued its attacks unabated. The events of October 7 marked a severe escalation, leaving Israel with no alternative but to respond militarily to protect its citizens. The State of Israel views the current campaign not as a choice, but as a necessity imposed by a terrorist entity that has rejected every opportunity for coexistence.

This implies that past ceasefire agreements have been frequently violated, leading Israel to view immediate and decisive military action, as necessary. Furthermore, the intensity and brutality of the October 7 attack eroded Israeli public and political willingness for negotiation. Nevertheless, under the framework of JWT, even imperfect negotiations or

third-party interventions should have been attempted visibly and persistently. Tyler (2023) emphasizes that the legitimacy of last resort depends not on the likelihood of success but on the genuine effort to avoid violence. Therefore, despite contextual challenges, Israel's limited exploration of non-military options weakens its adherence to the moral standards.

In regard to 2023 event, the study establishes that there is insufficient evidence that all peaceful alternatives were exhausted before resorting to large-scale military force. Human rights groups argue that diplomatic and political channels were not fully explored before launching military operations.

The failure to explore diplomatic alternatives or targeted military operations that minimize civilian harm calls into question whether Israel's military actions were truly necessary (Amnesty International, 2024).

The last resort principle requires exhausting all peaceful alternatives before engaging in war. In asymmetrical settings, diplomacy and targeted strategies are critical given the proximity of civilian populations and the high risks of full-scale offensives. Failure to pursue non-violent options reflects either a lack of will or poor conflict planning. Amnesty International (2024) notes that diplomatic channels were not sufficiently utilized before military escalation. The absence of negotiation efforts challenges the claim of necessity. Israel's actions appear premature and excessive given the alternatives that were available. Resorting to war without credible attempts at peace violates core ethical standards.

Turning to *jus in bello*, the principle of discrimination requires combatants to distinguish between military targets and civilians. The use of explosive weapons in densely populated urban areas significantly heightens the risk to non-combatants. OCHA (2024) reported that Israel's air campaign failed to minimize civilian harm and repeatedly targeted areas with high population density. According to the High Commissioner for Human Rights, Volker Türk: "The requirement to select means and methods of warfare that avoid or at the very least minimize, civilian harm appears to have been consistently violated." Residential towers, hospitals, ambulances, and UN-run schools were repeatedly hit (Burke, 2023). The study acknowledges that asymmetric opponents often operate within civilian zones, nevertheless this does not absolve state actors of responsibility to minimize harm. Reports from OHCHR and Human Rights Watch confirm that Israel targeted civilian areas including schools, hospitals, and residences, violating the principle of discrimination. Despite claims of precision-guided munitions, the high civilian toll indicates failure in target selection. Discriminating between military necessity and civilian immunity is a moral imperative, not a strategic inconvenience. Israel's conduct raises serious doubts about compliance with *jus in bello* obligations.

One of the most controversial incidents was the bombing of the Al-Maghazi refugee camp, where dozens of civilians were killed in an airstrike targeting a Hamas operative (Rosenbaum, 2025). Satellite images and eyewitness accounts revealed extensive damage to residential areas, with no visible military infrastructure nearby. Similarly, the attack on a United Nations Relief and Works Agency (UNRWA)-run school sheltering displaced families killed over 20 people, despite prior communication with Israeli forces (Burke, 2023). These incidents suggest a breakdown in applying the principle of distinction or an undervaluing of civilian lives in operational planning. In many cases, no follow-up investigation was conducted, fuelling concerns over accountability. Such incidents tarnish the credibility of distinction claims.

The following figure depicts the November 5, 2023, bombing of the Al-Maghazi refugee camp, in which at least 45 civilians, mostly women and children, were killed during an Israeli airstrike allegedly targeting a Hamas operative.



Figure 1. The bombed Al-Maghazi refugee camp
Source: CNN, 2023

Furthermore, the principle of proportionality under *jus in bello* is difficult to reconcile with the sheer scale of destruction. It states that the amount of force employed in military operations must match the desired military benefit (Statman et al., 2020). Human Rights Watch (2024) notes that by June, Israel's strikes had rendered approximately 70% of Gaza's population displaced, with 60% of infrastructure rendered non-functional. When civilian suffering eclipses any measurable strategic gain particularly when Hamas remains active, ethical proportionality becomes untenable. Based on the outcomes of the study, the destruction caused by Israeli operations far exceeds what would be considered proportionate military response, given the extent of harm to civilians and infrastructure. Senior officials' statements and the scale of devastation indicate deliberate use of overwhelming force.

Proportionality in war further requires that the harm inflicted in any single attack be proportionate to the immediate military advantage gained. In urban conflict, this principle must be rigorously applied to avoid excessive destruction in civilian zones. The rhetoric of total destruction and punitive measures undermines this balance. Alabi (2024) and OHCHR reports point to destruction beyond what is required to neutralize Hamas. Israel's military actions appear to violate *in bello* proportionality by causing far more harm than necessary for operational success. Ethical conduct in war demands precision, not annihilation.

Between October 2023 and February 2024, more than 30,000 Palestinians were killed, with over 70% identified as women and children (United Nations Office for the Coordination of Humanitarian Affairs, 2024). On the Israeli side, approximately 1,200 civilians and soldiers were killed during the October 7 attack and subsequent operations. Infrastructure damage in Gaza includes over 60% of homes destroyed or severely damaged, and near-total collapse of power, water, and healthcare systems. Educational institutions, religious sites, and UN-run facilities also sustained significant destruction. These figures underscore the widespread humanitarian toll of the conflict. The scale of loss raises serious questions about proportionality and restraint.

Damage assessments by Qumsiyeh (2024) estimate reconstruction costs in the billions, with long-term socio-economic effects. Israel's use of aerial and artillery strikes in populated zones accelerated infrastructural devastation. Civilian displacement also reached unprecedented levels, with over 1.7 million people forcibly moved within Gaza. Such

extensive civilian and infrastructural losses challenge the legitimacy of the military campaign. This data illustrates the urgent need for accountability and adherence to proportional warfare doctrines.

Israel's use of heavy artillery and airstrikes in Gaza's densely populated neighbourhoods has drawn substantial international criticism. According to the Amnesty International,

Repeated use of explosive weapons in populated areas, such as the widespread aerial bombardment of Khan Younis and Gaza City, demonstrates a pattern of military conduct that raises serious legal and ethical questions. These attacks often resulted in civilian casualties and long-term displacement (Amnesty International, 2024).

Given the high population density, even precision-guided munitions have caused widespread collateral damage. Military analysts note that such tactics, while effective against fortified Hamas positions, often result in indiscriminate civilian harm (Efrony & Shany, 2018). IDF operational strategy appears to prioritize rapid target neutralization over civilian safety. This raises ethical concerns about the choice of weapons and methods in urban warfare. Proportionality under *jus in bello* requires consideration of area effects in relation to civilian exposure.

Military necessity entails using the least harmful means available to achieve a legitimate objective (Connolly, 2017). In asymmetric conflict, where alternatives such as intelligence-driven strikes or negotiations exist, the use of sweeping aerial bombardments is ethically suspect. Urban environments heighten the stakes, requiring extra restraint. Amnesty International (2024) highlights Israel's neglect of less destructive options and the recurring pattern of escalation. These sources point to the availability of alternatives that were ignored or underutilised. The unnecessary scope of military force used contradicts the ethical standard of necessity. Without exploring precise and limited interventions, the use of force becomes ethically unjustified.

Furthermore, necessity raises fundamental questions about the intersection of military strategy and ethical responsibility in asymmetric warfare. When a state possesses overwhelming military superiority, as Israel does, there is an even greater ethical imperative to exhaust all alternatives before resorting to actions that put civilians at risk. The historical record suggests that extensive military operations in densely populated areas often result in a cycle of violence that can perpetuate conflict rather than resolve it (Renic, 2019).

The October 31st airstrike on the Jabalia refugee camp resulted in over 80 civilian deaths, targeting an alleged Hamas commander (Khadder et al., 2023). Human rights organizations questioned the necessity of such a strike in a densely populated civilian area. No independently verified evidence confirmed the commander's presence, and satellite imagery showed widespread residential destruction. Similarly, the destruction of the Al-Shifa Hospital accused of being a Hamas command center led to international condemnation. Despite prior intelligence reports, no definitive evidence of military activity was found at the site following the attack. These cases exemplify how claims of military necessity often become subjects of contestation and dispute.

Israel has often invoked the concept of pre-emptive necessity, arguing that intelligence on impending attacks justifies striking first. This doctrine is rooted in the Caroline Test (1837), which permits pre-emptive force only if the threat is "instant, overwhelming, and leaving no choice of means." During the Gaza conflict, many Israeli strikes were justified on grounds of preventing future rocket attacks or thwarting tunnel incursions. However, some scholars argue that expanding the logic of pre-emptive action risks eroding the threshold for legitimate use of force. The reliance on anticipatory justifications often lacks transparent disclosure of specific intelligence, which raises serious doubts about the immediacy of the

threat. As a result, the concept of 'pre-emptive necessity' has become a contested rationale, both morally and legally.

Table 1. Ethical assessment of Israel's 2023—2024 military conduct using JWT

Just War Principle	Explanation	Source and Ethical Implication
Just Cause	Justified attacks in Gaza under self-defense despite its status as an occupied territory.	Albanese (2024): Occupation nullifies legitimate self-defense claim under international law
Right Intention	official statements framed goals as destroying Hamas and treating all Gazans as complicit.	Overton (2023): Shows retaliatory and punitive motivation rather than restoring peace.
Last Resort	Immediate initiation of airstrikes with little attempt at de-escalation or negotiation.	Angwomadoko (2024): Military action prioritized over diplomatic alternatives
legitimate Authority	justified as initiated by the legitimate government however amid global condemnation.	OHCHR (2024): Lacks legitimacy in absence of multilateral endorsement and continuous control of Gaza
Discrimination	Targeting of civilian infrastructure: schools hospitals (As-Shifa), and refugee camps.	Amnesty (2024): Violates civilian immunity; fails principle of distinction.
Proportionality	Over 37,000 killed in Gaza vs 1200 in Israel; massive urban destruction.	HRW, OCHA (2024): Harm to civilians far exceeds military objectives; disproportional.
Military Necessity	Use of force in dense civilian zones like jabalia despite foreseeable civilian toll.	ICRC (2024): Tactical goals did not justify avoidable civilian harm.

The table above demonstrates the Just war violations across all major JWT principles, suggesting that the military conduct failed to meet established ethical standards for justified warfare under international humanitarian law. As summarized in Table 1, Israel's conduct during the 2023–2024 Gaza conflict raises concerns across all major ethical dimensions of JWT as it highly departs from just war.

Table 2. Civilian casualties in the 2023-2024 Israel-Hamas conflict

Date	Number of Civilian Casualties	Sources
October 2023	1,200 (killed Israel)	Al Jazeera (2023), First Post (2023), BBC (2023)
Oct 2023 - June 2024	37,084 (killed in Gaza)	UN Office for the Coordination of Humanitarian Affairs (2024) Amnesty International (2023)
Oct 2023- June 2024	84,494 (Wounded in Gaza)	International Committee of the Red Cross UN Office for the Coordination of Humanitarian Affairs (2024) International Committee of the Red Cross

This data shows the disproportionate human cost of the conflict and provides empirical weight to the ethical assessment. Although the preceding analysis outlines significant ethical concerns with Israel's conduct, it is important to consider perspectives that challenge this view. It includes counterarguments and ethical implications in this paper as it to demonstrate intellectual honesty, analytical depth, and a comprehensive understanding of this complex case. This section acknowledges and engages with opposing viewpoints while critically examining their validity through the lens of JWT. It strengthens the analysis and contributes to a more nuanced understanding of the ethical dimensions of the conflict.

It is important to recognize that Israel, as a sovereign state, holds an inherent right and responsibility to protect its citizens from violent attacks. The October 7th assault by Hamas, which resulted in the death of over 1,200 people and the abduction of civilians, represented a severe breach of security and a traumatic national event. In the face of such aggression, Israel's decision to respond militarily aligns with the principle of self-defense recognized under international law. Moreover, [Byman \(2020\)](#) argues that the ethical burden placed on democracies confronting terrorism is disproportionately high, and that expecting absolute precision and restraint in densely populated conflict zones may be unrealistic. He states that

“When confronted by an adversary that hides among civilians and uses human shields, Israel faces ethical dilemmas that few other modern democracies encounter.

Supporters of Israel's military response often invoke the state's fundamental right to self-defense, viewing Hamas's tactics as necessitating strong countermeasures (Angwaomaodoko, 2024). While this position holds weight under international law, the extent of civilian impact seen in Gaza complicates its ethical standing.

The asymmetrical nature of the conflict raises further ethical issues. It places greater responsibility on Israel to exercise restraint and minimize civilian harm. Although self-defense is still a legal right under international law, it cannot be used as a justification for using excessive force. As state and non-state actors engage in more battles in modern warfare, the application of JWT must change to balance these power disparities while upholding its fundamental moral precepts.

The argument that Israel's actions are necessary for regional security and deterrence also warrants examination. Supporters maintain that demonstrating resolve and military capability serves to deter future attacks and protect Israeli civilians (Reis & Wald, 2024). However, this strategic calculation must be weighed against the immediate humanitarian costs and long-term implications for peace. The extensive civilian casualties and infrastructure destruction may create conditions that perpetuate conflict rather than resolve it, potentially undermining both security objectives and ethical principles.

Furthermore, it is impossible to overlook the conflict's wider ramifications for international humanitarian law and moral standards in combat. Israel runs the risk of undermining the normative framework that regulates armed conflict if its military approach is seen as going beyond moral limits. The ability of the international community to uphold humanitarian values and future conflicts may be significantly impacted by this decline in standards. The moral underpinnings that hold governments responsible for their actions during times of war may be weakened if these ethical transgressions are not sufficiently addressed.

The cycle of violence perpetuated by the conflict presents additional ethical challenges that extend beyond immediate military considerations. Each round of hostility deepens grievances, complicates reconciliation efforts, and makes sustainable peace more elusive. The destruction of civilian infrastructure and displacement of populations create long-term humanitarian consequences that persist long after military operations conclude. This suggests that even if certain military actions can be justified through narrow interpretations of JWT, their broader ethical implications may still render them problematic. While supporters of Israel's military campaign present legitimate concerns about security and self-defense, the scale and nature of operations in Gaza raise significant ethical questions when analyzed through JWT. The high civilian casualty rate, extensive infrastructure damage, and potential violations of international humanitarian law suggest that the response may exceed ethical bounds, even accounting for the complexities of asymmetric warfare. This analysis underscores the need for careful consideration of both immediate military necessity and broader ethical implications in contemporary conflicts.

CONCLUSION

This study has critiqued Israel's military conduct during the 2023–2024 Gaza conflict through the lens of JWT. The findings reveal substantial ethical breaches in both the justification for war (*jus ad bellum*) and the conduct during war (*jus in bello*), particularly concerning proportionality, discrimination, and necessity. This study found that while Israel had a legitimate claim to self-defence under *jus ad bellum*, its conduct during the conflict failed to meet the ethical and legal standards demanded by *jus in bello*.

Despite Israel's invocation of self-defence under Article 51 of the UN Charter, its claims to just cause, right intention, and legitimate authority are undermined by the context of prolonged occupation and the use of force against a non-state actor within a densely populated civilian area. The rhetoric and strategies adopted by Israeli leaders and military officials suggest a punitive posture rather than a strictly defensive one, raising moral concerns under both ethical and legal frameworks.

The analysis also found that Israel's conduct in warfare especially its use of high-impact airstrikes, siege tactics, and apparent disregard for minimizing civilian harm, violates fundamental *jus in bello* norms. These violations are exacerbated by the nature of urban combat, where the failure to exercise restraint leads to disproportionate civilian suffering and long-term humanitarian crises.

While this study offers a comprehensive ethical evaluation of Israel's military conduct through Just War Theory, it is not without limitations. First, the analysis relies primarily on secondary data sources such as reports from international organizations, media outlets, and academic publications, which may be subject to interpretive bias or lack firsthand verification. Second, the study does not include primary field data such as interviews or eyewitness accounts, which could have enriched the empirical grounding. Third, the evolving nature of the conflict may mean that newer developments are not fully captured in the current analysis. Lastly, while Just War Theory offers a robust normative framework, it may not fully encapsulate the operational complexities and strategic imperatives faced in asymmetrical urban warfare. These limitations define the scope of the study and point to opportunities for further research that could expand upon its findings using complementary methods and additional data sources.

To uphold international law, Israel and other state actors engaged in asymmetric warfare must revise their military doctrines to prioritize civilian protection, particularly in densely populated urban environments. Clear accountability mechanisms should be established to investigate violations of *jus ad bellum* and *jus in bello* principles, with support from international bodies like the ICC and UNHRC. Diplomatic avenues and non-military strategies must be pursued exhaustively before resorting to large-scale force, especially when dealing with non-state actors. International policymakers should strengthen the operationalization of JWT in modern conflicts by integrating it into rules of engagement, training, and oversight frameworks. Lastly, humanitarian access and infrastructure protection should be guaranteed during conflicts, and any rhetoric encouraging collective punishment must be internationally condemned and sanctioned.

The findings also resonate with existing scholarly debates on Just War Theory. Walzer's emphasis on civilian immunity and restraint is echoed in the critique of Israel's indiscriminate targeting. Frowe's concerns about proportionality are directly relevant in evaluating urban airstrikes, while Renic's arguments about the ethical burden in radically asymmetric warfare highlight the need to reassess traditional assumptions about just conduct. These perspectives ground the analysis in a broader theoretical context and reinforce the need for ethical reforms. This study advances Just War Theory by demonstrating how traditional principles struggle to account for ethical decision-making in urban, asymmetric warfare, revealing the need for reinterpretation in contexts involving non-state actors and high civilian density.

While this study applies classical Just War Theory, the findings also raise important questions about its adaptability in asymmetric conflicts. Cases like NATO's engagement with the Taliban or the U.S. campaign against ISIS reveal similar dilemmas where non-state actors blur civilian boundaries. Future research should explore how JWT can be reinterpreted or extended to remain normatively relevant in irregular warfare involving hybrid threats and

civilian entanglement. Future research should also apply this framework comparatively across other asymmetric conflicts to refine the ethical thresholds of civilian protection in war.

To address the challenges of asymmetric warfare, military ethics must evolve alongside advancements in technology and tactics. One proposed innovation is the implementation of ethical kill chains, which include real-time human oversight, independent review, and after-action assessments. These systems are designed to ensure that strike decisions are not only legal but also morally defensible. Another recommendation is to integrate humanitarian officers into military planning teams to better assess risks to civilians. Additionally, legal experts advocate for revising the principle of proportionality to account for cumulative harm, rather than focusing solely on isolated incidents.

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