

INTRODUCTION

This issue of the *Israel Law Review* opens with Yoav Dotan's 'The Boundaries of Social Transformation through Litigation: Women's and LGBT Rights in Israel, 1970–2010'. Dotan examines the potential value of law in general, and litigation in particular, as a strategy for social change. He does so by comparing the struggle for equality by two groups – women's rights activists, and Lesbian, Gay, Bisexual and Transgender (LGBT) rights activists – in Israel between 1970 and 2010. The struggles of women and LGBT people for equality have many shared characteristics and common political opponents, but the strategies that the two groups adopted to overcome these obstacles, however, were markedly different. Women's groups adopted an elitist strategy of struggle that concentrated on legal measures, while LGBT rights groups adopted a variety of strategies that emphasised grassroots political tactics. By using cross-country comparative indexes of LGBT and women's rights, the article argues that the comparison between the two groups points to the relative weaknesses of legal and litigation-centred strategies as vehicles for social transformation.

The rest of this issue is dedicated to matters relating to the laws of armed conflict. It features a debate on the definition of military targets in the context of cyber operations, which was presented at the 8th Annual Minerva/ICRC Jerusalem Conference on International Humanitarian Law on 'Military Objects and Objectives of War: An Uneasy Relationship', which took place in Jerusalem in December 2013. Heather Harrison Dinniss, in 'The Nature of Objects: Targeting Networks and the Challenge of Defining Cyber Military Objectives', examines whether data may constitute a military objective, focusing on the requirement in the 2013 *Tallinn Manual on the International Law Applicable to Cyber Warfare* (Tallinn Manual) that the purported target should have tangible or material form. The article challenges this requirement on the basis of both textual and contextual analysis but holds that it may be useful to differentiate between operational- and content-level data. The article also questions whether network location rather than geographical location may be used as a qualifying criterion in the cyber context. The final part of the article addresses the question of how the particular ability of cyber operations to effect results at increasingly precise levels of specificity affects the definition of military objective.

In 'Military Objectives 2.0: The Case for Interpreting Computer Data as Objects under International Humanitarian Law', Kubo Mačák also challenges the emerging orthodoxy represented by the Tallinn Manual, according to which the intangible nature of data renders it ineligible to be an object for the purposes of the rules on targeting under international humanitarian law (IHL). The article argues that because of its susceptibility to alteration and destruction, data may qualify as an object within the meaning of this term under IHL. The article supports this

conclusion by means of a textual, systematic and teleological interpretation of the definition of military objective found in treaty and customary law.

The editor of the Tallinn Manual, Michael Schmitt, responds to both articles in ‘The Notion of “Objects” during Cyber Operations: A Riposte in Defence of Interpretive and Applicative Precision’. The article explains the majority view of the experts who drafted the Manual and clarifies its reasoning.

Another article emanating from the 8th Annual Minerva/ICRC Jerusalem Conference on International Humanitarian Law is Noam Zamir’s ‘Distinction Matters: Rethinking the Protection of Civilian Objects in Non-International Armed Conflicts’. This article examines the reasons for the distinction in the protection of civilian objects under treaty law between international armed conflicts (IAC) and non-international armed conflicts (NIAC). It rejects the argument that customary law now provides equal protection for all civilian objects under both IAC and NIAC on the ground that equal protection may hinder the ability of states in maintaining law and order under their domestic law in NIAC in situations where they may need to destroy property which belongs to armed opposition groups. The article advances the argument that the law regarding targeting should be that all civilian objects are protected in NIAC but, unlike the protection of civilian objects in IAC, this protection does not bar a state from destroying in its territory objects which were considered to be illegal under domestic law before the commencement of the NIAC, in accordance with international human rights law as *lex specialis*.

Finally, Gabriella Venturini reviews *War Crimes and the Conduct of Hostilities: Challenges to Adjudication and Investigation*, edited by Fausto Pocar, Marco Pedrazzi and Micaela Frulli, and published by Edward Elgar in 2013.

We wish all our readers a fruitful and enjoyable read.

Sir Nigel Rodley and Professor Yuval Shany
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