Dean&Francis
ISSN 2959-6149

The International Law of the Use of Force: Norms, Debates, and the Case of Israel and Iran

Xingtai Fan

Abstract:
The international law had strictly enacted frameworks to prevent conflicts between each country. The case we are discussing was the confrontation between Iran and Israel in this paper. It traces the evolution from the Kellogg–Briand Pact to the UN Charter, emphasizing debates over Article 51's scope of self-defense.

Keywords: conceptualize, expansionists, restrictivists, terrorism, interpretations.

The use of force always has a significant influence and impact on international relations; it also represents one of the most contested and consequential problems in international law frameworks. While international law has enacted a strong legal framework, forcing countries in the world to reduce conflicts, it is currently challenged by Iran and Israel. The long-term conflicts between Iran and Israel since 1979 are driven by religious contradictions, due to which, Iran would like to build its nuclear weapon project to prevent Israel's aggressions. In contrast, Israel considers Iran's Nuclear weapon as a significant threat for its border and major areas' security, and the Israeli government thought they believed they must attack Iran first to maintain its national security.

At the end of World War I, there was a movement in the international community to develop laws that might help avoid future wars through a prohibition of the General Treaty for Renunciation of War as an Instrument of National Policy—or Kellogg-Briand Pact (U.S. Department of State 1928), in which countries that had signed the treaty had to promise they would never use violent policy or military instructions to solve all sorts of international issues anymore. The pact required signatories to forswear war as an instrument of national policy. This was boldly innovative in identifying aggressive war as criminal, but apart from establishing a clarity of principle that did not exist previously, it included no enforcement device—such as sanctions or an empowered tribunal—and counted exclusively on states' moral convictions (Franck 2002, 35-38). This absence of robust enforcement mechanisms helped states to freely ignore their obligations, as evidenced in the 1930s, whereby even after demonstrating aggressive actions, Germany, Italy, and Japan escaped all penalties (Gray 2018, 42-45).

The abject failure of the Kellogg-Briand Pact to avert World War II underscored the necessity for a more robust and binding framework. That trend finally gave rise to the United Nations Charter in 1945, which enshrined in Article 2(4) that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" as well as established compliance through a system of collective enforcement by the SC (United Nations 1945). The United Nations Charter was adopted in 1945, it clarified and enriched prohibitions more clearly than the previous Kellogg-Briand Pact and Versailles Treaty.

According to Article 2(4)'s demonstrations, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

Under the Charter, in contrast to its ancestor, lawful exceptions to the use of force (self-defense per UN Charter Article 51 and actions authorized by the Security Council) are clearly set forth, binding obligations as well as normative commitments (Bethlehem 2012; Schmitt 2007). Concrete examples of effective enforcement include the Security Council–authorized coalition to expel Iraqi forces from Kuwait in 1991 (Operation Desert Storm) and peacekeeping missions such as those in Sierra Leone and Liberia, which successfully stabilized post-conflict states and upheld the Charter's prohibition on aggression.

However, this isn't a panacea to avoid all conflicts, especially for countries which do have serious issues with each other. Article 51 in the UN Charter affirms that "inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations." But actually, the explanations of article 51 has particularly emphasized what constitutes or organizes an "armed attack", and whether preparation and preemptive strikes are permitted for the future attack on the member nations of the United Nations. The "armed attack" has significantly generated debates among different scholars and policymakers. These kinds of interpretive problems have evaluated modern international conflicts among countries such as Israel and Iran.

Even if it has made great strides since 1992 in providing content to this putative third leg of international organization—global governance—between purely intergovernmental entities like the UN and supranational bodies like the EU, meaning institutions with working frameworks (operational rules, decision-making procedures), these progressions will still not eliminate many of that earlier list's issues, all problems thus far unsolvable in practice: how to enforce compliance universally without violating state sovereignty; how to provide consistent funding and political commitment; how to win over geopolitical lines of division blocking collective efforts. It is for this reason that certain scholars hold on to their misgivings about the recognition of new kinds of international organizations or even their establishment as institutions in law.

In the debate over self-defense, scholars have been separated into two groups : restrictivist and expansionist. Restrictivist view the use of force as only being a legitimate response to an existing and concrete armed attack, always preferring to emphasize and citing intent and definitions of the UN charter. Expansionists argue that the UN charter must include security threats, such as terrorism or racial massacre, weapons of mass destruction. Among those are terrorist groups or WMD proliferators that threaten the security of more than one state. This debate matters because it informs how states interpret and employ Article 51 in a crisis, thereby conditioning the way where military action can be framed as bona fide self-defense or renascent unilateralism—and, more broadly, the extent to which the UN system is capable of adapting to new security dilemmas without doing real violence to its normative core.

Prominent Restrictivists such as Christine Gray had warned that expanding Article 51 would possibly undermine the intent and the very foundation of the Charter, reforming and normalizing the unilateral and some unreasonable use of force. (Gray 2018) Article 51 is the only explicit legal basis in the UN Charter for such unilateral use of force. Article 51 serves as a reference that makes the state act with the Charter's original recognition, and therefore the will to "operate under" it becomes transnational through legitimation. Meanwhile, whilst legitimating a forcible response by creating an official paper trail for review of compliance with Security Council standards – making it more compatible with customary international law (by embedding certain principles within Chapter VII without actually amending those articles) – it undermines the appearance of mere arbitrariness or politics, simultaneously bolstering both legal defensibility and diplomatic credibility into the bargain.

Conversely, scholars who were expansionist such as Daniel Bethlehem and Michael Schimitt believe it's essential for people to actively and dynamically explain Article 51. Bethlehem has created a set of principles that allows self-defense to be involved to take offense earlier before imminent threats had appeared. Schmitt has written, based on NATO's establishment, highlights the operational and management of international courts as the main goal for the UN security council to prevent war. Expansionists take the interpretation that this article allows anticipatory self-defense, an argument that holds force can legally be used before an armed attack actually occurs insofar as the threat is imminent, overwhelming, or final even, and there are no other controls tempting itself.

Expansionists argue that it is possible to find space within the cornerstone principles of international customary law from 1937 for ambiguous interpretations nowadays offered by restrictive arguments as well, even though this may necessitate rejecting certain crucial aspects of the restrictive view of international law. If one has to wait until an actual armed attack has taken place before he can act, then, when all is said and done, nothing will happen on time, and it might prove too late for someone whose interests are endangered by such delay (Schmitt 200, 127-144; Bethlem 2012, 769-777).

The Israeli striking Iranian targets then explained the fol-

ISSN 2959-6149

lowing actions were justified under a wider understanding of self-defense. The Israeli government points out the persistent threats were produced by Iranian muslims, the missile crisis transferring in Syria, and Iran's controversial and arguable Nuclear weapon producing program. From a purely legal standpoint, any use of military force by Iran in violation of provisions contained in Article 51 of the UN Charter — which only allows for the use of force in self-defense against an armed attack or with Security Council authorization — would constitute war breaking on the part of Iran. For example, if Iran used force against another state with no clear evidence of an imminent armed attack or use of force authorized by the Security Council, these acts may be viewed as prohibited under Article 2(4) prohibition on the use of force.

Although Iran may have political, regional security, or deterrent reasons it wishes to advance in its favor, these would not readily satisfy the high threshold as conceptualized by existing law in place today. Michael Schimmits has contended that Israel has faced the escalation of hostilities; this could match with the context in Article 51 of the UN Charter, because it has already reached the conflict level of "armed attack" (Schimitt, 2007, 127-144). So, in addition, Israel and its Allies invoke many disagreements or opposing opinions on Israel's military actions qualified or committed globally as anticipatory self-defense.

The government of Iran has so far managed to avoid direct accountability for the strike, and this indirect role by the Iranian regime presents problems for traditional views on sovereign responsibility and gaps in modern international law governing non-traditional conflict (Taub 2025). They highlight that international law must be developed to go against threats that can symbolize the war coming soon, which could be defined as "proxy warfare" in academia. However, proponents of Israel criticize that the Iranian government has indirect involvement through inspiration and soliciting more militias does not shield it from accountability, the indirect involvement from the Iranian government doesn't really make sense to the international law frameworks. This is because the traditional international law frameworks are designed to deal mostly with direct state-to-state aggression. These indirect acts on the part of proxies or militias are somewhere in a legal netherworld where it is hard to assign responsibility and apply the ordinary rules about what counts as an armed attack.

Therefore, Israel's use of force is not only a simple or ordinary policy decision, but a legality essentiality grounded in survival and deterrence. They are consistent with Article 51, international customary law, and obey the UN Charter's purpose of "the maintenance of international peace and security."

On the opposing sides of the legality of Israel, it's questionable for Israel to represent violations of Article 2(4) and exceed or over-expand from their boundaries formed by the United Nations Security Council, exceeding their boundaries according to the lawful statements in Article 51. No matter via what channel—direct military action or indirect support for others' attacks—one criticism of the Islamic Republic's regime is that its actions go too far. This consideration especially bears on whether or not Iran's current security demand can be defended by the terms of Article 51 in light of what has just been said about its interpretation under traditional law.

Marko Milanovic has discussed the matter of Israel's air raids on the territory of Syria and Iraq. While his critics regard them as an "increasingly permissive" interpretation of self-defense that also violates international law, he says that such interpretations may seem reasonable within particular security contexts. Yet if these interpretations become widespread, then they run the danger of effectively abolishing what is left whole in international law and legitimizing acts of aggression without first getting an authorization from self-designated authorities like the UN Security Council (Milanovic 2025).

Amanda Taub has echoed this concern on top, bolsters Israel has not sufficiently justified the necessities of use of force under a certain and immediate threat. She stresses preventive strikes based on hypothetical future threats—such as Iran's nuclear capabilities—fall outside the legal scope of Article 51. For instance, even if Iranian governments or its religious organizations supported proxy groups, it had lack of evidence for justifying military strikes on Iran mainland or territorial expansion without Security Council's authorizations or permissions. From the perspective of international law, if Iran uses force in a manner contravening the UN Charter, then it is a matter for global concern.States must respect the territorial integrity or political independence of any other state (Article 2(4)), unless done in individual or collective self-defense (Article 51) or authorized by the Security Council. In whichever case, they will have gone beyond legal limits (Taub 2025).

International law and the UN framework reflect a proper balance between protecting state sovereignty and acknowledging the right to legitimate self-defense.

However, there still exists an asymmetrical pit in today's discussion: while the provisions actually limit the use of force quite clearly, they are vague on how to deal with new types of threats, indirect attacks, or preemptive actions. This indistinctness means that there will be a range of interpretations by states and scholars in tension between maintaining legal predictability and adjusting to today's security challenges.

We could explore in future research whether key princi-

ples in international law, such as democracy, yet take on new challenges of security. This isn't just about abstract arguments over legality; it involves actual stories about politics and state authority, public fears raised by particular iterations within the process of defense against terrorism, all appearing in legal form for many scholars to ponder.

References

1.Bethlehem, Daniel. "Principles Relevant to the Scope of a State's Right of Self-Defense Against an Imminent or Actual Armed Attack by Nonstate Actors." *American Journal of International Law* 106, no. 4 (2012): 769–777.
2.Franck, Thomas M. *Recourse to Force: State Action Against Threats and Armed Attacks*. Cambridge University Press, 2002.
3.Gray, Christine. *International Law and the Use of Force*. Oxford University Press, 2018.
4.Milanovic, Marko. "The Illegal Israeli-American Use of Force Against Iran: A Follow-Up." *EJIL: Talk!*, June 23, 2025. https://www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/
5.Schmitt, Michael N. "Preemptive Strategies and International Law." In *Countering Terrorism and WMD: Creating a Global Counter-Terrorism Network*, edited by Peter Berkowitz, 127–144. Hoover Institution Press, 2007.
6.Taub, Amanda. "Are Israel's Airstrikes on Iran Within Legal Bounds?" *The New York Times*, June 20, 2025. https://www.nytimes.com/2025/06/20/world/middleeast/iran-israel
7.United Nations. *Charter of the United Nations*. 1945. https://www.un.org/en/about-us/un-charter/full-text
8.U.S. Department of State. *General Treaty for Renunciation of War as an Instrument of National Policy (Kellogg–Briand Pact)*. 1928.