

Has the Iron Dome Changed the Legitimacy of Responding to Rocket Threats?

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Abstract

Technology has changed the means in how warfare is carried out in respect to offense and defence. Yet, the consequences of warfare have not changed to that regard as suffering remains a significant characteristic of war. In respect to that, the moral framework related to warfare known as the Just War Tradition has neither lost its relevance in relation to contemporary warfare. Israel's Iron Dome is a defensive technology that prevents rockets hitting targets in Israel. Rocket warfare is one of Israel's main security threats. Israel's deployment of the Iron Dome was in response to the rocket threat. The current thesis investigates the implications of what deploying an effective defensive system has for subsequent legitimacy when resorting to offensive military force. It asks whether the Iron Dome has changed the legitimacy of responding to rocket threats. The question is assessed in reference to the Just War Tradition and to security literature. The thesis finds that the Just War criteria of last resort and proportionality have become harder to meet after the deployment of the Iron Dome. On the other hand, it finds no proof that it would be sensible to replace offensive force completely with the Iron Dome as the Iron Dome does not eliminate the terror threat posed from rockets. The thesis attempts to demonstrate that the complexity of legitimacy and the Iron Dome should be understood in reference to both findings rather than excluding each other.

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Table of Contents

Chapter 1: Introduction	5
Chapter 2: The Iron Dome System	9
Controversy about success rate.....	11
Weaknesses.....	12
Chapter 3: The Normative Framework of the Just War Tradition	14
Background.....	14
Jus ad bellum and jus in bello.....	18
Right intension.....	19
Just cause.....	19
Right Authority.....	21
Last resort.....	23
Prudence/reasonable chances of success.....	24
Proportionality.....	24
Discrimination.....	28
Just War today.....	29
Chapter 4: The Iron Dome, the Just War Tradition and Legitimacy	31
Right intension.....	31
Just cause.....	32
Right authority.....	33
Last resort.....	35
Prudence/reasonable chances of success.....	39
Proportionality.....	39
Discrimination.....	50
Chapter 5: Security and the Iron Dome	51
Chapter 6: Conclusion	54
Bibliography	60

Chapter 1: Introduction

Now that Israel has acquired the Iron Dome it is important to reconsider Israel's right to use force. The Iron Dome has made Israel a safer place regarding rocket threats. It has further made the conflict between terrorist organizations (e.g., Hamas, Hezbollah) and Israel even more asymmetrical as it is harder for Hamas and Hezbollah to harm Israel with rockets. Because of their decreased ability to harm Israel with rockets people might conclude that Israel's legitimacy of responding to rocket threats has been altered too. Such statements were expressed during Israel's latest war 'Operation Protective Edge'. One such example belongs to a Tel Aviv based human rights activist which tweeted

'We are targeted by mostly shitty rockets. Gazans are being shelled with heavy bombs. We have shelters, sirens, Iron Dome. They have 0' (Jones, 2014).

Such views may imply that Israel should show more restraint in its future operations. On the other hand, voices were also heard that just because Israel has made it safer for its residents Israel's security efforts should not be held against it. When the Iron Dome system first was deployed in 2011 Benjamin Netanyahu, Prime Minister stated in front of the cabinet in Jerusalem that

'I do not want to create an illusion that the Iron Dome system, which we are deploying for the first time today, will provide a full or comprehensive response.....The real response to the missile threat is in the combination of offensive and deterrent measures with defensive measures, and with a firm stance by the government and public' (Al Jazeera, 2011).

This thesis will assess whether the Iron Dome has changed legitimacy for responding to rocket threats. This will be evaluated through two components. On the one hand, the issue will be addressed by looking at the Just War Tradition and seeing whether the element of the Iron Dome alters legitimacy regarding proportionality and last resort mainly. Today, proportionality has become a commonly used word when people are talking about illegitimate military actions. The fact that the Iron Dome, when successful, prevents almost perfectly physical damages on the country may mean that the threshold for responding to rockets has been altered when the principle of proportionality and last resort are to be met. However, there are more layers to the issue as last resort can be assessed through different glasses, like humanitarian perspective solely, or national interests, such as Israel having the obligation to keep its citizens safe from terror. The problem about responding is the collateral damage that usually comes with such actions, especially in asymmetrical conflicts.

The other component that the thesis will include when evaluating the threshold for responding to rocket threat is the security component. It will evaluate Israel security efforts to such threats and address whether the Iron Dome has changed anything regarding that. There will be assessed whether it makes sense from a security perspective to replace offensive military capabilities completely with defensive security or whether it makes more sense to combine the two. The discussion is made in reference to literature by military experts, mainly engaging with Israel's security strategy.

The thesis will conclude that on the one hand, based on the normative framework of the Just War Tradition the principles of proportionality and last resort are sensitive, as the value of human life cannot be compared to economic benefits. On the other hand, based on the

principle of sovereignty governments are obliged to keep citizens safe and if a threat can be eliminated it is the government's obligation to eliminate that threat regardless of whether 1 or 50 people will die on your own side. The government cannot tolerate terror if the people will not tolerate terror. If it will, it will possibly lose legitimacy. On the other hand, the efforts the government takes to respond to such threats needs to be proportionate. It does not mean that it has to wait until deaths happen on one side. Nevertheless, it still needs to respond in a proportional matter if it wants to keep its international legitimacy and comply with international law, while keeping domestic legitimacy and securing safety for its citizens based on the principle of sovereignty.

Having unfolded the two components and issues related to the Iron Dome it may become clear that the two may conflict each other at times and legitimacy should be evaluated based on both. It is not Israel's main responsibility to keep residents in Gaza safe, but it is Israel's responsibility not to respond disproportionately because the rights of the Gazan's are equal to the rights of Israelis from an international point of view or universal human rights point of view if you will. Thus, the Iron Dome has made Israel vulnerable to the moral principles of last resort and proportionality (Kamm, 2014). On the other hand, the Iron Dome has not taken away Israel's right of self-defence (Kasher, 2010) and its responsibility to ensure limited terror (Ben-Israel, 2015) with psychological and physical effects upon its society (Stenzler-Koblentz, 2014). This thesis will show that these components are conflicting and should be assessed together rather than excluding each other.

The second chapter of the thesis gives an introduction to the Iron Dome. The third chapter addresses the theoretical framework of the Just War Tradition while the fourth chapter engages

with the question on the Iron Dome and legitimacy in reference to the theoretical framework which was established in chapter three. The fifth chapter assesses the Iron Dome from a security perspective by evaluating whether it makes sense to replace offensive military actions completely with the Iron Dome. The final chapter summarizes the previous chapters and offers a discussion in reference to prior chapters and outlines the conclusions.

Chapter 2: The Iron Dome System

The Iron Dome system is a defensive system with the purpose of detecting and eliminating threats in the air, such as rockets, artilleries and mortars. The system consists of a mobile detection and tracking radar, a multi-mission radar (MMR), a battle management and control unit, sensors, and mobile missile firing unit (MFU) with TAMIR interceptors (Rafael, Defense Against Short Range Artillery Rockets). There are three launchers and each of these is equipped with twenty interceptor missiles (Shapir, 2013: 82). In other words this means that the system can detect various incoming threats, mainly rockets, and in response is able to launch a missile which is designed to track the incoming rocket and intercept it in the air before it hits its target. The system is capable of operating in any weather conditions, including low clouds, rain, dust storms and fog. It is able to distinguish between threats that are headed towards an area necessary of defence and those that are headed towards the sea or an open area. Because of this, it reduces the cost of the Iron Dome as it avoids launching unnecessary inceptors. A single launcher is capable of protecting a medium sized city (Rafael, Defense Against Short Range Artillery Rockets). The cost of producing an Iron Dome battery is about 45 million USD (Mizroch, 2012). A single Iron Dome TAMIR missile, which is being used to fire at a Grad or Kassam rocket costs around 40.000 USD according to Mizroch (2012), or around 50.000 USD according to Kober (2013) or around 60000 USD according to BBC (2012). On the other hand, the damage inflicted by one rocket on a target in Israel is estimated to cost around 190.000 USD if damaging a property and approximately 750.000 USD if killing an 'average' middle aged Israeli (Kober, 2013). Consequently, the cost of the Iron Dome system outweighs the risk of not using it.

The Iron Dome has been developed by Rafael Advanced Defense System in cooperation with Elta Systems which has produced the radar while mPrest has developed the command and control system (Shapir, 2013: 81). The development began in 2005 and received a boost after the Second Lebanon war in 2006. After the rocket fire during Operation Cast Lead in Gaza in 2008 the development of the Iron Dome further accelerated. The final test of the system was conducted in late 2010. The first battery was deployed on the 28th of March 2011. This was in the Beersheva area and a week later the second battery was deployed in the Ashkelon area. The first rocket shot down by the Iron Dome was on the 7th of April 2011. By November 2012 during Operation Pillar of Defense five batteries had been deployed in areas all over Israel (Shapir, 2013: 82). In July 2014, at the time of Operation Protective Edge, 10 batteries had been deployed throughout Israel (Lappin, 2014). In December 2014 another one was deployed in Beer Sheva and Netivot area in southern Israel (Seidler & Cohen, 2014) and in January 2015 an additional battery was deployed in the north near Israel's border with Lebanon (Blumenkrantz & Houry, 2015).

The Iron Dome is said to have been successful 90 percent of the time during Operation Protective Edge, which lasted for 50 days. It intercepted 735 rockets coming from Gaza. A lot more rockets were sent from Gaza but they either failed to reach Israel or were heading towards open areas and were thus intentionally not intercepted by the Iron Dome. During Operation Pillar of Defense in 2012, which lasted for eight days, the success rate of the Iron Dome was 84 percent intercepting 421 rockets from Gaza (Opall-Rome, 2014). According to Uzi Rubin, a former director of Israel's Missile Defense Organization and an international consultant on emerging threats, the Iron Dome saved the lives of at least 60 people during Operation Protective Edge. That number is based on an analysis of around 11000 rocket

attacks on Israel for the past ten years comparing Israeli casualties before the deployment of the Iron Dome to after its deployment (Opall-Rome, 2014).

Controversy about the success rate

There has been some controversy around Iron Dome's success rate. Theodore Postol, an MIT scientist, argues that the success rate of the Iron Dome during Pillar of Defence was as low as 5 percent and that it did not improve much during Operation Protective Edge (Postol, 2014). He claims that if an interception should be successful the rocket needs to be approached head-on, while photographs from Operation Pillar of Defence show that this was not so. He claims that the reason there has been so low casualties during the last two wars is due to early warnings by sirens and shelters (Postol, 2014). Others have made similar assertions (Pedatzur, 2013). Another claim has been put forward that the Iron Dome has only been successful 40 percent of the time (Broad, 2013). What the sceptics of the Iron Dome however need to prove is why the property damage has been considerably lower after having acquired the Iron Dome. Furthermore if the low number of fatalities is due to early warnings of rockets and the access to shelters the sceptics need to account for why the death toll was significantly higher in the Second Lebanon War in 2006 compared to the last two wars, because shelters and sirens were functional in all of those wars (Landau & Bermant, 2014: 39). In the Second Lebanon War in 2006, before the Iron Dome had been acquired, Hizbollah shot around 4000 rockets into Israel and this caused 53 Israeli deaths (Rubin, 2007). In Operation Protective Edge 3360 rockets were shot into Israel (IDF website, 2014) which resulted in two Israeli civilian dead by direct hit from a rocket (there were more civilian deaths due to indirect rocket fire). In 2006 there were 30.000 insurance claims for damage while as of September 3, 2014, there had been around 2400 claims of property damage (Rubin, 2014). Regarding

property damage, comparing the numbers of insurance claims for damage in 2006 to 2014 further exemplifies that the Iron Dome has had a significant role in protecting damage upon Israel (Landau & Bermant, 2014: 39). Nevertheless, it should be noted that the disparity in property damage may partly be due to the fact that the north of Israel is more heavily populated than the south.

Weaknesses

Even though the Iron Dome has made residents of Israel safer critique of the system has also been presented. The system has so far had a success rate of 90 percent (Kober, 2013). This means that there is still a 10 percent chance to be hurt or killed by rockets. Furthermore, it does not protect the villages by the Gaza border from mortars. The system is unable to shoot down rockets and shells with a range less than 5-7 kilometres coming from Gaza and is not able at all of shooting down mortar shells (Shapir, 2013: 84). Moreover, when the incoming rocket from the enemy is being intercepted one still needs to protect oneself from the parts falling down of the intercepted rocket as well as the interceptive rocket. The daily routine of residents in Israel is still disrupted because people still need to go to shelters as the system does not provide 100 percent safety. Thus, the society is still terrorised even though the safety has been enhanced (Kober, 2013). Regarding deterrence, Kober (2013) points out that if Israel will not act upon rocket attacks the enemy will not be deterred - only frustrated- and this will not discourage the enemy of continuously sending rockets into Israel. If Israel stops responding to rocket threats, because it can due to the low risk of death, the Israeli communities around the Gaza and Lebanon border will continuously suffer from a prolonged conflict. Lastly, Kober (2013) points out that the Iron Dome cannot handle large quantities of rockets being fired at the same time efficiently and this will result in an arms race, because it

will encourage the enemy to increase its quantities of missiles and rockets in order to penetrate Israel's defensive cover. Common criticism of the Iron Dome is also often raised in relation to that due to low casualties on the Israeli side because of the Iron Dome the legitimacy for responding to rocket threats has been weakened. This will be addressed in detail in subsequent chapters.

Chapter 3: The Normative Framework of the Just War Tradition

The Just War tradition examines on what ground violence can be justified. Realism and pacifism are two opposing views regarding the justifications of states' right to use force. Traditional realists argue that ethics do not apply to warfare. The use of force is sometimes necessary for state survival while pacifism advocates complete resistance to violence. The Just War Tradition seeks to find a middle ground between these views (McMahan, 1991). It acknowledges that the use of force is necessary at times but this does not exclude moral consideration regarding the use of force. Today the Just War Tradition is divided between *jus ad bellum*: the right to start a war, and *jus in bello*: how to fight rightly while in a war. This distinction has not been present throughout the whole evolution of the tradition but is today crucial for understanding the just war tradition (Rengger, 2013: 67).

Background

The language of the Just War Tradition is related as far back as the 5th century B.C. when Thucydides, in the Melian Dialogue, expresses wishes to win the war because he is fighting a right war (Christopher, 2004: 9). Furthermore, Plato talks about war as necessary evil in order to achieve peace (Taslaman & Taslaman, 2013-2014: 3). Nevertheless, Aristotle was the first one to use the term 'just war' when he discussed the wars fought by the Hellenes against the barbarians (Taslaman & Taslaman, 2013-2014: 3). Aristotle considered the wars fought by Hellenes against non-Hellenes as just since they were fighting barbarians. Wars were a natural event in acquiring rights, defending yourself if someone was trying to take your right and to enslave others which could not acquire same rights, such as the barbarians. This was

considered a just war by Aristotle, and once a just war had started all means to fight were legitimate (Russell, 1975: 3). Furthermore, the Greek thinkers did not distinguish between a just war and a successful one (Russell, 1975: 3). Thus, the term goes back to the times of ancient Greece, but the Just War framework is more correctly understood as starting in the mediaeval times (Johnson, 1975: 7—8).

The Just War Tradition started to gain deeper levels in the early Christian era out of the necessity to convince Christians in joining the battles. Pacifism was viewed as the correct path by the Christians. Thus, the rulers of the time needed to find a way to justify wars in response to pacifism in order to recruit Christian fighters (Russell, 1975). Augustine claimed that war was not intrinsically evil when trying to convince the Christian soldiers to go to war. He argued that those going to war out of the mere love for violence, cruelty, enmity, greed and lust of power were wrong. When fighting against these you were fighting on justified reasons. Augustine claimed that not only is it allowed for Christians to fight but it is also a duty to go to war in order to protect one's neighbour when necessary as long as not disrespecting certain criteria (Russell, 1975) which will be addressed later. Augustine, who wrote around year 400 A.D. was, nevertheless, not the first Christian thinker to engage with the problem of Christianity and violence, (it is mentioned in the New Testament), but he was the first one to engage with the issue more systematically and placing it in the context of a theological worldview. By this, he shaped the just war doctrine in a more solid way and established a framework for subsequent thinkers. Johnson (1981: xxvi) argues that it was Augustine, Gratian and Thomas Aquinas who shaped the early Just War doctrine.

The central form of the Just War framework in the medieval times took shape at the end of the thirteenth century based on the broad foundations established in the twelfth century (Russell, 1975: 292). At the time of year 1300 the Just War discourse had developed into a framework of Christian morality and restrictions of violence (Russell, 1975: 301). During this time the Just War took a shift from being a consideration of morality to being a legal matter (Russell, 1975: 302). The Just War continued to evolve not necessarily attached to Christianity with thinkers like Francisco Vitoria (1492-1546) and Hugo Grotius (1583-1645) when applying the terms to political conditions of their own (Johnson, 2006: 168). The doctrine started to be considered as natural law and became more secular in the period of Vitoria and ended with the period of Grotius (Johnson, 2006). Because of this, one can say that the Just War Tradition has developed out of the need to justify wars on juridical, moral and religious bases (Russell, 1975: 1).

Today most scholars emphasize the distinction between *jus ad bellum* and *jus in bello*. Nevertheless, Rengger (2013: 71) points out that the early thinkers most associated with the tradition, such as Augustine and Aquinas, made no distinction between *ad bellum* and *in bello*. James Turner Johnson (1975: 7-8) puts forward that the Just War Tradition in its classic form as known through Augustine and theologians and canonists of the Middle Ages is not what the Just War Tradition is today. The Just War doctrine with the distinction of *jus ad bellum* and *jus in bello* did not exist until at the end of the Middle Ages. Therefore, Johnson (1975: 7-8) argues that it is not correct to speak of a classic Just War doctrine that existed before around the year of 1500. The *jus in bello* developed particularly in the early modern period, and again in the later modern period and this development has shaped the Just War Tradition to how we see it as a whole today (Rengger, 2013: 67). Today some of the principles of the Just War Tradition have partly been incorporated into international law and

others have become to be based on human rights. Nevertheless, the original question relating to the Just War Tradition was the question whether is it justifiable for Christians to participate in war (Johnson, 1981: xxv). Nonetheless, not all contemporary Just War scholars agree entirely on Johnson's claim that the tradition is at root a Christian tradition but put forward that similar ideas are evident in classical Greek thought and thus the tradition is not distinctly of Christian origin (O'Driscoll, 2015).

The Just War evolution slowed down in the early modern era and started to get more attention again in the middle of the twentieth century. The revival in the second half of the twentieth century was due to events like the bombing of German cities in the Second World War in response to similar behaviour by Germany earlier in the war. This led Bishop George Bell to protest the actions on Just War grounds as he argued that the bombings could only be understood as intentional targeting of innocent civilians. Furthermore, the use of nuclear weapons against Japan evoked a similar debate (Rengger, 2013: 82). During the Cold War the Just War Tradition mostly evolved by having nuclear issues at the centre of the ethical dilemmas (Reed & Ryall, 2007: 2). Similarly did the discourse around humanitarian interventions in the 1990s draw attention to the Just War framework. The responsibility to protect norm, often referred to as R2P, which was embraced in a document by the International Commission on Intervention and State Sovereignty (ICISS) has also raised further attention to the justified right to use force (ICISS, 2001). Finally, the Iraq war evoked a new debate regarding the interpretation and limits of the just war (Reed & Ryall, 2007: 1).

Jus ad bellum and jus in bello

As mentioned, the Just War Tradition cannot be understood as a single coherent theory and thus I refer to it as the Just War Tradition and not the Just War theory. The principles have evolved within different contexts and more attention has been given to some of them compared to others during different times. Different authors have also given more attention to some principles while ignoring others. The criteria that are necessary for a just war today concern principles of right intention, just cause, right authority, last resort, prudential consideration (also called reasonable chance of success) and proportionality. The jus in bello concern two criteria. The principle of proportionality must be applied in battle and the other one is discrimination (or avoiding intentional harm) in battle (Bellamy, 2006: 121-127). In regard to contemporary discourse on just and unjust use of force it is also necessary to mention the principle of necessity. The principle of necessity is part of international law (Tsagourias, 2011) which has been influenced by the Just War Tradition but has not evolved necessarily attached to the Just War Tradition. In the mid-1950s international law was caught up between its embracement of wars based on defensive necessity and its vague rejection of excessive and indiscriminate force in accordance to the laws of war. Because of lack of answers when turning to international law the Just War Tradition started to gain more attention (Falk, 2004). Furthermore, this potentially explains why today legality (international law) and legitimacy (just war tradition) are often not distinguished in the public discourse concerning wars and the right to use force and how to use it rightly, as Baruch (2014a) demonstrates in her article about Operation Protective Edge.

Right intention

Right intention means that a state must have right intentions for waging a war and cannot, say, claim it is fighting on behalf of a humanitarian intervention while it is actually fighting a regime for gaining control of the oil market because of selfish reasons. Scholars that engage in the debate on justified humanitarian intervention, for example, have different views on whether right intention is necessary for initiating a justified military intervention if the outcome raises the utility anyway. Some thinkers argue that even though the intervener does have additional intentions than only saving innocent lives from a genocidal leader, an intervention can still be justified as long as it is also saving lives (Wheeler, 2000: 38-39). Moreover, reasons for deterrence can also be a motivating factor for going to war. For example, if Israel only goes to war with Hamas in order to deter them and not because a war is inescapable it does not fit the criteria of right intention.

Just cause

Just cause is closely related to the right intention but it means that the cause for initiating war must increase utility or justice and cannot be solely for punishing a wrongdoer. Today, a cause is considered just if a state is in need to attack because of self-defence. Article 2(4) and article 51 of the UN Charter pronounces that states can only resort to the use of force for defensive purposes. Other than that it is only the Security Council that may authorise the use of force in cases when world peace and security is threatened. Chapter 7 of the UN Charter may in such cases authorise the use of force in order to restore world order (O'Dricoll, 2009: 28). Nevertheless, a broader concept of just cause is evident in some of the early Just War thinkers. Aquinas (1948) notes that

‘A just cause is required, namely that those who are attacked should be attacked because they deserve it on account of some fault’.

In this regard, the reasons for the one who deserves it may be different. Does he deserve it because it will restore future peace or is it solely to punish him? Nevertheless, the principle of right intention, which Aquinas also emphasised, excludes the option to only attack because of punishment when stating

‘It is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good or the avoidance of evil’ (Aquinas, 1948).

Grotius on the other hand has a broader perception of just cause as he expressed a just cause to also allow punishment of the previous actions of the enemy (Russell, 1975: 5). Cicero further declared that wars could also be justified based on accounts to recover lost goods, defending territory, citizens and the existence of the independent city-state’s while also including punishment of the enemy’s previous actions (Russell, 1975: 5). The last concept, punishment of the enemy, is considered illegal today. Nevertheless, scholars such as O’Donovan and Elshtain offer a broader concept of just cause including permissibility to punish wrongdoers basing it on early Just War thinkers (O’Driscoll, 2006: 407). The language of good vs. evil by punishing wrongdoers and posing justification for going to war was also evident in Bush’s and Blair’s justifications for the Iraq war in 2003 (O’Driscoll, 2006: 407). Bush and Blair pronounced that Iraq had violated several UN Security Council resolutions concerning weapons of mass destructions. They claimed that if Saddam Hussein would not be punished the credibility of international law and UN system would weaken (O’Driscoll, 2006: 408). These were nonetheless not the only justifications posed for legitimising the invasion. Arguments for humanitarian intervention were also expressed (Bellamy, 2005). Yet, the fact that claims of punishing wrong and evil as necessary by Blair

and Bush in 2003 exemplifies how just cause may be used or misused for resorting to the use of force while not necessarily contributing to peace. These claims have also been widely condemned in the aftermath of the Iraq invasion. Bellamy (2005: 139) as one of them argues that the US has abused the humanitarian language for selfish reasons and has therefore destroyed its credibility for leading future humanitarian interventions (Bellamy, 2005: 139). Consequently, on the one hand the notion of just cause has potentially been perceived in a broader way in the 21st century do to the political language used following 9/11. On the other hand, such language as punishing wrongdoers has been just as much contested as accepted. I will turn to the implications of this again in the fourth chapter assessing the just cause and the Iron Dome.

Right authority

The actor that wages a war must have the authority to do so. That was established in the middle ages but there were however concerns about to whom the right authority applied - whether the emperor alone qualified as proper authority or whether it extended to the pope or even kings and princes. States had not been firmly established as we understand the notion today. It came eventually, however, to be agreed upon that the ones having the right to wage war were only those with no secular or judicial superior (O'Driscoll, 2009: 23). By this the classical Augustinian thought commenced into the middle ages as he had framed the proper authority as the one with a superior or lawful power (O'Driscoll, 2009: 23). There is evidence that the thought of right authority goes further back since the Greeks claimed that the right to wage war belonged solely to the *polis* (community) (O'Driscoll, 2015: 2). Moreover, in the fifth century private actors who went on military journeys themselves such as pirates and wayward generals were censured (O'Driscoll, 2015: 2). Today, legally it is still only states

that have the right authority to wage war. Nevertheless, there is currently an evolving debate whether right authority should be expanded to include non-state actors as contemporary wars do not solely concern state entities (Morkevicius, 2014). The reason why the notion of right authority has been located solely to the state in contemporary Just War discourse is because the rebirth of the tradition in the 20th century relied heavily on the legal paradigm and the IR theory paradigm where the state is the main actor (Morkevicius, 2014: 159). The downside of that is that it could reinforce oppressive practises as states take advantage of their superior right to use violence. Thus, there are suggestions in the debate that right authority should refer to political communities and not solely refer to states as (O'Driscoll 2009: 33). That would require implementing new standards for evaluating right authority of non-state actors (Morkevicius, 2014: 159). On the other hand, as Morkevicius (2014: 160) points out, doing that must not contribute to a decline of the statehood, whether seen legitimate or not, as states do provide public good. Non-state actors may represent a people and work for a cause on behalf of the people. Israel is in armed struggles with non-state actors like Hamas and Hezbollah. Hezbollah plays a significant part of the government in Lebanon (Gleis & Berti, 2012: 2). Gaza is not a sovereign state but it functions as an autonomous entity with effective control over Gaza (Berti, 2015: 9). Thus, the debate of right authority and definitions of political communities do have implications to which standards non state actors such as Hezbollah and Hamas should be accounted for regarding the right to use force. Whether such organisation can be viewed as a legitimate authority or not when using military force does nevertheless not mean that their use of force is automatically legitimate as they would also need to meet the rest of the Just War criteria in order to fight a just war. If we accept that an organisation such as Hamas can be perceived as a legitimate authority because it represent a people and with a legitimate cause (just cause) of self-determination, then it should follow that their actions should be held responsible to same standards as states. Arguments against

such claims emphasise that such organisations should not be held accountable to same standards as states as they are not sovereign. The laws and norms regarding the right to use force are designed for states and are prejudice towards non state actors and thus unfair. Due to that the non-state actors are not strong enough to fight the oppressive stronger state. Therefore non state actors cannot be held accountable to same standards as states when using force (O’Driscoll. 2009: 35-36). O’Driscoll (2009: 35) disputes such claims by expressing the double standards in only holding one side accountable to violence and neglecting the other. Such an order is undermining the rule of law rather than promoting it. In such cases the Just War Tradition would go against its original purpose by contributing to disorder rather than the opposite. Therefore, in order to keep the Just War Tradition relevant in the 21th century where asymmetric warfare is a significant security challenge to world order attention should be given to the debate on revising the concept of right authority. Potential implications of this will be discussed in chapter four in reference to right authority and the Iron Dome.

Last resort

War must only be the last resort. If peace can be achieved through other options there are no justifications for initiating a war. Nevertheless, there are difficulties with the concept of last resort. Walzer (2004: 54) argues that the last resort is actually ideologically last. It is last for the sake of excuses and not last in an actual series of actions. This means that there will always be infinite physical actions available (in theory) before initiating an attack or responding to an attack. There are infinite numbers of actions available before turning to the use of force - diplomatic procedures, economic sanctions, negotiations with the oppressor again and again and so on. However, on a practical basis this argument is useless when applied to certain situations. In regard to self-defence, there are infinite numbers of actions I

can do before I kill someone in self-defence even when the offender holds a gun to my face. I can try to move my head 1 cm before he pulls the trigger and move 1 cm more, or use force to remove his hand out of my face. However, on practical terms the argument is of little use if he is actually going to pull the trigger. The principle of last resort may thus be complex to apply to practical situations. Nevertheless, considering military options in regard to last resort keeps the practice of warfare potentially healthier and prevents us from going back to a time with the practice of aggressive wars.

Prudence/reasonable chances of success

Since the likelihood of hurting non-combatants in war is usually high it is wrong to wage a war if the chances of success are low. One must have the ability of fighting the enemy successfully when deciding to take action. One can have a just cause but not satisfy the criterion of reasonable chances of success. Kelly (2007: 213) exemplifies this by supposing that you have to remove a screw from a machine. You need a screwdriver for this but you only have a hammer. By removing the screw with the hammer will destroy the machine. Therefore, you cannot satisfy the *jus ad bellum* criteria and the war would be unjust.

Proportionality

Jus ad bellum is about holding political leaders accountable for going to war and *jus in bello* holds soldier accountable for actions in war (Bellamy, 2006: 128). Proportionality *ad bellum* means that the outcome of the war must be better than not going to war. The principle is met when war is seen as the lesser of all evils.

Proportionality is sometimes misperceived as a matter of comparing number of deaths on one side to number of deaths on the other side. A misunderstood perception of proportionality would be to argue that if less than 3000 people would be killed in Afghanistan due to US's response to 9/11 where 3000 American lives were lost then the US would not be guilty of disproportionality. Another case is to argue that if Israel's attack to prevent suicide bombers in executing their missions has killed more people in the Palestinian territories compared to how many people have died in Israel due to suicide bombing then Israel's response has been disproportionate. This is not what proportionality is. It is not a matter of an eye for an eye calculation. As Hurka (2005: 59) points out the relevant number is not that of civilian killed but the relevant number is the additional lives that are saved due to the response. This however makes calculation on proportionality considerably more difficult because it is based on evaluation and on information that is not necessarily obvious.

Bellamy (2006: 124) describes proportionality in *jus in bello* as the case where military targets may only be attacked when their 'military value outweighs the foreseeable destruction that will result'. Proportionality can also be described as a comparison between the harm one causes to the harm that is hoped to be prevented by waging a war to protect vital interests (Israel Ministry of Foreign Affairs 2006). Proportionality requires one to evaluate the expected military target against the expected collateral damage (Brown, 2003: 180). In the Geneva Convention Article 51(5) soldiers are obliged to evaluate the proportionality of their attacks and thereby outlawing attacks on military objects that may potentially be expected to cause excessive civilian casualties (Bellamy, 2006: 110). Walzer (2006: 129) points out that proportionality is hard to apply due to the difficulties in establishing an independent or stable view of the values gained of war in contrast with the destruction of war.

A war can be deemed unjust but is fought proportionally and likewise, a war can be argued to be just but fought disproportionately. There is however controversy regarding that (McMahan, 2004) as it is not necessarily easy to keep *jus ad bellum* and *jus in bello* distinct when evaluating morals of warfare. As Hurka (2005: 44-45) points out, the 'level of destruction permitted in a war against a genocidal enemy such as Nazi Germany is surely greater than in the Falklands War.' This means that when there is a just cause it would make more sense to be inclined to allow more damage that is unavoidable in war compared with damage caused by a war that has no justification to start with, or more contestable justifications. Furthermore, if the cause is not just because say, it is of genocidal intension rather than being a matter of self-defence, then there is no basis for meeting the principle of necessity and likewise will it be harder to fight anything proportionately. This is because the gains of a regime with genocidal intensions are not the same as a regime that fights aggression and may have justifications to proportionately consider a response based on its principle of necessity.

The Caroline case is often used to demonstrate how proportionality is linked to the case of necessity. The Caroline case is a well-known example used to demonstrate when pre-emptive action is legitimate due to satisfaction of the necessity principle and proportionality. In Canada in 1837 an incident of resistance against British rule took place. Rebels used an American owned ship called Caroline to transport supplies from the American to the Niagara River. Canadian troops loyal to British rule entered the ship, killing several of Americans, put the ship on fire and led it to drift over the Niagara Falls. After this the ship was docked on the American side of the border and not on the Canadian side as usual. This incident made the US to protest against the attack as it violated American sovereignty while the British claimed that they had only exercised their right to self-defence. Subsequently, the US Secretary of

State, John Forsyth wrote a letter to the British Minister in Washington where he demanded a full explanation of the attacking labelling it as an extraordinary outrage. The British Minister responded by blaming the Americans for failing to prevent the use of its territory by the Canadian rebels. He justified the attack as a necessity of self-defence and self-preservation. The US refuted this by arguing that the level of threat that could have justified an attack like Britain claimed having a right to perform could only have been done if the threat was imminent, extreme, and involving impending destructions (Stevens, 2004: 35). In 1840 a British soldier was arrested in the US because he had been involved in the attack on Caroline. The US government invited the British government to offer an apology for the incident and allowed the charges on the soldier to be dismissed if Britain paid compensation. The British Minister wrote an apologetic note to the government of the US. The American Secretary of State, Daniel Webster, pointed forward in a reply to Britain that for the claim of self-defence to be justified Britain would have had to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberations (last resort). Furthermore, the action taken in such cases must not involve anything unreasonable or excessive as the act that is initially justified by the necessity of self-defence must be limited by that necessity (proportionality) (Bellamy, 2006: 162). This case is often used to demonstrate that in order to initiate an attack a state has to *prove the imminence of the threat* it is facing, the *necessity of responding* and the *proportionality of its intended response*. Proportionality is therefore directly linked to necessity in that way as if an attack is not necessary a proportionate attack is irrelevant as the justifications of the principles for initiating an attack are not present.

Discrimination

In war one should never attack non-combatants deliberately (Bellamy, 2006: 124). The war convention states that one can only attack soldiers, but not when they are wounded or captured (Walzer, 2006: 138). Nevertheless, the enemy is not always fighting separately from non-combatants. Johnson (1981: xxxiv) asks whether non-combatants are by definition supposed to be given absolute immunity from the consequences in war or non-combatant immunity is given only to the point until some other value weighs more heavily in the scales of moral decision. This leads us to the doctrine of double effect. Walzer (2006: 155-156) points out:

‘Simply not to intend the death of civilians is too easy; most often, under battle conditions, the intentions of soldiers are focused narrowly on the enemy. What we look for in such cases is some sign of a positive commitment to save civilian lives. Not merely to apply the proportionality rule and kill no more civilians than is militarily necessary – that rule applies to soldiers as well; no one can be killed for trivial purposes. Civilians have a right to something more. And if saving civilian lives means risking soldier’s lives, the risk must be accepted’.

According to this, soldiers must risk their own lives in order to not attack non-combatants. Nevertheless, Walzer (2006: 156) continues:

‘But there is a limit to the risks that we require. These are, after all, unintended deaths and legitimate military operations, and the absolute rule against attacking civilians does not apply. War necessarily places civilians in danger; that is another aspect of its hellishness. We can only ask soldiers to minimize the dangers they impose’.

This, however, leaves the question open to what extent civilians should be taken into consideration and to what extent in this regard the soldiers should risk their lives. Walzer (2006: 156) compares the situation with the case when a gas company works on the lines that run under my street that I should expect them to take my safety in consideration. Nevertheless, if it is a matter of an emergency because there is a threat of a gas explosion in the neighbouring street the safety standards may be relaxed. He argues that this is the same case in a war because a war is of military necessity, or at least it should be.

Just war tradition today

The Just War Tradition has been of value through different centuries when wars were fought with different weapons and technology. The Just War does not mention specific use of weapons. Wars today are not of same kind as in other centuries. The nature of warfare today broadly concerns around issues of nuclear warfare, cyber warfare, guerrilla warfare, warfare due to humanitarian interventions, asymmetrical conflicts and not necessarily between two states. The advancement of warfare related technology also brings new considerations to the Just War Tradition and justified use of force. Nevertheless, this does not render the Just War Tradition irrelevant. The principles of *jus ad bellum* and *jus in bello* are still considered important when evaluating legitimacy of warfare in the light of new technology and new warfare where the entities often fully or partially consists of non-state actors. That however brings to the fore particularly complicated aspects of the Just War Tradition. The Iron Dome and the conflict between Israel and Hamas is one example, which I am going to use to examine this broader theoretical question that applies to the conflicts between the United States and Al Qaeda, Western European nations and ISIS, Russia and certain separatist movements in the Caucasus etc. Having assessed the evolution of the Just War Tradition and

given attention to issues in applying the Just War criteria subsequent chapter gives attention to the Iron Dome system and Israel's legitimacy for responding to rocket fire.

Chapter 4: The Iron Dome, the Just War Tradition and Legitimacy

A state is obligated to ensure safety for its citizens. If it is not acting on this responsibility it loses legitimacy in the eyes of its citizens. This makes a democratic state obligated to defend the lives of its citizens. Furthermore it gives the state a right to defend itself from an enemy (Kasher, 2010). This means that Israel has a duty to ensure security for its citizen and correspondingly gives Israel the right to self-defence. The Iron Dome has made it more difficult for Hamas and Hezbollah to successfully damage Israel with rockets. Even though the intentions of the terror groups to damage Israel have not changed their chances of success has decreased in regard to rocket attacks. This has potentially changed Israel's legitimacy of responding to rocket threats. That will now be in evaluation with reference to the Just War Tradition.

Right intention

The question of right intention is not contingent on the nature of the question of the Iron Dome and legitimacy. Intentions for going to war may still be just or unjust but the Iron Dome does not change those intentions. If Israel's intention for launching a full scale military operation against Hamas is to stop the rocket fire then it meets the principle of right intention. There may be different opinions on what Israel's genuine intentions are when fighting Hamas; whether it is only to weaken or eliminate terrorists or whether it is also to create deterrence. Reasons of deterrence can be a motivating factor for going to war. Nevertheless, if Israel only goes to war with Hamas in order to deter them and not because a war is inescapable it does not fit the criteria of right intention because a war affects the

civilians of Gaza which are not directly a legitimate target. Thus, if the only reason for going to war is deterrence then it cannot be justified because civilians are affected unjustifiably. On the other hand, as Kasher (2009) argues, when deterrence is achieved as a side effect it is justifiable. Civilians cannot be used as a tool of deterrence but when the situation forces you to react to terrorists because the threat is imminent, the deterrence mechanism is welcomed but the war cannot be based on that intention initially (Kasher, 2009). That being said, the Iron Dome has not changed the normative calculus in respect to right intention as right and wrong intentions are not determined by the Iron Dome.

Just cause

As with the principle of right intention the Iron Dome does not necessarily alter the requirement for the principle of just cause. Israel may have a just cause for responding to threats with or without the Iron Dome. When rockets are fired at civilians endangering their lives, health, security and well-being it does give Israel the right to respond to such a threat and consequently Israel has a just cause for responding (Kasher, 2009).

Recalling the previous discussion (O'Driscoll, 2006) on expanding the just cause criteria to allow punishment of wrongdoers, if the notion would be expanded as such then Israel's fight against Hamas would potential be perceived more legitimate although the Iron Dome is in the picture. If the just cause would be expanded to making it legitimate to punish wrongdoers it could be legitimate to respond to punish e.g. Hamas for their rocket attacks even though the Iron Dome prevents the rockets in causing damage a lot of the time. They would be punished for sending rockets indiscriminately into Israel terrorising civilians and everyone else while it

would be irrelevant if they succeed or not. This seems to stem from the logic that just because the enemy is not successful in harming you it does not mean he is not wrong. An unsuccessful attempt of murder is punished in domestic society. However, most of the time it is not punished as hard and it does not pose suffering to a third party. In conclusion, I argue that if the Just War Tradition does not restrain violence but rather is legitimising more than is necessary for human suffering then it becomes irrelevant to morals and warfare. Therefore, the notion of just cause should be restricted and language of punishing evil only for the sake of that should be disregarded. Attention should be given to deterrence strategies but it should never be the primary cause for using military force. Therefore, as long as just cause is continuously perceived as it has been in the 20th century by only allowing the use of force in self-defence and through the Security Council when international peace and security is threatened (O'Driscoll, 2009: 28) there is no alteration to the issue of the Iron Dome and the principle of just cause. Israel has a just cause to consider military force when in need of self-defence with or without the Iron Dome but the response as a whole must be considered in relations to the other criteria as well.

Right authority

The Iron Dome does not alter the principle of right authority. The actor that wages a war must have the authority to do so. Today, legally it is only states that have the right authority to wage war. If someone is condemning Israel for not fighting a just war it is usually not because anyone claims that Israel does not have the right authority to fight a war for whatever just or unjust reasons there may be. In that regard, the calculus of right authority and the question of the Iron Dome does not change, everything else being equal. On the other hand, if the notion of right authority, as was discussed in previous chapter (O'Driscoll, 2009) would

be redefined to the notion of political communities then that would have potential implications to how the conflict between e.g. Hamas and Israel would be perceived.

It was mentioned earlier regarding the notion of right authority that given that military conflicts today are often between non state actors representing a people, scholars have argued that it should follow that the notion of right authority should expand to include political communities rather than necessarily exclusively concern states. When Israel was accused of war crimes during Operation Protective Edge for not doing enough in protecting Palestinian civilians one of the accusations was based on Israel not sharing the Iron Dome with Gaza. That constituted a war crime against civilians in Gaza, among other things. This claimed was made by Navi Pillay, chairman of the United Nations Human Rights Council (Rose, 2014). It is thinkable that the accusation is based on the claim that Gaza is not a sovereign state, it is occupied by Israel and therefore Israel is responsible for the security of the Palestinians in Gaza. Avoiding going into the discussion to what extent Gaza can said to be occupied as that Hamas is ruling Gaza with autonomy and is therefore responsible for the security of its residents, it is thinkable that if the notion of right authority would be expanded to apply to political communities then Hamas would be subject to Just War evaluation. It would be view as a proper authority. In that case, whether the accusations are currently valid or not of Israel not sharing the Iron Dome with Gaza, such accusations would lose meaning in the context of Hamas being perceived as a right authority and further be held accountable for the rest of the just war criteria. If Hamas would be perceived as a right authority under the Just War Tradition it would potentially be easier to apply the framework to the conflict.

Last resort

Use of force can only be justified when it is the last resort. If the security threat upon Israel can be solved by diplomatic means or by alternative security measures Israel cannot meet the principle of last resort. The Iron Dome is a part of the attempt in preventing the enemy from harming residents in Israel. This may seem problematic for the justifications of subsequent use of military force by Israel because as long as the Iron Dome is effective Israel's use of offensive military force is not the last resort. Similarly one could argue that as long as Israel continuously uses the siren alert system for notifying citizens about incoming rockets and as long as everyone has a shelter or safety room available Israel cannot justifiably respond to rocket threats because the chances of the terrorists harming civilians when in shelters is not high and consequently offensive military force is unnecessary. This argument, other than neglecting the fact that not everyone manages to take shelter although being able to hear the sirens when rockets are incoming, does neglect the effect rocket warfare has upon a country. Even though Israel has managed to reduce the chances of being hurt by rockets by employing sirens, shelters and the Iron Dome, the rockets still have a terrorising effect upon the society. The daily routine is disrupted. There's an economic damage on the Israeli economy during a rocket war. Schools are closed, parents are not able to go to work, entertainment places are closed, reserve soldiers are called by the army, there is physical damage to private homes, businesses, infrastructures and people go through psychological traumas (Stenzler-Koblentz, 2014: 87). Whether the damage of this can be compared to the damage a full scale offensive military operation has for civilians living in Gaza for example is questionable but that does not take Israel's responsibility away from having the obligation to ensure minimal terrorisation of its society. The airport was also closed for a few days during Operation Protective Edge (Blumenkrantz, 2014) and this is a very effective way to damage the economy and the tourism industry of Israel. One could argue that the economic damage upon

Israel in warfare and the cost of using the Iron Dome is too high to ignore and thus Israel cannot avoid responding to the rocket threat even though it usually has consequences for a third party, namely civilians in Gaza. If Israel needs to invest money in shelters, public protection, protection of its hospitals and schools for example by deploying more Iron Dome batteries around the country it is neglecting other sectors that can improve the quality of life in Israel and even prolong it. If social concerns as such are only secondary because the security budget is prioritized then it is indirectly harming Israelis because the state does not invest in cancer research, only to point out one example, that otherwise would prolong or save many more lives. On those concerns one could argue that Israel could legitimately use offensive power in response to rocket threats if that would contribute to decreasing the need for a high security budget and consequently Israel would be able to finance other sectors that would improve and save lives in Israel. The logic of such an argument is flawed. First of all, there is no prove that if Israel would be able to halt the rocket threat it would not face other security challenges that would not need to be death with. Furthermore, there is no proof that if Israel's security budget would be decreased because security was not as necessary anymore that those money would go to the welfare budget. That would entirely depend on what type of regime Israeli citizens elect. Moreover, you cannot go and bomb terrorists away in order to improve life standards in your own country. The US cannot go and bomb all of Middle East because their domestic budget for social services needs a boost. One could say that if the US should be able to offer free health care for its citizens it needs to decrease its military budget. Nevertheless, as it stands it cannot decrease its budget because the threat of terror is very present to its society and not dealing with that would also have serious consequences for the Americans. The solution would be to invade all the countries in the Middle East with the most significant terrorist camps, bomb them and the fruit of the job would become apparent a decade later because the US would no longer need to put financial efforts into fighting

terrorists. They would all be gone and finally the US could take care of its domestic welfare services. Such an argument is absurd. Yet, comparing the economic cost of the Iron Dome to Palestinian civilian lives is not that far from such logic. Arguments as such are driven from a national point of view. Human life is not seen universally valuable in such cases. For states, their primary concerns are to take care of their nationals but the Just War Tradition ought to transcend national interests (Johnson, 1981: 328). Thus, economic arguments can only be secondary when evaluating the last resort because setting the value of human life up against economic costs would miss the moral point of the Just War Tradition.

This further leads us to the point that Israel may not have taken all diplomatic efforts to solve the conflicts with its enemies seriously. In order to meet the principle of last resort Israel must show that it has exhausted all diplomatic means before resorting to the use of force. In regard to the Palestinian problem, one can claim that as long as the government does not take negotiations towards a two state solution seriously Israel has not met the principle of last resort before launching a full scale military operation. Those opposing this claim will say that Israel cannot take negotiations with an organisation such as Hamas seriously as they explicitly call for the destruction of Israel (Kasher, 2009) and therefore diplomatic means have no meaning in the context. On the other hand, if Israel would use all of its diplomatic means to strengthen the Palestinian Authority and negotiate for a two-state solution Hamas's act of resistance of the occupation through terror would become even more illegitimate and it would strengthen Israel's legitimacy against the fight of Hamas (Walzer, 2014). These claims are common in reference to Israel's use of force as a last resort. Nevertheless, the discussion of Israel's diplomacy in the path to a solution of the Israeli-Palestinian conflict belongs to another thesis. This is about how Israel legitimately can act when Israel is under

an imminent threat of rocket fire. How urgent Israel's necessity to resorting to the use of force is depends on how imminent the threat is.

Israel has been attacked by rockets from Gaza since 2001 and it seems to be likely to continue. The first war between Gaza and Israel took place in 2008. Thus, there were eight years of no large-scale military response to the rockets before Israel responded with a comprehensive military operation called Operation Cast Lead in the end of 2008 (Kasher, 2010). According to Kasher (2010) the fact that Israel has in the past pursued other solutions, both military and political, in order to minimize the rocket threat before launching the first large-scale military offence upon Gaza after eight years in 2008 supports Israel's position that it has reacted in accordance with the principle of last resort, at least regarding Operation Cast Led.

In conclusion I am arguing that on the one hand the Iron Dome is problematic for the justification of the criterion of last resort as long as the Iron Dome is almost perfectly effective, so far 90 % of the time. That needs to be evaluated on a case by case basis. For example, if rockets with nuclear warheads would be used upon Israel the Iron Dome could not offer protection and therefore the Iron Dome would not be effective as a last resort. On the other hand, the Iron Dome does not provide hermetic protection and the Iron Dome does neither eliminate the effect rocket warfare has upon the society, thus it is problematic to argue that Israel can never use offensive military capabilities to eliminate or reduce the rocket threat. Nevertheless, launching a full scale military operation against its enemy which operates in civilian areas intentionally has disastrous consequences for the civilians in that

area and this should be on one's mind when posing justifications for the use of offensive force when the Iron Dome is part of the context.

Prudence/reasonable chances of success

The question of reasonable chances of success and the Iron Dome are not contingent, meaning that the incorporation of the Iron Dome in considering legitimacy regarding reasonable chances of success does not change any results. The Iron Dome is a defensive mechanism; it would be different if the component we were considering was an effective offensive weapon.

Proportionality

How can the result of 2200 deaths of Palestinians be a proportionate response by Israel with the death toll of 74? In both cases the numbers include combatants and non-combatants of Operation Protective Edge (Dekel, 2014: 13). This cannot imply anything else but an excessive response to a less strong military threat, one is tempted to assume. One can be right and one can be wrong. Who is crazy enough to justify the deaths of defenceless babies and elderly that can hardly walk? Proportionality forces us to ask difficult questions. Yet, the answers are often far from simple.

The most common international criticism regarding Israel and the wars that it is fighting concerns proportionality; or rather disproportionality. Sometimes these are thoroughly considered claims and sometimes not. Proportionality is not about comparing numbers. It is

forward looking meaning that it necessarily forces us to evaluate damage against future-result. This makes it a difficult matter because its evaluation is based on speculative knowledge on the future (Walzer, 2009). The fact that Israel is accused of proportionality on the first day of war before anyone knows about how many are killed or who they are demonstrates the misuse of the term or the lack of understanding of proportionality. Commonly, disproportional violence for critics of Israel means violence they do not like or violence committed by people they dislike (Walzer, 2009) while the supporters of Israel may allow too much damage when weighing the results against the expected outcome.

Proportionality requires us to weigh the expected military outcome against the collateral damage. Because the Iron Dome has made residents in Israel considerably safer and enhanced safety for strategic high value targets the expected military outcome has decreased in value compared to before the Iron Dome was a component of the calculation. This means that when there was no Iron Dome the necessity to threats was higher as Israelis were at greater risk of being harmed. Therefore, more offensive military force was permissible as the expected military outcome was greater by using military force. When very few deaths are expected due to the Iron Dome the military outcome of imposing offensive military capabilities are limited. Thus, the expected military outcome is weakened when Israelis are already relatively safe, according to Kamm (2014). He argues that with the Iron Dome Israel does not meet the necessity test and does lose legitimacy although the proportionality principle separately has not necessarily failed the test. Consider his argument below:

‘One way of thinking of the highly successful Iron Dome antimissile defense system that Israel uses is that it is a less harmful way of achieving many of its goals by comparison to attacks on Gaza. However, it is not perfect and sometimes a missile breaches Israeli defenses.

(Even if it were perfect in stopping missiles, it does not stop other infiltration mechanisms such as tunnels and it does not achieve the goal of getting others to recognize Israeli sovereignty.) Nevertheless, suppose, for argument's sake, that breaches occur rarely and these breaches were the primary source of harm to Israelis. Then it seems that we would have to reconceive Israeli's goal in attacking Gaza: the goal of the attack would not be to defend many Israelis from attack but only to defend a few from attack. Then it is relative to this "reduced" goal that we would have to decide if civilian casualties as a result of attacks on Gaza were proportionate. To do this proportionality calculation, we would have to estimate how many Israeli civilians would be killed if the attacks on Gaza did not occur relative to the number of Gazan civilians that would be killed if the attacks occurred. The fewer Israelis that would be saved and the more Gazan civilians that would be killed, the less likely the attack is to be proportionate, at least to the goal of preventing harm to Israelis. Notice that comparing how many civilians on each side would be killed depending on whether the attacks on Gaza take place is not the same as comparing how many civilians have been killed. Hence, though it involves a comparison of expected deaths' (Kamm, 2014).

If we exclusively focus on rocket threats and assume, like Kamm does here, that the Iron Dome does manage to prevent harm upon Israel most of the time it is harder to meet the necessity principles and thus it will be harder to make justifications for the use of military force. On the other hand, Kamm (2014) simplifies the situation in order to make his argument. For the argument's sake he does exclude the effects rocket warfare has upon the Israeli society, and he does exclude other threats Israel was facing during Operation Protective Edge, such as the problem of tunnels meant for terrorists to infiltrate into Israeli territory. If rocket warfare was the only threat upon Israel it is still hard to believe that anybody would voluntarily want to live in Israel in the long run if rockets were being shot weekly into Israel and one would weekly be disturbed by the sound of sirens and would have

to run to shelters. Back in 2008 following Operation Cast Lead reports showed that 75 to 94% of the kids in Sderot exhibited post-traumatic stress symptoms (Ashkenazi & Grinberg, 2008). In 2008 there was no Iron Dome in function. The trauma symptoms have nevertheless not disappeared following Operation Protective Edge while the Iron Dome has been showing its best performance. In Sderot there are currently 1000 children that are under physiological treatment due to trauma following Operation Protective Edge this summer (Kelner, 2014). This is a number from only one city, only including children with trauma related to war and only after the Iron Dome has showed its best performance. This exemplifies the psychological effects that occur partially due to rocket warfare, with or without the Iron Dome. It should be noted that Sderot is close to Gaza and suffers more from rocket attacks compared to cities in the centre. Therefore one should be wary of comparing the numbers to cities in the centre. Nevertheless, Israel's responsibility of preventing rocket fire in the South or elsewhere in the country still remains. Furthermore, indirect injuries do also occur due to rocket fire. To mention a few examples, during Operation Protective Edge a woman in Haifa suffered a heart attack while running towards a shelter, an 81 year old man fell on his way to the shelter and sustained serious head injuries while many more were injured on their way to shelters (Kadesh, 2014). You only have between 15-90 seconds to take shelter, depending on where you live (Kadesh, 2014). That should further indicate the difficulties of arriving in shelters on time depending on your physical ability and whatever else you are doing, such as taking a shower as example. A well-functioning society cannot ignore the effects, direct or indirect, of rocket warfare if it wants to remain a healthy society. Therefore, the government cannot normalize rocket warfare and ignore the effects it has upon the society. It is necessary to highlight that the Iron Dome, even though improving security, does not eliminate the effect terror has upon a society. Hence, we also need to consider the question through a security perspective. This means that the expected military outcome should include the reduction of

the terrorisation effect rocket warfare has upon a society when rocket attacks are halted. Thus, this component should still be included in the necessity evaluation. Nevertheless, it is hard to argue that it has the same weight compared to before the Iron Dome was in function. Before the Iron Dome was in function the expected military outcome of stopping rockets hitting Israel included preventing a higher number of deaths and physical injuries. If the Iron Dome has prevented 90 % of the incoming rockets in harming Israel then the response by the IDF is to prevent the other 10% of rockets in making harm, as the Iron Dome is already ensuring that 90% of the rocket cannot make damage. This is only given that IDF's offence concerns only in preventing rocket damage upon Israel, which it is not. The objective of Operation Protective Edge concerned halting rocket attacks coming from Gaza and to destroy the tunnels built underneath the border area, which Hamas and Islamist fighters used to conduct attacks (Ynet, 2014). Nevertheless, imagining that the only offense Israel was conducting during Operation Protective Edge was to halt rocket attacks then it was only necessary to respond to 10% of the rockets compared to before the Iron Dome where every rocket was expected to make damage, thus 100% of the incoming rockets. To this extent the military outcome has decreased because you are preventing 10% of the damage that rockets do and not 100%. The number of deaths and physical injuries has decreased since the Iron Dome and therefore the expected military outcome in stopping rockets coming into Israel has decreased. To this extent, the Iron Dome has decreased the value of the expected military outcome when solely focusing on rocket threat compared to collateral damage. Nevertheless, it has not become insignificant as the Iron Dome does not eliminate the effect rocket warfare has upon a country and furthermore, does not provide complete protection in regard to rocket warfare.

Another point in need of clarification concerning Kamm's (2014) argument is that he narrows the proportionality principle down to the expected military outcome in numbers of saved lives on one side against loss of lives on the other side. Nevertheless, it is not clear whether there is a consensus on proportionality by that narrative. Proportionality can also be described as a comparison between the harm one causes to the harm that is hoped to be prevented by waging a war to protect vital interests (Israel Ministry of Foreign Affairs, 2006). Kasher (2010) notes that proportionality is an assessment of the justifiability of the collateral damage made by the military advantage gained. These definitions seem broader than compared to how Kamm (2014) argues, which solely focuses on numbers of lives, while the other two definitions are open for inclusions of potential objects also. Nevertheless, the Just War Tradition is about moral justifications or condemnations of acts of war and in the end it is lives that matter. Thus, definitions that allow too much in the incorporation of expected military outcome such as allowing collateral damage in order to protect military physical values, but not persons, may be under potential abuse of allowing too much.

Let us consider proportionality more in regard to the war between Israel and Hamas over the summer of 2014. Israel has been condemned by many for behaving disproportionately in its response to Hamas (McMahan, 2014) (Srinivas, 2014). On the other hand, some have expressed Israel's right to self-defence and underlined the principle of necessity which is met due to the emergency of preventing rockets coming into Israel (Baruch, 2014a). Arguments have been put forward that Israel does not have the right to respond in the way it has because very few Israelis have lost their lives due to rocket fire. In contrary to this, people have argued that just because Israel has an Iron Dome that prevents the enemy in killing the same number of civilians that have lost lives in Gaza does not mean that Israel has no right to respond to the threat (French, 2014). Benjamin Netanyahu, Prime Minister stated in response

to such claims that ‘I will not apologize for Israel having the Iron Dome to protect its citizens’ (Keinon, 2014). This suggests something about proportionality. Just because more Palestinians have lost their lives in Gaza compared to people in Israel does not necessarily mean that Israel is behaving disproportionately. Maybe if Operation Protective Edge did not really weaken Hamas and did not result in less terror being caused upon Israel, then the response can be considered disproportionate as the expected military outcome have not been achieved. Yet, if Protective Edge did decrease terror and military threat coming from Gaza and did result in no terror attack upon Israel in the long term then maybe Israel’s response was not necessarily disproportionate. If Hamas cannot be significantly weakened by bombing buildings with military ammunition or with military fighters in the buildings then those bombings with collateral damage were not necessary.

War through the Just War Tradition is considered permissible when it is perceived as the lesser of all evils (Bellamy, 2007: 509). Imagine for example that there would only be living 900 people in Gaza but the same number of terrorists that are living there today. Would Israel’s response through airstrikes and ground invasion be considered less disproportionate because of the reduced number of population and therefore reduced number of casualties as collateral damage? In other words would war be less evil? On the other hand, recall that proportionality is not a calculation of comparing numbers on each side. The relevant number is the additional lives that are saved due to military response to threats and not the number of civilian killed (Hurka, 2005: 59). If proportionality concerns saving lives on your side from a threat, does the case of 900 people living in Gaza then become different when 9 million people live there? Let us imagine that the same number of terrorists would live in Gaza regardless of whether Gaza had 900 citizens or 9 million citizens. These terrorists are capable of doing the same harm to Israeli civilians regardless of whether Gaza has 9 million citizens

or 900. Furthermore, let us imagine that the only way Israel can prevent potential future harm to its citizens by terrorists in Gaza is by killing all of the people in Gaza. The security threat to Israel does not decrease if the number of citizens in Gaza decreases because the number of terrorists remains constant. It is impossible to attack the terrorists without harming all civilians because all the terrorists hide in buildings where civilians live. There is no way to target them without collateral damage. As long as they are alive Israeli civilians are under constant terror threat. Would Israel's response by killing 9 million compared to 900 be considered disproportionate? The threat towards Israel would be eliminated in either case. It seems like that if 9 million civilians being killed due to collateral damage compared to 900 would be more disproportionate. Nevertheless, by definition it is less clear. It seems like that even though proportionality is not a calculation of numbers we still do perceive it in that way. This is the puzzle with proportionality. In real life though, there are other principles to take into consideration which give more depth to the evaluation of proportionality, as have been discussed regarding necessity, last resort etc.

Following is another example of how to perceive proportionality slightly different from the previous example. Let us imagine that there only live 10000 people in country A. Country B is of same size as country A but has a population of 1 million. Country A and country B are not friends. In country B there is a terrorist organisation running the government and around 10 percent of the population are actively connected to the terrorist organisation. This means that 100.000 people are considered combatants in territory B. The terrorist group does not accept its boundaries and claims a right to the territory of country A. They are in a constant military conflict with each other. Country A claims that it has a right to its own territory and fights back at country B. Let us assume that both countries have more or less same military capability of destroying each other's territory. Country A has built a strong army with

advanced military technology although its small number of population. 10 percent of the population have joined the army which means 1000 combatants. Country B has less military conventional power but has acquired nuclear rockets and is therefore capable of putting same threat on country A as country A is able to put on country B, but with conventional power. Both of the countries will, if they can, destroy each other. If country A will destroy country B with its conventional military capability all of the population in country B will die which means 1 million people, non-combatants and combatants included, because it is difficult to target combatants of country B without collateral damage as they are fighting in a highly densely populated area. On the other hand, if country B will destroy country A with its nuclear capabilities all 10000 people will die, non-combatants and combatants included. It is unsure who dares to act first because both countries are vulnerable to disproportionality accusation but the situation will lead either of them to act at some point. If country A acts first they will kill 1 million people in order to save a population of 10000 people. If country B acts first it will save 1 million people. In numbers the expected military outcome of acting by B is greater than of A. Expected military outcome of B is saving 1 million people against 10000 people. The expected military outcome of A is saving 10000 with a damage of 1 million people dead as a result. In terms, both countries have the goal to save an entire nation. Thus, in terms both have an expected military outcome of saving an entire nation. Both of them meet the principle of necessity because one of the states will act before the other one does. Regarding who has a just cause, nobody on the international arena agrees on this. It has been the most disputed conflict for centuries and there has never been an international consensus regarding the conflict. Can the military outcome from both sides be compared? Who acts more disproportionately? In real life, if there was an exact same case the case would probably not be perceived as simple as there would be various different arguments of historical-, philosophical-, and political nature in support or against either country. These

layers would make the proportionality calculation more complicated and very likely more subjective and that seems to be an unavoidable situation regarding the issue of proportionality.

As has been pointed out, proportionality is not a matter of counting loss of lives on one side to loss of lives on the other side. Nevertheless, it seems like after a certain point it starts to matter. The danger, though, of having too specific answers to a general definition of proportionality is that it will be easily abused. Proportionality is a vague term in the end. Nevertheless, this may be its strength and its weakness at the same time. In order to make disproportionality claims there must be investigated that it is necessary for Israel to respond to rocket threats. The effect rocket threats have upon a society although having a functional Iron Dome must be demonstrated. Most should understand that it cannot be accepted although the Iron Dome is in function. Furthermore, there needs to be investigated that in the wars against terror groups Israel has only attacked buildings that have been made into military targets by the terror groups and furthermore has warned civilians about attacks. If it is obvious for the Israeli army that it is impossible for civilians to escape Israel has potentially acted disproportionately. These conclusions cannot be drawn in a rush and therefore credibility of legitimate concerns takes a while. Gaza is a small densely populated area. In order to have a more balanced discussion of proportionality or disproportionality Israel should demonstrate the complexity of fighting in a built-up area in Gaza, the challenges of mines and booby traps should be presented, and there should be mentioned Hamas's reliance on underground fighting. Furthermore there should also be presented those times that soldiers did take risks to minimize damage on civilians (Baruch, 2014b: 69). By focusing on both the successes and the failures of a war there should be formed a more comprehensive picture of what a country is facing when dealing with terrorist groups. Baruch (2014b) notes

that although Hamas is wrong in fighting in populated territories and consequently making these areas into legal military targets this does not automatically makes Israel guiltless of disproportionality accusations. She makes the case that although Hamas is forcing Israel to fight in populated areas does not render Israel free of proportionality investigations it should however be considered as a factor among other factors in the evaluation process of proportionality conclusions.

Stenzler-Koblentz (2014: 91-92) notes that what Israel needs to prove for the international community when the Iron Dome element is included is that its reason for initiating an operation can be justified; that it is the last resort, and that the benefit of the operation to Israel's citizens justifies the harm that could be caused to the opposing side (Stenzler-Koblentz, 2014: 91-92). This last justification has been harder to acquire with the Iron Dome. If we are to make a valuable discussion of the Iron Dome and legitimacy in the Just War context then we need to remember what the purpose of the Just War Tradition is. Johnson (1981: 328) points out:

'The contemporary legal *jus ad bellum* thus incorporates a positive valuation of the international status quo and a negative valuation on any power that challenges it, thereby destabilizing international relations. But as far as the concepts of the just war tradition are expressions of general moral values, they point toward the need for a system of restraint in war that transcends national interests.'

Thus, justifications based on the Just War Tradition should transcend national interests. In the end it is lives that matter. Therefore to set the value of lives up against how much economic disadvantage it is for Israel to have the Iron Dome in reference to the question of this thesis would be neglecting the central purpose of the Just War Tradition. In that case Robert Cox's

(1981: 128) quote 'theory is always for someone and some purpose' would perfectly demonstrate potential abuse of taking moral theories and manipulate them for its own agenda. Having this in mind it is hard to escape acknowledging that the proportionality principle alone has become more critical due to the Iron Dome. If the value of the future outcome by launching a war has decreased compared to before the Iron Dome was in function it has become harder to meet the principle of necessity and thus it is harder to meet the principle of last resort and proportionality. Therefore, the deployment of the Iron Dome has made it harder to satisfy the proportionality principle as the military outcome of an operation has decrease in value, not necessarily but likely. Yet, because of the complexity of comprehending military outcome, which is different from case to case, one should be careful in rushing to general conclusion regarding this.

Discrimination

The Iron Dome has not necessarily made it harder to satisfy the discrimination principle. For example a war can be fought unjust because it does not meet the principle of just cause but civilians are not being targeted intentionally and therefore the discrimination principle has not been broken. The discrimination principle can be broken with or without the Iron Dome and the Iron Dome does not have a determining factor in that conclusion. Israel has been under accusations of deliberately targeting civilians. Those accusations have also been contested. Nevertheless, it has not been under these accusations because of the Iron Dome and they have neither been refused because of the Iron Dome.

Chapter 5: Security and the Iron Dome

Shapir (2013: 91) puts forward that Israel's security capabilities are being channelled today from offence to defence. The defence industry has always been an important component of Israel's security concept (Shapir, 2013: 89). The frequent rocket attacks upon Israel by its enemies have made Israel develop a defensive doctrine against high trajectory weapons where rocket fire is one of the types. The doctrine constitutes of both active and passive defence. The Iron Dome is one component of this defence system including the David's Sling, which is in development, the Arrow 2 and the Arrow 3, which is also in development. The offensive part of the defence doctrine concerns offensive attack on the enemies bases (Shapir, 2013: 81). Nevertheless, there is no evidence from the security point of view that a defence system such as the Iron Dome will completely replace offensive military capabilities.

Ehud Olmert, former Prime Minister, has said that 'we will not protect ourselves to death' referring to the Iron Dome (Kober, 2013). Kober (2013) points out that on this matter the Iron Dome is only good news on the condition that the political and military echelons in Israel acknowledge its limitations. Accusations about Israel responding disproportionately against Hamas and other terror organisations is linked to the fact that these organisations do not pose an existential threat to Israel and therefore it has been harder for Israel to be seen as reacting legitimately in response (Ben-Israel, 2015). In a previous period of Israel's security phase Israel had less difficulties in being acknowledges as fighting legitimately in its war upon its neighbours due to the fact that Israel was fighting a war of existence. When the war is seen as a war of existence the perception of proportionality in same context is more lenient. Today, Israel fighting Hamas is not seen as a war of existence and therefore Israel legitimacy is more

vulnerable and disproportionality accusations more likely (Ben-Israel, 2015). Nevertheless, indiscriminate rocket fire upon civilian communities is intolerable regardless of whether the firing rate is high or low. Terrorism is not possible to eradicate just like crime is impossible to eliminate but a society must make effort to minimize both. Even though it is unrealistic that it will be possible to eliminate crime completely in a society that does not mean, however, that there is no point taking measures to decrease the crime level. Same goes for terrorism (Ben-Israel, 2015). On this line, Ben Israel (2015) argues that it is obviously necessary to respond to rocket fire.

Despite the Iron Dome making Israel more vulnerable to criticism the Iron Dome does have strategic benefits. Defensive missile systems ensure that government- and military leaders do not necessarily need to resort to pre-emption and retaliation although a defensive system like the Iron Dome cannot provide full protection and therefore should not replace offensive capabilities completely, if you are a serious military leader, according to Landau & Bermant (2014: 41). The system allows diplomacy to work possibly preventing escalation and enhancing stability and this further gives the United States an incentive to finance the system (Landau & Bermant, 2014: 41).

The strategic advantage of the Iron Dome is nevertheless contested. Despite it possibly giving more time and space to let diplomacy do its work Reuven Pedatzur (Landau & Bermant, 2014: 40) has argued against a missile defence system due to the incapability to protect from nuclear missiles. If a nuclear missile would penetrate Israel's defence system the costs would be unbearable. According to him deterrence strategies would be more preferable than a missile defensive system (Landau & Bermant, 2014: 40). The Iron Dome has not yet showed

whether it is really capable of defending Israel from intense rockets attacks. This will be tested when the attack comes from the north by Hezbollah. Hezbollah has a much larger storage of rockets than Hamas, and has also rockets that are possible to impose more serious damage upon Israel. In the scenario of a rocket attack from Hezbollah Israel can expect thousands of rockets being fired a day upon itself. In that scenario the Iron Dome needs to show whether it is truly capable of shooting down rockets in salvos daily (Shapir, 2013: 90). That implies that there is no such thing as not taking rocket threats seriously although having acquired an Iron Dome.

Chapter 6: Conclusion

Wars have been fought differently through different times. For Clausewitz, the essence of warfare was fighting, meaning that direct battle between soldier to soldier was essential to war (Gat, 2001: 201). Liddell Hart, on the other hand, talked about the indirect approach in war (Gat, 2001: 664). Battle was to be avoided but it still made sense to talk about a war, even though 'the essence of war' in the Clausewitz'ian sense was avoided. Since the Second World War the Cold War, guerrilla warfare, the war on terror and cyber warfare have demonstrated that warlike behaviour does not remain constant in nature. The advancement of technology in our time has affected the nature of warfare in the twenty-first century. In respect to that debates related to technology and warfare have further taken reference to the Just War Tradition. This is evident in the evolving discussions on e.g. drone warfare (Pagallo, 2011) and cyber warfare (Arquilla, 1999). Nevertheless, the subject of drone warfare and the moral framework relating to that is characterised by issues of offensive use of force (Pagallo, 2011). Furthermore, in relation to cyber warfare, a vast part of the debate concerns to what extent cyber threats should be perceived in same matters as traditional military threats as cyber warfare is not characterised by conventional force and consequently is less deadly (Valeriano & Maness, 2015). Having said that, the discussion on defensive warfare and technology in reference to the Just War Tradition compared to offensive warfare is far from exhausted. Future research on technology and warfare could put efforts into the distinction of offensive and defensive technology related to warfare and what implications that distinction has for the Just War framework. To this matter, not much has been written on what implications the Iron Dome has in reference to the Just War Tradition and the right to use force.

The Iron Dome is a relatively new technology. It functions as a defensive part of Israel's security strategy. There is a broad debate on whether Israel is fighting just wars that takes reference in the Just War Tradition. Nevertheless, so far there has not much been written on whether defensive technology such as the Iron Dome brings changes to the context of proportionality, necessity and last resort. Thus, future research on the topic would certainly contribute to enrichment of a current poor debate on the topic of what meaning defensive technology such as the Iron Dome has on the legitimacy of using force.

Whether the findings of this paper can be applied to other conflicts is difficult to say because every state's security challenges consists of unique characteristics that require unique response. South Korea has considered deploying the Iron Dome as a response to the security threat it is facing from North Korea (Lee, 2014). Nevertheless, there has also been pointed out that it would not satisfy South Korea's security challenge as the Iron Dome was made in response to a very specific threat, mainly rockets from Hamas and Hezbollah. The rockets that would come from North Korea are different and the Iron Dome would not give an adequate response (Lee, 2014). Nevertheless, looking at defensive technology in response to threats from a broader scope the findings of this thesis can be applied to any present or future case where defence relies on advanced technological capabilities. The threats can be different in nature and thus the defensive technological capabilities would be different. Nevertheless, as long as one side is capable of protecting its own citizens and making it harder for the other 'just or unjust' actor to pose harm, the legitimacy regarding response is typically judge from same the framework, namely the Just War Tradition. Thus, the findings of this paper can be applied to other cases where countries are fighting terror organisations such as AL Qaeda or ISIS, guerrilla fighting such as in parts of Africa or other cases where the incident is between two countries, such as Russia and Ukraine. The nature of the fighting in the cases just

mentioned is not identical to the case that Israel finds itself in regarding Hezbollah and Hamas. Nevertheless, if defensive technology would become a main component in the previous mentioned cases the dilemmas and ethics in this paper may appear to be similar in such other cases. The current thesis has contributed to the matters of such dilemmas.

The question of whether the Iron Dome has changed legitimacy for responding to rocket threats is not as simple as it may appear. In order to outline the different elements relevant to the question the second chapter of the thesis drew attention to the function of the Iron Dome, its controversy and its limitations. The fact that the Iron Dome does not protect the border communities around Gaza from mortars and neither from rockets that do not exceed the range of 5-7 kilometres coming from Gaza (Shapir, 2013: 84) means that they still live under same effect of rocket warfare as before the Iron Dome. Israel has a responsibility to protect these communities and it cannot be done by the Iron Dome as effectively as compared to the rest of the country. Regarding the rest of Israel, which are under increased protection of rocket attacks since the Iron Dome, the terrorisation effect of rocket fire has not automatically decreased. The daily routine of the Israeli society is still disrupted even though the Iron Dome is believed to have been effective 90% of the time in the latest war, Operation Protective Edge 2014 (Opall-Rome, 2014), although the success rate has been contested as was pointed out in chapter two (Postol, 2014).

Chapter three outlined the normative framework that warfare and legitimacy is positioned in. There was presented the historical evolution of the Just War Tradition and its ongoing importance today. The chapter outlined the different criteria of the Just War Tradition. This was in order to establish the base for the discussion of chapter four.

Chapter four asked the question whether Israel's legitimacy when having acquired the Iron Dome has been altered. This question was asked in reference to the Just War Tradition solely. It appears that the principle of last resort and proportionality have been more difficult to satisfy after having acquired the Iron Dome. Regarding the principle of last resort, the Iron Dome is one way of preventing rockets damaging Israel. Therefore as long as the Iron Dome is in function an alternative way of preventing rockets damaging Israel is not a last resort. Nevertheless, that conclusion neglects the effect rocket warfare otherwise has upon the society, which the Iron Dome is not able to eliminate and therefore the conclusion cannot be that simple. Nevertheless, in reference to the Just War Tradition solely it has become harder for Israel to satisfy the principle of last resort but a comprehensive answer to the question of legitimacy and last resort should not necessarily exclude itself to the Just War Tradition solely as a state should not tolerate terrorisation of its society. The other Just War criterion that has become harder to satisfy which was assessed in chapter four was the proportionality criterion. The chapter demonstrated that simple conclusions regarding proportionality are not possible because of the complexity with proportionality calculations. Proportionality calculations are forward looking and require one to evaluate the expected military outcome against the expected collateral damage (Walzer, 2009). It was pointed out that it is uncertain whether 'military outcome' only concerns lives or also strategically valuable physical objects. Nevertheless, in reference to the Just War Tradition the numbers of lives should be at the centre of those calculations as the Just War Tradition is a moral framework that transcends national interests (Johnson, 1981: 328). If the definitions used by military leaders and politicians are vague regarding expected military outcome there is a potential danger of allowing too much as military leaders and politicians most likely primarily do not take decisions that transcend national interests. Thus, the value of the expected military outcome compared to the expected collateral damage from a national point of view may not be equal

to a point of view that transcends national interests. Therefore, in reference to the Just War Tradition the definition of the expected military outcome should be restricted rather than allowing too much. Hence, the expected military outcome when having the Iron Dome in function has decreased in value compared to before the Iron Dome. That means that before the Iron Dome was protecting Israel from rockets the expected collateral damage was seen less illegitimate because the expected military outcome was higher. That leads some, as Kamm (2014), to conclude that Israel necessarily acts disproportionately if responding to rockets while the Iron Dome is function. Yet, the situation is less simple. First of all, it is important to remember that rocket warfare is not the only warfare Israel needs to protect itself from. Nonetheless, if it were so the Iron Dome does only decrease the likeliness of damage of rocket fire but does not offer hermetic protection of its society. Thus, even though the expected military outcome has decreased in value it has not been eliminated as Israel still needs to handle the effect rocket warfare has upon its society, while the public also need to protect itself from parts falling down from exploded rockets, while there is also a risk that an enemy rocket can penetrate the Iron Dome defence and cause serious damage. Furthermore, the border communities around Gaza should not be neglected. Thus, an expected military outcome should incorporate these considerations. Regardless, this may potentially mean that the Iron Dome has made it harder to satisfy the proportionality principle because the expected military outcome has decreased although not entirely vanished. Nevertheless, launching a full scale military operation is not necessarily only in response to rocket threats. It includes other threats as well and that should not be neglected in the proportionality calculation even though the Iron Dome is in function.

Because the Just War Tradition does not necessarily offer a comprehensive answer to the question of whether the legitimacy of responding to rocket threats with the Iron Dome in

function has been changed chapter five looked at the function of the Iron Dome from a security perspective. It turns out that it has been hard to find any military experts claiming that the offensive use of force ought to be replaced with the Iron Dome in regard to rocket threats. Because of that, in order to give a valuable and practical answer to the question of whether the Iron Dome has changed the legitimacy for responding to rocket it needs to be considered through both the normative framework of the Just War Tradition as well as a practical security perspective.

In conclusion, the Just War criteria of last resort and proportionality have been more difficult to satisfy after having acquired the Iron Dome. The Just War Tradition is a moral framework in reference to war that transcends national interests. On the other hand, a state's primary function is to provide security to its citizens. On this matter, security for a state does necessarily mean obligated engagement of national interests. If the public cannot tolerate terrorisation of the society the state is under the obligation to terminate it if possible. This however needs to be done in legitimate matters without breaching the principle of last resort and proportionality in order to maintain international legitimacy. These mechanisms will likely be in conflict. The thesis has attempted to demonstrate the complexity of that dilemma by drawing attention to the framework related to international legitimacy on the one hand, while also demonstrating that rocket warfare with or without the Iron Dome is intolerable to any society. Thus, rather than excluding one another the complexity should be understood in reference to both cases.

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