

Gaza and the Colonial Right to Self-defence: Legal Absurdities and the Circular Reasoning of Violence

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This article critically examines the legal and political framing of the 7 October 2023 attacks and the subsequent Israeli military campaign in Gaza, challenging dominant narratives that present these events as historically isolated. The article is divided into four interrelated sections. First, by situating the 7 October attacks within the broader historical context of settler-colonial occupation, systemic dispossession, and ongoing restrictions on Palestinian lives and land, we argue that framing this moment in isolation obscures the structural violence that preceded and shaped these events. Second, the article examines the invocation of the right to self-defence under Article 51 of the UN Charter, scrutinising its application in contexts involving non-state actors under conditions of belligerent occupation. We argue that claims of self-defence amount to circular reasoning: extensive violence in conditions existing in Gaza especially since 2007 generates armed resistance, which has been reframed as “terrorist attacks” warranting further force under the guise of self-defence; thus creating a paradox of self-defence against self-defence. This dynamic, we argue, exposes a broader disjunction between the formal legal doctrine of the right to self-defence and its use as a means of control and domination in settler-colonial contexts. Third, the article examines how Israel’s military actions quickly shifted from what was asserted as self-defence against Hamas attacks to a systematic effort to reinforce territorial control, expand the ongoing government efforts to erase Palestinian culture and history, kill a substantial proportion of the Gaza population, and force displacement. This consolidation of control is reflected in plans for the Strip’s redevelopment and the elimination or reduction of Palestinian presence in the aftermath of the war, presenting a compelling case that aligns with the dynamics of both genocide and settler-colonial expansion. Finally, by drawing on legal precedents, human rights reports, and the UN Security Council resolution of 17 November 2025, the article demonstrates how international law and

global rights-based structures have operated in ways that enabled, or at least failed to prevent, the scale of killing and destruction in Gaza. We conclude by situating the continuing crisis within a broader framework of settler colonialism and thereby expose the flaws in current legal and political systems that permit states of exception and thus fail to either prevent or address mass atrocities.

More Information

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