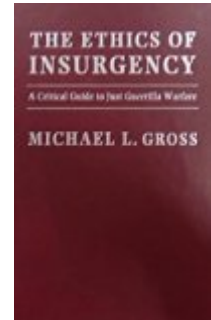


**Michael L. Gross.** *The Ethics of Insurgency: A Critical Guide to Just Guerrilla Warfare.*  
Cambridge: Cambridge University Press, 2015. 320 pp. \$90.00, cloth, ISBN  
978-1-107-01907-2.



**Reviewed by** Niccolo Petrelli

**Published on** H-Diplo (May, 2015)

**Commissioned by** Seth Offenbach (Bronx Community College, The City University of New York)

Just war theory is currently among the most influential perspectives on the ethics of war, dominating both the moral and the legal discourse. The just war tradition has enjoyed a long and distinguished pedigree, including St. Augustine, Thomas Aquinas, Hugo Grotius, Francisco Suarez, Emerich de Vattel, and Francisco de Vitoria. Many of the rules developed by the just war tradition have been codified into contemporary international laws governing armed conflict, such as the United Nations Charter and the Hague and Geneva Conventions.

Following this tradition, in *The Ethics of Insurgency*, Michael L. Gross from the University of Haifa has attempted to provide an answer to the question whether it is possible to cogently think about *just* guerrilla warfare. This is a very important and rarely asked question, as it is generally assumed that guerrilla tactics, such as attacks against civilians, use of human shields, and the kidnapping of enemy soldiers, are the most flagrant violations of the law of armed conflicts. Talking about "just guerrilla warfare" may thus

sound like an oxymoron. And yet the book accepts this challenge, exploring how a guerrilla army should legitimately fight a technologically superior opponent, employing justifiable and proportionate means and tactics. It is worth stressing that the very topic analyzed by the book makes it a pioneering and important contribution to the literature on ethics and war. Although in recent years several books concerned with international law, ethics, and contemporary conflicts marginally addressed the issue of "just" guerrilla warfare, this is without any doubt the first exhaustive academic discussion of the topic.

The book is divided into four parts and contains eleven chapters. Part 1 is concerned with *jus ad bellum* (right to war) and *jus in bello* (law of war); part 2 covers the analysis of "hard" guerrilla tactics; part 3 focuses on "soft" tactics; and part 4 draws concluding remarks.

In the first two chapters of the book, Gross addresses the first and the most important question to ask when trying to think about just guerrilla

war: what are the conditions that underlie a guerrilla movement's right to fight? Traditional just war theory accepts the right of the state to wage war as a matter of fact. Insurgents and guerrillas by contrast must prove their worth. Two elements are identified as essential for acquiring the right to use armed force: a just cause, anchored in the right to self-determination and the right to live a dignified life; and legitimate authority, understood as a form of consent and trust in the guerrilla organization on the part of the local population. When meeting these two primary conditions, insurgents have a right to pursue their claims by force of arms as a last resort, and by means that are effective and necessary and do not violate the basic rights and protections due to combatants and noncombatants.

Chapter 3 examines the "means" of guerrilla warfare, understood not simply as its tactics but as the resources necessary to a guerrilla organization to carry out the fight, including the modalities of conscription of fighters, the question of wearing uniforms, and, most interestingly, the issue of harming civilians. In tackling this last issue, the author adopts an interesting perspective outlining a principle of so-called participatory liability. This should be understood as a sliding scale linking participation with liability to harm. Its application should concern the vast middle ground of participating civilians, between full-fledged combatants and noncombatants. Thus, the greater a person's participation, the greater the harm that an enemy can inflict when necessary to disable him/her.

The subsequent chapters, from 4 to 11, are devoted to the analysis of the most important and controversial tactics employed in recent guerrilla conflicts, with extremely interesting and sometimes surprising results. In discussing the conditions, means, and methods of just guerrilla warfare, the author takes advantage of a wealth of sources, grounding analyses in multiple case studies, among which, unsurprisingly given the au-

thor's primary expertise, distinctly stands the Israeli-Palestinian conflict.

As Gross readily acknowledges, at first glance, the number and type of permissible practices that just guerrilla warfare endorses is alarming. In fact, among hard-war tactics, improvised explosive devices (IEDs), rockets, and targeted killings cannot be considered unlawful, provided that, respectively, they are detonated under supervision to prevent indiscriminate harm, they are directed against military targets and respect the principle of proportionality, and they target liable persons only (either military or civilians). Perhaps more controversially, the use of human shields is considered as admissible, provided that some form of consent of the shields is present and that a sufficient number to deter attack is recruited. Similarly, and in contrast to the emerging guidelines for cyber warfare, the author comes to consider the use of nonlethal and cyber weapons against civilians participating in the war effort as admissible.

Moving to the evaluation of just guerrilla war economies, the author refuses to base it on the distinction between lawful and unlawful revenue sources, as some practices may offer benefits independently from their legal standing. Though unlawful, activities such as smuggling, looting, and counterfeiting might be carried out by guerrilla movements without causing harm except to the repressive state against which the guerrilla movement is "justly" fighting.

The only minor criticism that could be moved against the *Ethics of Insurgency* concerns the internal organization of the chapters. The conclusions of the discussions are sometimes extremely diluted, and the concluding sections of the chapters do not always clearly outline the normative implications of the analysis for guerrilla organizations. This does not benefit the book, especially in light of its ambition to speak directly to both insurgents and state leaders. In the final chapter, the author tries to tackle the issue of "who is the book for" and he states that outlining how to con-

duct just guerrilla warfare serves the interests of guerrillas aspiring to join the international community. As guerrilla movements, and especially those enjoying a just cause, attempt to convince the international community that their war is just, they must know how to properly conduct a just war. Similarly, state leaders and policymakers who support just guerrillas need to understand what practices guerrillas may legitimately pursue, even in those instances in which they violate the law of armed conflict.

Despite this minor issue, the book should be considered a precious and long-overdue contribution to the literature on ethics and war and a pathbreaking analysis of the "just" practice of guerrilla warfare. It will definitely be of great interest not only to academics and international organizations' officers but particularly to all those, military and civilian, who in their professional capacity are called to take decisions on the battlefield influenced by the perception of the "justness" of a certain way of conducting guerrilla warfare.

If there is additional discussion of this review, you may access it through the network, at

<https://networks.h-net.org/h-diplo>

**Citation:** Niccolo Petrelli. Review of Gross, Michael L. *The Ethics of Insurgency: A Critical Guide to Just Guerrilla Warfare*. H-Diplo, H-Net Reviews. May, 2015.

**URL:** <https://www.h-net.org/reviews/showrev.php?id=43344>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.