



LUND UNIVERSITY

Sociology of Law
Department

“Do not send the signal that Palestinian lives do not
matter”

A discourse analysis of United Nations Security Council meeting records
surrounding Israel-Palestine

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Abstract

This thesis examines how international legal discourse within the United Nations Security Council (UNSC) constructs and distributes legality, legitimacy, and responsibility in debates concerning Israel-Palestine. The study argues that legal exceptionalism does not primarily operate through the formal suspension of international law, but through the discursive pre-structuring of actors as differentially positioned subjects of legality, whereby some are constituted as legitimate bearers of rights and others as inherently suspect or deviant.

The findings show that Hamas is persistently individualized as the primary source of illegitimate violence, while Israeli military actions are more often generalized through humanitarian and self-defence discourse. Thereby, narrowing legal scrutiny and reproducing patterns of legal exceptionalism within formally universal international law. Furthermore, the findings demonstrate that self-defence functions as a selectively activated legal category within UNSC discourse. While repeatedly framed as a universal and inherent right, self-defence is discursively structured in ways that stabilize Israeli violence as legitimate defensive action while largely excluding Palestinian actors from the same framework of legal recognition.

These patterns are further reinforced through recurring oppositions between civilization and barbarism, democracy and terrorism, and legitimate and illegitimate victimhood. Israeli violence is more frequently situated within narratives of lawful defence and moral necessity, whereas Palestinian violence and suffering are predominantly mediated through counterterrorism framing and conditional humanitarian recognition, producing differentiated forms of legal and moral intelligibility.

Lastly, the findings reflect a persistent tension between the formal universality of international law and its uneven operationalization. While international law is continuously invoked as authoritative, it is simultaneously represented as selectively enforced, politically constrained, and shaped by double standards. This produces a discourse in which legal accountability is unevenly distributed, generating hierarchical legal subjectivities within an ostensibly universal international order.

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على هذه الأرض ما يستحقّ الحياة: على هذه الأرض سيدهُ

الأرض، أم البدايات أم النهايات. كانت تسمى فلسطين. صارتُ

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It is impossible not to acknowledge the magnitude of Palestinian lives that have been lost at the hands of a cruel occupation. For decades, we have witnessed the constant dehumanization of Arabs and the destruction of our countries at the hands of the West. My heart goes out to every country and every person who has suffered under oppression and violence. May we all live to see our homelands prosper instead of suffer.

No peace without justice, no justice without return.

Table of contents

Abstract

Acknowledgments

Table of contents

1. Introduction	2
1.2 Aim and Research Question	4
2. Background	5
2.1 The unresolved Question of Palestinian Sovereignty	5
2.2 Occupation since 1967 and its Legal Significance	6
2.3 Gaza after 2005 and Debates over Occupation and Force	6
3. Literature review	8
3.1 Exceptionalism in International Law	8
3.2 Postcolonial Empirical Approaches	13
4. Theoretical framework	17
4.1 Legal Orientalism	17
4.2 Third World Approaches to International Law	19
5. Methodological approach	23
5.1 Discourse-Historical Approach	23
5.2 Data selection	25
5.2.1 Data Collection and Search Strategy	26
5.3 Analytical Framework and Procedure	28
5.3.1 Analytical Procedures	28
5.4 Reflexivity and Ethical Considerations	29
6. Analysis	31
6.1 Naming Hamas, Abstracting Israel	31
6.2 The Politics of Self-Defence	37
6.3 Civilization and Barbarism	45
6.4 International Law: Invoked versus Applied	54
6.5 Discussion	63
7. Conclusion	65
Bibliography	68

1. Introduction

Is it not the responsibility of the Security Council to maintain international peace and security and to preserve the purposes and principles of the Charter of the United Nations, which makes a pledge to our peoples to save future generations from the scourge of war and to take joint and effective measures to prevent and abolish threats to peace, in line with the principles of justice and international law? Or is the Security Council unable to uphold its responsibilities and implement its mandate and resolutions without selectivity or double standards when the issue is Palestine? (S/PV.9451, 2023)

This question, posed by the Minister of Foreign Affairs of the Observer State of Palestine during a United Nations Security Council meeting, reflects a broader tension surrounding international law and its claims to universality. International law is commonly presented as a neutral and universally applicable legal framework governing relations between States and regulating issues such as human rights, armed conflict, and the use of force (United Nations; Sumina & Gilmore 2018, p. 139). Central to this legal order is the principle of sovereign equality, which holds that all States are formally equal legal subjects regardless of differences in political power or historical influence. Through this principle, international law presents itself as neutral, rule-based, and universally binding across political and cultural contexts (Jouannet 2007, pp. 379-380).

Yet in practice, this universalist self-presentation is frequently called into question, particularly in politically charged contexts where the application of international law is perceived as inconsistent. Israel-Palestine is one of the most prominent sites where these tensions become visible. Within United Nations Security Council (UNSC) meetings on the issue, international legal language is repeatedly invoked alongside recurring accusations of selectivity and double standards, suggesting a disjuncture between the universal claims of international law and its situated application in institutional practice. As a result, the UNSC emerges not only as a decision-making body but also as a key site where the meaning and authority of international law are articulated and contested.

International law's relationship to these tensions has been widely examined in critical and postcolonial scholarship. Rather than treating international law as a neutral and self-contained system, Edward Said's *Orientalism* (1978) demonstrates how systems of knowledge and representation have historically produced hierarchical distinctions between Europe and non-European societies, thereby legitimizing unequal forms of political authority (pp. 2-3, 210-211). Building on these insights, Third World Approach to International Law (TWAIL) scholars argue that international law emerged within the context of European imperial expansion and continues to reflect historically embedded global hierarchies within its institutions and legal categories of legitimacy (Riegner 2012, pp. 2-4, 25-28; Naqvi 2025, p. 5). From this perspective, universality and neutrality are not politically neutral descriptors, but historically situated claims shaped by unequal power relations.

However, while postcolonial and TWAIL scholarship has significantly illuminated the structural and historical dimensions of inequality in international law, less attention has been paid to how these dynamics are produced in contemporary institutional discourse itself, particularly within the UNSC. In particular, there remains limited analysis of how the Security Council debates on Israel-Palestine constructs and negotiates ideas of legality, legitimacy, universality, and political responsibility through specific representational and framing practices.

This thesis addresses this gap through a Discourse-Historical Approach of UNSC meetings on Israel-Palestine. Drawing on postcolonial theory and TWAIL scholarship, it examines how legal and political narratives within Security Council discourse articulate and reproduce particular understandings of international law and its universal claims. By focusing on discourse as a site where legal authority is constructed and contested, the study contributes to broader debates concerning international law, representation, and global power in the contemporary international order.

1.2 Aim and Research Question

The aim of this thesis is to examine how international legal discourse within the United Nations Security Council shapes understanding of legality, legitimacy, and responsibility in relation to Israel-Palestine. The thesis advances the argument that legal exceptionalism does not primarily operate through the formal suspension of international law, but through its discursive pre-structuring of actors as differentially positioned subjects of legality. Where some are constituted as legitimate bearers of rights and others as inherently suspect or deviant.

Methodologically, the thesis employs discourse analysis to make visible how such distinctions are produced and reproduced within institutional speech. This approach enables an examination of legal differentiation as it appears in language, framing, and categorization, offering insights that are not easily captured through doctrinal legal analysis or case-based approaches focused primarily on formal legal interpretation.

To address these aims, the thesis is guided by the following research question:

- How are legitimacy and responsibility framed in the United Nations Security Council discourse on Israel-Palestine, and how do these framings produce patterns of legal exceptionalism?

2. Background

The legal and political debates surrounding Israel and Palestine are shaped by unsolved questions concerning Palestinian sovereignty, the status of occupation, and the legality of force in Gaza. These issues form the legal framework within which contemporary international discourse surrounding the situation operates. Rather than providing a comprehensive historical overview, this section focuses only on the development necessary for understanding the legal and discursive debates examined in this thesis.

2.1 The unresolved Question of Palestinian Sovereignty

The modern Palestinian question emerged from the collapse of the Ottoman Empire and the establishment of the British Mandate for Palestine following the First World War. During the mandate period, competing Jewish and Palestinian Arab national claims developed within a single territorial framework, but no political settlement capable of reconciling these claims was established (Watson 2000, pp. 3-4). The conflict intensified during the final years of British administration and culminated in the 1948 war following the United Nations partition plan and the establishment of the State of Israel (*ibid.*, p. 5).

While Israel emerged as a recognized sovereign state after 1948, no Palestinian state was established. Instead, the West Bank came under Jordanian administration and Gaza under Egyptian control. Palestinians were internationally recognized as a people, but lacked sovereign territorial authority and universally recognized statehood (Watson 2000, p. 5). This unresolved status became a defining feature of conflict and continues to shape legal debates surrounding self-determination, recognition, jurisdiction, and political legitimacy.

For this thesis, the unresolved question of Palestinian sovereignty is significant because it structures many of the competing legal and political narratives surrounding the situation.

2.2 Occupation since 1967 and its Legal Significance

The 1967 Six-Day War marked another major transformation in the legal and political structure of the conflict. Following the war, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip. Since then, these territories have generally been regarded by the international community as occupied territories governed by the rules of international humanitarian law, particularly the law of occupation under the Fourth Geneva Convention (Watson 2000, p. 5).

The legal framework of occupation is central to contemporary international debates concerning the situation. Occupation law regulates the relationship between an occupying power and the civilian population under its control, while also imposing limits on territorial acquisition through force. Over time, the prolonged nature of Israeli control over Palestinian territory has generated increases in legal and political debates concerning the compatibility of the situation with the foundational principles of occupation law, particularly the principle of temporariness (Ben-Naftali, Gross & Michaeli 2008, pp. 559-563).

These debates shape broader disagreements concerning settlements, military control, restrictions on movement, proportionality, civilian protection, and the permissible use of force. The legal language of occupation has, therefore, become central to international political discourse surrounding Israel and Palestine. For the analysis, this framework is important because the discourse examined frequently relies on competing interpretations of occupation, security, terrorism, and international law.

2.3 Gaza after 2005 and Debates over Occupation and Force

The legal status of Gaza became increasingly contested following Israel's unilateral disengagement from the territory in 2005. Israel withdrew settlements and permanent military installations from Gaza, but retained significant control over borders, airspace, maritime access, and the movement of goods and people (Van Steenberghe 2024, p. 3).

In 2007, Hamas assumed control of Gaza following internal Palestinian political conflict. Since then, recurring hostilities between Israel and Hamas have generated extensive legal debates

concerning the classification of the conflict, the applicability of occupation law, and the scope of self-defence under Article 51 of the United Nations Charter (Gill 2024, pp. 250-255). Questions surrounding proportionality, civilian protection, and military necessity have consequently become central to international legal and political discourse concerning Gaza (Van Steenberghe 2024, pp. 3-6).

For this thesis, the contested status of Gaza is significant because it demonstrates how legal ambiguity shaped competing interpretations of violence, responsibility, and legitimacy. Different actors rely on different understandings of occupation, self-defence, and sovereignty to justify or condemn particular forms of political and military action. It also shows that there has been long-standing tension between Hamas and Israel, which has become embedded within discourse.

These unresolved legal questions, particularly regarding sovereignty, occupation, and the legitimacy of force, form the terrain on which the discursive patterns examined in this thesis unfold.

3. Literature review

3.1 Exceptionalism in International Law

The literature on legal exceptionalism does not treat it as a clearly bounded legal doctrine, but rather as a mode of engaging with international law that becomes visible through patterns of argument, interpretation, and practice. What unites the scholarship is a shift away from definitional questions toward an examination of how exceptionalism is mobilized by states in concrete legal and political contexts. In this sense, legal exceptionalism is less a category to be identified than a lens through which to analyse how states position themselves in relation to international legal norms, particularly in situations where those norms appear constraining. The analytical focus, therefore, is not on whether exceptionalism exists, but on how it is produced, justified, and operationalized through legal reasoning and state practice.

Nicola Nymalm and Johannes Plagemann (2019) conceptualize exceptionalism as a discourse that structures how states articulate their relationship to universality. They argue that exceptionalism is grounded in a “paradoxical relationship between universality and particularity”, in which a state simultaneously claims adherence to universal values and asserts a distinct status. This dual claim is not merely rhetorical but provides the underlying logic through which legal and political arguments are made. By positioning themselves as uniquely capable of interpreting or advancing universal norms, states create a justificatory space in which deviations from ordinary legal expectations can be framed as necessary, legitimate, or even exemplary. Crucially, this does not require explicit claims of exception. As Nymalm and Plagemann emphasize, exceptionalism “frames the discourse of foreign policy making by providing the underlying assumptions and terms of reference” for action (p. 16).

This understanding allows the literature to move beyond equating exceptionalism with simple non-compliance. While exemptionalism - understood as the claim not to be bound by general rules - remains an important manifestation, it represents only one point along a broader spectrum of practices (Nymalm & Plagemann 2019, 16-17). Much of the literature is concerned with showing how exceptionalism operates within, rather than outside, the law. This is particularly evident in the way legal concepts are interpreted and extended in practice. Exceptionalism

frequently takes the form of reinterpretation, where existing legal categories are stretched to accommodate action that would otherwise fall outside their scope. In such cases, the formal structure of the law is preserved, but its substantive content is altered. The significance of this lies in the fact that exceptionalism does not necessarily appear as a rupture; it often manifests as a gradual reconfiguration of legal meaning.

This is particularly evident in processes of legal interpretation. Mary Ellen O'Connell's (2002) analysis of the use of force provides a detailed account of how this process unfolds in practice. Focusing on U.S. policy, she shows how the concept of self-defense has been expanded beyond its traditional limits, which confined it to responses to actual or imminent armed attacks. In the context of post-Cold War security policy, and particularly in relation to Iraq, self-defense was reinterpreted to include responses to potential or future threats, thereby lowering the threshold for lawful use of force (pp. 43-44). This expansion illustrates a key mechanism through which exceptionalism is operationalized: rather than rejecting the legal framework, it works through it, modifying its internal logic in ways that align with the strategic preferences of the state. The resulting legal arguments retain the language of compliance while effectively transforming the conditions under which force can be justified.

At the same time, the literature shows that reinterpretation is often accompanied by a more implicit form of differentiation in the application of legal norms. O'Connell (2002) notes that U.S. arguments suggested that certain threats were intolerable for a superpower even if they would not justify action by other states, introducing a *de facto* hierarchy into the application of international law (p. 43). This points to another dimension of exceptionalism's operation: the selective application of legal standards. Here, the law is neither rejected nor formally altered, but applied unevenly with certain actors claiming greater discretion in its interpretation and enforcement. The effect is to preserve the appearance of a universal legal order while accommodating significant differences in how rules are experienced in practice.

Scholarships examining Israel-Palestine extend these insights by showing how exceptionalism can become embedded within a broader and more durable legal architecture. Rather than appearing only in moments of crisis or explicit derogation, exceptionalism is described as

operating through the normalization of differentiated legal regimes and security rationales. Federica D'Alessandra (2014) argues that Israel's legal position reflects a form of "alternative legality" in which international humanitarian law and human rights obligations are selectively interpreted in ways that justify the differential treatment of Palestinians under Israeli control (pp. 30-32). In this account, exceptionalism does not operate outside legality, but through competing interpretations of which legal regimes apply, to whom they apply, and under what conditions. The significance of this argument lies in its emphasis on how exceptionalism may become institutionalized through legal and administrative practice rather than expressed solely through exceptional acts or emergency measures.

In some cases, however, the literature identifies a further step in which exceptionalism leads to the erosion of the justificatory framework itself. O'Connell (2002) argues that, in contrast to earlier instances where the United States sought to provide at least a formal legal justification for its actions, the approach taken in relation to Iraq involved a marked deviation from this practice. The United States did not seriously attempt to demonstrate consistency with international legal principles, effectively acting on the assumption that it was not bound in the same way as other states (pp. 48-49). This shift from reinterpretation to disregard highlights the variability in how exceptionalism is operationalized. It can function as a technique for adapting legal norms, but also as a rationale for bypassing them altogether. What remains constant across these different modes is the underlying claim to a form of legal and political authority that exceeds ordinary constraints.

Related scholarship further demonstrates how exceptionalist reasoning in the Israel-Palestine context is frequently tied to permanent security discourse and claims of historical or existential uniqueness. Orna Ben-Naftali and Karen R. Michaeli (2003), in their analysis of Israel's policy of targeted killings during the al-Aqsa Intifada, show how Israeli legal arguments framed the situation as an exceptional form of armed conflict requiring expanded interpretations of self-defence and the laws of war. Importantly, they argue that these legal claims relied on contested narrative constructions of the conflict itself, particularly regarding whether the situation should be governed by the laws of war, humanitarian law, or human rights law (pp. 250-253). Their analysis illustrates how exceptionalism operates not only through the

interpretation of specific legal rules but also through the prior framing of the legal context in which those rules are applied.

The cumulative effect of these practices is a central concern in the literature. Exceptionalism is not only significant in individual cases but also in its broader impact on the development of international law. As O'Connell (2002) emphasizes, treating one state exceptionally in matters as fundamental as the use of force has "serious consequences for the future legal regime" (p. 49). By repeatedly invoking exceptionalist reasoning, states can reshape expectations about what is permissible, gradually altering the content and application of legal norms. In this sense, exceptionalism operates as a mechanism of legal change, even when it appears as a form of deviation.

At the same time, the literature complicates any straightforward association between exceptionalism and legal breakdown. Nymalm and Plagemann's (2019) work demonstrates that exceptionalism can take forms that remain compatible with, and even reinforce, international law. By distinguishing between missionary and exemplary orientations, and between exemptionalist and non-exemptionalist approaches, they show that exceptionalism can justify a range of practices, from intervention and disengagement to leadership within multilateral frameworks (pp. 18-19). This highlights that the defining feature of exceptionalism is not non-compliance per se, but the claim to a distinctive role in relation to legal norms. Even in its non-exemptionalist forms, exceptionalism involves an assertion of difference - whether in terms of responsibility, authority, or moral standing - that shapes how states engage with the law.

More recent scholarship situates these dynamics within broader critiques of the international legal order itself.

Catalina Catana and Simen Ekeberg (2024) argue that the international response to Israel's war on Gaza demonstrates the uneven and selective enforcement of universal human rights norms, particularly when compared to responses to other conflicts such as Ukraine (pp. 51-52). From this perspective, exceptionalism is not only produced by individual states but also sustained through international political structures that permit certain actors greater latitude in the interpretation and application of international law. Their analysis, therefore, shifts attention from

exceptionalism as solely a state practice toward the broader hierarchies embedded within the international legal system.

Finally, the literature emphasizes that exceptionalism is not confined to any single state, even if U.S. practice has provided many of the most prominent examples. Comparative studies show that multiple states articulate exceptionalist narratives grounded in claims to historical uniqueness or moral authority, and that these narratives perform similar functions across different contexts (Nymalm & Plagemann 2019, p. 12). This broader perspective reinforces the value of exceptionalism as an analytical concept, allowing scholars to identify recurring patterns in how states justify deviating from, or reinterpretations of, international law.

Taken together, the literature presents legal exceptionalism as a set of practices through which states negotiate the tension between universal legal norms and particular political interests. It operates through discourse, shaping how legal arguments are framed; through interpretation, altering the meaning and scope of legal rules; and through application, determining how those rules are enforced in practice. By focusing on these processes rather than on abstract definitions, the scholarship provides a more precise account of how exceptionalism functions within the international legal order. It shows that exceptionalism is not an anomaly at the margins of the law, but a recurring feature of how law is used, adapted, and, at times, contested in practice.

Building on this literature, the present thesis treats legal exceptionalism as something produced through discourse, interpretation, and practice rather than as a fixed legal category. Existing scholarship demonstrates how exceptionalism operates through reinterpretation, selective application, and differentiated legal regimes, but gives less attention to the recurring discursive patterns through which such reasoning is reproduced within specific institutional settings. By analyzing UNSC meetings on Israel-Palestine, this thesis examines how exceptionalism is produced and normalized through recurring representations of self-defence, security, proportionality, and civilian protection.

3.2 Postcolonial Empirical Approaches

While the literature on exceptionalism explores how states negotiate universal legal norms, postcolonial scholarship asks how those norms came to be constructed as universal in the first place, and whose experience they systematically exclude. A tension that is central to understanding how international law operates as both inclusionary and hierarchical.

Postcolonial approaches have become increasingly influential in empirical research because they offer more than a critique of colonial history: they reshape how evidence is gathered, interpreted, and theorized. Across the reviewed literature, postcolonial scholarship is used not simply to identify colonial legacies in law and governance, but to challenge the epistemological assumptions underlying empirical research itself. In particular, these studies demonstrate that postcolonial approaches are used empirically in different yet related focuses: to expose Eurocentric assumptions in dominant frameworks, to reinterpret archives as sites of contested knowledge production, to recover subaltern agency, and to shift analytical attention toward the lived realities of the Global South.

Existing scholarship has approached Palestine through a range of methodological strategies, including ethnographic studies of everyday legality, institutional and governance analysis, and critiques of international legal discourse. Together, these studies demonstrate the diversity of governance, institutional critique, and lived legality in the selective interpretation and application of legal norms themselves.

Tobias Kelly's (2006) work examines how legal authority operates through bureaucratic and documentary practices in the occupied Palestinian territories. Focusing on identity documents and everyday administrative encounters, Kelly demonstrates how legality is experienced through surveillance, mobility control, and uncertainty rather than solely through formal legal institutions (pp. 89-92). His work contributed an ethnographic perspective centered on the lived experiences of legality.

Ida Nafstad (2018), by contrast, examines the institutional and governance dimensions of international legal intervention in Palestine. Through interviews and institutional analysis, she

argues that justice and security sector reform in the West Bank has been shaped by externally imposed legal and technocratic frameworks that marginalize Palestinian understandings of justice and legitimacy (pp. 108-112). Her work highlights how international governance practices depoliticize broader questions of occupation and colonial power.

Michael Kearney and John Reynolds (2013) approach Palestine through legal and institutional analysis, reviewing Palestinian engagement with international legal institutions, including the International Criminal Court and the International Court of Justice. They argue that international legal norms are selectively suspended or constrained in the case of Palestine through broader geopolitical considerations (pp. 407-414). Their analysis demonstrates how international legal institutions remain embedded within unequal global power relations despite claims to universality.

“Roundtable: Locating Palestine in Third World Approaches to International Law” (2023) adds an essential critical dimension by demonstrating that postcolonial methodologies must also examine their own exclusions. Noura Erakat and John Reynolds argue that Palestine remains underexamined in TWAIL scholarship despite being one of the clearest contemporary examples of settler colonial domination mediated through international law (p. 101). Their critique reveals that postcolonial frameworks are themselves historically selective: even scholarship committed to anti-colonial analysis can reproduce silences about certain colonial contexts.

This point is developed further by Samera Esmeir, who argues that TWAIL’s traditional emphasis on the postcolonial state has limited its ability to theorize Palestine, where colonization remains ongoing rather than formally concluded (2023, p. 103). This is methodologically significant because it shows that postcolonial empirical research must not only critique dominant legal systems, but also remain reflexive about its own blind spots. The roundtable, therefore, expands empirical postcolonialism beyond critique of Eurocentrism into critique of postcolonial scholarship itself.

The roundtable also broadens understandings of empirical methods by showing that postcolonial inquiry is not limited to archives or legal texts. Ardi Imseis demonstrates that Palestine reveals

how international institutions often generate the very injustices they claim to resolve, arguing that the UN's historical role in Palestine exemplifies how law can reproduce subalternity under the guise of neutrality (2023, pp. 103-104). Here, empirical evidence takes the form of historically situated institutional critique, showing that postcolonial methodology can include dialogic and comparative analysis as well as archival reconstruction.

Luis Eslava and Sundhya Pahuja (2012) argue that TWAIL provides a distinctly postcolonial methodology for empirical inquiry by shifting attention away from abstract doctrinal analysis toward "the everyday life of international law" (p. 2). Rather than treating international law as a neutral universal system, they demonstrate how concepts such as sovereignty, development, and human rights are historically shaped by colonial distinctions between "developed" and "developing" worlds (*ibid.*, pp. 2-7). Their contribution is particularly significant in redirecting empirical attention toward mundane administrative practices, local governance, and forms of subaltern resistance that are often excluded from formal legal analysis.

These methodological commitments are extended empirically in Jay Ramasubramanyam's "TWAIL, Archives, and Refugee Law" (2024), which examines how refugee law has been historically shaped through colonial forms of governance. Positioning TWAIL as "a methodological tool" (pp. 994-995), Ramasubramanyam uses archival records from India, Britain, and United Nations repositories to reconstruct how refugee governance evolved through unequal imperial relationships rather than neutral humanitarian development. Rather than treating archives as neutral repositories of fact, he argues that they function as sites of "knowledge production" shaped by colonial structures that determine whose experiences become historically visible (*ibid.*, pp. 997-999).

Together, these studies demonstrate not only the diversity of empirical approaches used to examine Palestine and international law but also the broader methodological contribution of postcolonial scholarship to empirical research itself. Across ethnographic, institutional, archival, and legal analyses, postcolonial approaches redirect attention toward how international law operates through historically unequal structures of power, governance, and knowledge production.

Collectively, these studies demonstrate how postcolonial approaches have been applied empirically to Palestine through ethnography, institutional and governance analysis, archival inquiry, and critiques of legal discourse. While this scholarship provides important insights into governance practices, institutional power, and lived experiences of legality under occupation, comparatively less attention has been given to diplomatic and institutional discourse itself as a site of postcolonial empirical analysis. In particular, there remains limited research examining how legal norms are articulated, negotiated, and selectively mobilized within forums such as the United Nations Security Council. Drawing on postcolonial critiques of Eurocentrism, legal universality, and colonial continuities, this study examines how legal arguments are invoked and contested. A postcolonial approach makes it possible to analyze selective legality not simply as political inconsistency or strategic state behavior, but as part of a broader pattern of uneven legal ordering shaped by historical hierarchies of power and colonial reactions embedded within international law itself.

4. Theoretical framework

4.1 Legal Orientalism

The thesis uses the concept of Orientalism, developed by Edward Said (1978), as an analytical lens to examine how international legal discourse constructs differences between actors and assigns legal meaning unevenly. In particular, it draws on legal Orientalism to analyse how representations of legality, rationality, and legitimacy are discursively produced within institutional texts.

Said's (1978) concept of Orientalism explains how Western societies historically produced knowledge about the "Orient" through a distinction between "the Orient" and "the Occident" (pp. 1-2). This distinction does not merely describe geographical difference, but constitutes a broader framework in which non-Western societies are represented as fundamentally different from, and often inferior to, the West. Within this framework, the Orient is frequently depicted through simplified and essentialized representations, such as irrational, backward, or static, while the West is associated with rationality, progress, and modernity (ibid., pp. 2-3).

A central claim in Said's (1978) work is that these representations are not neutral, but embedded in structures of power. Orientalism operates as a system of knowledge production that reduces complex societies into fixed categories and constructs the "Orient" as an object to be interpreted and governed (pp. 2-3). This process was closely tied to European colonial expansion, where representations of cultural difference helped legitimize political domination by portraying non-Western societies as incapable of self-government (ibid., p. 4). In this thesis, orientalist representations are identified not through explicit claims of cultural inferiority, but through discursive patterns in which certain actors are consistently associated with irrationality, extremism, or violence, while others are positioned as rational, civilized, and legitimate political subjects (Said 1978, pp. 2-3). Particular attention is paid to asymmetries in how agency, victimhood, security, and political legitimacy are constructed within the analyzed discourse.

Building on this, the concept of legal Orientalism extends Said's argument into the domain of law. Legal Orientalism refers to how Western legal discourse has historically constructed

non-Western societies - particularly in Asia and the Middle East - as lacking law or possessing inferior legal traditions (Darian-Smith 2013, p. 48). Within these discourses, the West is framed as rational and law-governed, while non-Western societies are associated with arbitrariness, custom, or legal deficiency (ibid., p. 49). Within the analyzed UNSC discourse, this pattern is examined through the ways different actors are represented in relation to legality, legitimacy, and political rationality. Particular attention is paid to whether some actors are framed as “law-abiding” political subjects, while others are primarily associated with terrorism, extremism, irrationality, or illegitimate violence. These distinctions are not merely descriptive but form part of a broader structure through which legal authority and legitimacy are hierarchically organized.

This perspective is grounded in the understanding that law itself is socially and historically constructed. As Darian-Smith (2013) emphasizes, legal systems emerge within specific political and cultural contexts and cannot be understood as universally neutral (pp. 40-41). The presentation of Western law as a universal model, therefore, reflects particular historical conditions associated with European state formation and colonial expansion, rather than an objective standard of legal development (p. 41). Within Orientalist discourse, this model is elevated into a benchmark against which other legal systems are evaluated and often found deficient.

Scholars such as Teemu Ruskola (2002) further demonstrate how legal Orientalism operates through the construction of a legal “other”. In his analysis of Western representations of China, Ruskola shows that claims about the absence of law are less about empirical reality than about producing a contrast through which Western societies define themselves as uniquely lawful and modern (pp. 182-184). Legal Orientalism thus functions as a discursive framework that simultaneously produces both the identity of a rational, law-governed West and a legally deficient non-Western “other” (ibid., pp. 196-197). This mutual constitution – in which the image of a lawful and civilized political actor depends upon the production of a legally deficient or irrational “other” – provides an important analytical lens for examining how Israeli and Palestinian actors are differentially positioned within the discourse analyzed in this study.

In this study, these insights are used to examine how similar representational distinctions may persist within contemporary international legal discourse. Rather than appearing as explicit claims of inferiority, such distinctions are often embedded in how actors are described, categorized, and positioned within legal arguments. This makes it possible to analyse how certain actors are consistently framed as legitimate legal subjects, while others are constructed in more ambiguous, problematic, or exceptional terms.

Legal Orientalism, therefore, contributes to the analytical framework by making visible how hierarchies within international law are reproduced not only through formal doctrines but also through discursive practices that shape how legality, responsibility, and authority are understood. In doing so, it provides a way to connect representational patterns in institutional discourse to broader questions of differential interpretation and application of international law.

4.2 Third World Approaches to International Law

Third World Approaches to International Law (TWAIL) provides a critical framework for analyzing the historical development of international law and its relationship with colonialism, as well as its continuing implications for contemporary legal discourse. In this thesis, TWAIL is used as an analytical lens to examine how international legal discourse constructs and manages differences, particularly in relation to claims of universality, sovereignty, and legitimacy. As discussed in the literature review, TWAIL scholars challenge conventional accounts that portray international law as a neutral and universal system that emerged within Europe and was only later distorted through imperial expansion. Scholars such as Antony Anghie (2005) argue that colonialism was central to the very constitution of international law, which developed through attempts to regulate encounters between European and non-European societies (pp. 3-4).

From this perspective, international law did not simply expand outward from a pre-existing European system, but formed through the legal management of cultural and political differences. Anghie (2005), therefore, challenges traditional histories that treat colonialism as peripheral to an otherwise coherent legal order. Rather than assuming the existence of a stable European legal system that was extended globally, TWAIL scholarship demonstrates that many of the

discipline's core doctrines were forged in response to the problem of governing relations between societies constructed as fundamentally different (pp. 3-5).

Central to this critique is the concept of universality. In mainstream international legal thought, international law is often presented as a universal system of norms applicable equally to all states. TWAIL scholars argue, however, that this claim to universality emerged within the specific historical context of European imperial expansion. It was loosely tied to the "civilizing mission", through which European powers justified domination by portraying non-European societies as backward, deficient, or lacking proper political and legal organization (Anghie 2005, pp. 3-4). In this way, universality functioned not as a neutral principle but as a mechanism through which particular European norms were elevated into global standards.

Anghie (2005) conceptualizes this process through the notion of the "dynamic of difference". This refers to the way international law constructs a distinction between a universal, "civilized" norm and a particular, "deviant" other (p. 4). Once established, this distinction enables legal doctrines to operate as tools for managing and transforming the "other" so that it conforms to dominant norms. The significance of this dynamic lies in the fact that difference is not external to international law, but produced within it and regulated through its concepts and categories. Within the present analysis, this concept provides a framework for examining how legal and political legitimacy are unevenly distributed within international discourse surrounding Israel and Palestine.

This process was central to the development of foundational doctrines such as sovereignty. Rather than emerging as a purely European concept later extended globally, sovereignty was shaped through attempts to define which societies could be recognised as fully sovereign and which could not. In this sense, international law simultaneously included non-European societies within its scope while excluding them from full legal status, creating a hierarchical structure embedded within the legal order itself (Anghie 2005, pp. 30-31, 310-311). This is particularly relevant for the present analysis of self-defence discourse, where the availability and legitimacy of self-defense claims are shown to depend upon prior constructions of sovereign status and political legitimacy (see Chapter 6.2).

Importantly, TWAIL scholars argue that these structures did not disappear with formal decolonization. Although the twentieth century witnessed the recognition of newly independent states as sovereign members of the international community, the hierarchical distinctions embedded within international law persisted. These distinctions were reformulated through new categories, such as those between developed and developing states, or between stable and unstable political orders, which continue to organize the international legal system in differentiated ways (Anghie 2005, pp. 204-205).

From a TWAIL perspective, international law is therefore not simply a neutral framework applied to global events, but a historically produced system that continues to shape how actors are positioned and evaluated. This shifts attention away from the formal universality of legal norms toward how claims to universality and neutrality operate within legal discourse.

Within this framework, the relationship between universality and differentiation becomes central. While international law is articulated through a language of general applicability, its concepts and categories often function in ways that distinguish between actors in their interpretation and application. This produces a tension between the formal principle of sovereign equality and the differentiated positioning of actors within the legal order. Anghie's (2005) notion of the "dynamic of difference" is particularly useful in this regard, as it highlights how such distinctions are generated through legal reasoning itself (p. 4). Rather than appearing as explicit hierarchies, they emerge through patterns of categorisation, justification, and legal framing, shaping how responsibility, legitimacy, and authority are distributed.

In this thesis, these insights are used to examine how such patterns of differentiation are articulated within contemporary international legal discourse. Rather than appearing as explicit claims of hierarchy, they are often embedded in the framing of legal arguments, in the application of concepts such as sovereignty and self-defense, and in the positioning of actors as fully legitimate, exceptional, or subject to conditional recognition.

TWAIL, therefore, contributed to the analytical framework by making visible how patterns of selective enforcement and legal exceptionalism can emerge within a formally universal legal order. In doing so, it provides a way to connect contemporary forms of legal reasoning to the broader historical structures through which international law has been shaped.

While TWAIL and legal Orientalism emerge from distinct intellectual traditions, they are employed together in this thesis as complementary analytical frameworks. TWAIL provides a broader structural and historical critique by examining how international law developed through colonial relations and continues to reproduce hierarchies despite claims of universality. Particularly through enduring distinctions between sovereign and non-sovereign, civilized and uncivilized political actors. Legal Orientalism complements this by focusing more specifically on the discursive and representational dimensions of these hierarchies, showing how such distinctions are reproduced in language and representation through the construction of actors as either rational, lawful, and legitimate or as irrational, violent, and legally deficient.

Collectively, these frameworks allow the analysis to move between the structural and discursive levels of international legal discourse. TWAIL helps explain why hierarchical distinctions persist within international law, while legal Orientalism provides tools for examining how these distinctions are reproduced with the UNSC discourse analyzed in this thesis. Combined, they provide an analytical framework for examining how legality, legitimacy, sovereignty, and political violence are unevenly constructed and distributed within international responses to Israel and Palestine.

5. Methodological approach

This thesis follows a qualitative research design informed by a critical constructivist epistemology, understanding legal categories, legitimacy, and responsibility as produced and negotiated through discourse within institutional settings rather than as fixed or purely descriptive legal facts. It treats international legal meaning as contextually constructed through language, framing, and institutional interaction. The empirical material consists of UNSC meeting records relating to Israel-Palestine, which provide a sustained record of state positioning, justificatory practices, and contestations over legality. Drawing on this material, the thesis employs a Discourse-Historical Approach (DHA) as its analytical method in order to examine how patterns of representation, argumentation, and legitimation develop across time and across speakers within a formally constrained institutional setting. The following sections outline the research design, data selection, and analytical procedure in greater detail, and specify how the methodological framework is operationalised in relation to the empirical corpus.

The choice of this approach is motivated by the research focus of the present study, which seeks to explore how specific discourses are constructed, maintained, and potentially transformed within a given socio-political setting. DHA provides a flexible yet systematic analytical framework that allows for the identification of linguistic strategies at the micro-level while also linking these patterns to macro-level contextual developments, including historical events and institutional structures.

5.1 Discourse-Historical Approach

This thesis employs the Discourse-Historical Approach (DHA) as its methodological framework for discourse analysis. DHA was primarily developed by Ruth Wodak and Martin Reisigl within the broader tradition of Critical Discourse Studies (CDS). CDS emerged in the early 1990s as an interdisciplinary field concerned with examining the relationship between language, power, ideology, and society. According to Wodak and Michael Meyer (2015), also a prominent scholar within Critical Discourse Studies, CDS is characterized by its “problem-oriented” and interdisciplinary nature, focusing on the ways discourse contributes to the production and reproduction of unequal power relations and ideological structures (pp. 4-5).

Within CDS, discourse is understood as a form of social practice. Norman Fairclough and Wodak (2015) define discourse as socially constitutive as well as socially conditioned, meaning that discourse both shapes and is shaped by social structures, institutions, and historical contexts (p. 6). Discourses, therefore, play a significant role in contrasting special identities, legitimizing forms of knowledge, and maintaining or challenging systems of power. CDS researchers are particularly interested in how language functions ideologically and how discursive practices contribute to social domination, inequality, and exclusion.

The Discourse-Historical Approach distinguishes itself from other CDS approaches through its strong emphasis on historical contextualization. DHA analyses discourse by embedding texts within their wider historical, political, institutional, and social contexts. Rather than examining isolated linguistic features alone, DHA investigates how discourses develop over time, how they relate to previous discourses, and how they are recontextualized across different social and political settings. Reisigl and Wodak (2015) describe discourse as structured forms of knowledge and memory linked to social practices, while texts are viewed as the concrete realization of discourse in spoken or written form (p. 6).

Another defining characteristic of DHA is its interdisciplinary orientation. Wodak and Meyer (2015) explain that CDS approaches draw upon theories and methods from multiple disciplines, including linguistics, sociology, history, political science, and social psychology (pp. 13-17). DHA, therefore, combines linguistic analysis with contextual and historical interpretation to explain how discourses operate within broader structures of power and ideology. This interdisciplinary perspective is particularly useful for studies that seek to connect textual analysis with larger socio-political developments.

DHA also emphasizes the importance of intertextuality and interdiscursivity. Intertextuality refers to the way texts draw upon and reference other texts, while interdiscursivity concerns the interaction and overlap between different discourses. Wodak and Meyer (2015) note that texts are often “sites of struggle” where competing discourses and ideologies intersect and contest one another (p.12). Through analysing these relationships, DHA allows researchers to identify how

particular narratives, ideologies, or representations become normalized and legitimized within society.

Methodologically, DHA applies several discursive strategies to analyse how social actors and events are represented in discourse. These include nomination strategies which means how actors are named and categorized (e.g. whether a party is referred to as “an occupying power”, “a democratic state”, or “a terrorist organization”) and predication strategies focusing on how claims are justified, qualities, and responsibilities are assigned (e.g. whether violence is described as “self-defence”, or “terrorism”, or “indiscriminate attacks”). Then there's perspectivization strategies capturing how viewpoints are positioned and authorized (e.g. states speaking in the name of “let us all”, “every nation”, or “the Council” to present a particular national position as universal or collectively shared), and intensification or mitigation strategies examining how statements are strengthened or softened (e.g. through expressions such as “clearly illegal”, “deeply concerned”, or “regrettable but necessary”). These analytical categories enable a systematic examination of how language constructs identities, legitimizes political positions, and shapes social realities.

By analysing UNSC meeting records, this thesis investigates how language is used to frame issues of international law, legitimacy, responsibility, and selectivity. DHA is especially relevant because of its emphasis on historical contextualization, power relations, and the reproduction of ideological narratives within institutional discourse. The approach allows for an examination of how certain interpretations of international law may become normalized or privileged, while others are marginalized or contested. Furthermore, DHA's focus on intertextuality and argumentation enables the analysis of how recurring discursive patterns contribute to perceptions of selectivity in the application of international law in the case of Israel-Palestine.

5.2 Data selection

The empirical material of this study consists of official meeting records of the United Nations Security Council (UNSC), retrieved from the United Nations Digital Library System. These documents were selected due to the central role of the Security Council in the interpretation, application, and enforcement of international law. As such, UNSC meetings constitute a key

institutional site where international legal meanings are actively articulated, negotiated, and contested.

The focus on institutional discourse aligns with the principles of Critical Discourse Studies, which emphasize the importance of analysing language use within sites of power and authority. Institutional texts are particularly relevant in this regard, as they contribute to the legitimation, reproduction, and stabilisation of dominant interpretations of international law. UNSC meeting records, therefore, provide a rich empirical basis for examining how legal and political meanings are constructed in high-level international decision-making contexts.

The initial research design aimed to include a broader corpus of institutional materials in order to enable a comparative analysis across different sites of international legal discourse. However, it became evident that UNSC meeting records alone provided a sufficiently extensive and analytically rich corpus.

5.2.1 Data Collection and Search Strategy

Data collection began with an exploratory scoping phase aimed at identifying instances in which international legal language is used within institutional debates on Israel-Palestine. The initial focus was placed on UNSC meeting transcripts retrieved from the United Nations Digital Library System, as these debates constitute a key institutional site where states publicly articulate and contest interpretations of international law.

Security Council meeting records are identified through the document symbol *S/PV*, which refers to verbatim records of UNSC meetings. This identifier was used to ensure that searches were restricted to official Security Council transcripts, thereby maintaining consistency and comparability within the dataset.

The initial search strategy combined this institutional identifier with keywords relating both to Israel-Palestine and to international legal discourse. An example of the search structure used was: “symbol:S/PV* AND (Israel OR Palestine OR Gaza) AND ("Article 51" OR "self-defense" OR "inherent right" OR proportionality OR "security threat")”

This search was designed as an initial attempt to identify debates in which references to the Israel-Palestine context appear alongside language commonly associated with legal justifications for the use of force.

The preliminary searches produced mixed results. Some keyword combinations returned only a limited number of relevant meeting records, while others retrieved debates that primarily concerned broader regional issues involving states such as Iran, Syria, or Lebanon, in which Gaza was mentioned only in passing rather than forming the central subject of discussion. This indicated that formal legal terminology alone was not sufficient to capture all relevant instances of international legal discourse.

By contrast, keyword combinations incorporating broader security-related terms such as “security threat”, “terrorism”, and “defensive measures” generated a significantly larger number of results. These debates more directly engaged with the question of Palestine and contained extensive state statements in which the situation was framed through both legal and security-oriented narratives.

This variation in search outcomes highlights an important methodological insight: legal argumentation in institutional discourse is often embedded within broader political and security framings rather than expressed exclusively through explicit legal terminology. This observation is consistent with the Discourse-Historical Approach, which emphasises the multi-layered and context-dependent nature of discourse analysis (Wodak & Meyer 2015, p. 2).

At this stage, the focus on use-of-force terminology reflects the initial exploratory phase of data collection rather than the final analytical scope of the study. These terms functioned as entry points for identifying instances in which legal reasoning becomes explicitly articulated within Security Council debates.

As the data collection process progressed, the keyword strategy was iteratively refined to include additional terms relating to occupation, territorial status, humanitarian law, civilian protection,

and accountability. In this way, keyword searches functioned as discursive entry points for identifying moments in which legal concepts are mobilised to justify, contest, or reinterpret political actions within the institutional setting of the UNSC.

Data collection and analysis continued until thematic saturation was reached, meaning that additional transcripts no longer generated substantially new discursive patterns or interpretive categories relevant to the research questions. Saturation was reached after approximately eight documents, as later transcripts largely reproduced already identified discursive patterns and legal framings. Sixteen SC documents were initially collected, spanning the period from June 2018 to March 2024. However, the final analysis draws on seven documents published between March 2023 and October 2024.

These seven documents were selected because they most clearly and consistently reflected the recurring discursive patterns identified across the broader dataset. Although the study is not structured around a fixed temporal scope, this subset was selected because it most clearly captured the recurring discursive patterns identified across the broader dataset. While similar patterns of language were observed in earlier documents, the period following 7 October 2023 was characterised by a marked intensification in the frequency and explicitness of these patterns. In particular, legal framing became more frequent, more explicit, and more effectively and politically charged, with sharper forms of nomination, predication, and justification appearing across statements. The patterns themselves were not new, but their discursive activation became significantly more pronounced in this later period. The selected corpus therefore reflects both continuity in discursive patterns over time and an increase in their frequency in the most recent debates.

5.3 Analytical Framework and Procedure

5.3.1 Analytical Procedures

This study applied a DHA in order to examine how international legal meanings are constructed, negotiated, and contested within UNSC meetings concerning Israel-Palestine.

The analysis was conducted through iterative close readings of UNSC transcripts read in chronological order, starting with the most recent document. During this process, I highlighted and annotated passages that appeared relevant to the research question, including initial interpretive observations and emerging analytical connections.

During reading, I focused on instances where international law was explicitly invoked or implicitly referenced, including references to international humanitarian law, self-defence, civilian protection, and humanitarian access. I paid particular attention to how these references were distributed across actors, especially where Israel was not explicitly named in relation to restrictions on humanitarian aid or civilian protection, and where responsibility was instead expressed through generalized formulations such as “the parties involved” or “all sides”.

In parallel, I tracked how actors were represented across the dataset, including whether Palestinian victims were individualized, generalized, or mediated through other actors such as Hamas. It was also noted that self-defence was used as a justification for military action, and this was compared with how Palestinian violence was categorised. Attention was also given to how political identities were constructed through language, including references to Israel as a “democracy” or “law-abiding state”, and how these framings contrasted with representations of the opposing side.

As reading progressed, I recorded initial interpretive notes, including emerging patterns, anticipated argumentative trajectories, and potential colonial or historical resonances in the framing of actors and events.

Across the dataset, I observed whether these discursive features appeared in isolation or as recurring patterns across different speakers and meetings. These observations formed the basis for later grouping into broader analytical categories used in the empirical chapters.

5.4 Reflexivity and Ethical Considerations

My interest in this research is not detached from my own social and political position. As an Arab Iraqi researcher, I have long been attentive to the historical imbalance through which the

“East”, particularly Arab and Muslim societies, are represented within dominant political and legal discourse. I have also been engaged with questions concerning Palestine and Palestinian rights for most of my life. The genocide unfolding in Palestine during these past three years has further intensified my interest in how international law operates in practice, particularly regarding what conditions appear necessary for international legal protections to be meaningfully applied, and why those protections are often perceived as inconsistently enforced in this context.

Rather than claiming complete neutrality, this thesis acknowledges that discourse analysis is inherently interpretive and shaped by broader historical, political, and epistemological positions. Reflexivity in this study, therefore, did not aim to eliminate interpretation but to remain critically aware of how theoretical assumptions, researcher positioning, and analytical choices shaped the production of knowledge throughout the research process.

The ethical considerations of the study are tied less to issues of access or confidentiality, since the material consists of publicly available UNSC records, and more to questions of representation and interpretation. Because the thesis analyzes discourse surrounding large-scale violence and humanitarian suffering, care was taken not to reproduce institutional language as politically neutral or detached from its material consequences. Instead, the analysis approaches SC discourse as language that contributed to shaping whose suffering becomes visible, whose violence appears legitimate, and whose claims are recognised within international law

6. Analysis

6.1 Naming Hamas, Abstracting Israel

Through repeated forms of direct nomination, Hamas is individualized as the active source of violence, terrorism, and humanitarian suffering, while Israeli actions are more frequently articulated through generalized references to “all parties”, “the humanitarian crisis”, or the need to protect civilians and facilitate aid. The Security Council debates demonstrate a recurring pattern of selective attribution in which responsibility is distributed unevenly through strategies of nomination, predication, and humanitarian framing. The significance of this asymmetry is not simply that Hamas is framed as the sole perpetrator, but that the repeated personalization of Hamas as the sole identifiable source of illegitimate violence creates a discourse in which Israeli violence becomes generalized and implicitly legitimized. In this way, language functions to shape how responsibility, legality, and acceptable violence are distributed within the discourse. The discourse can be understood as reproducing the unequal distribution of legal legitimacy within a formally universal legal order (Anghie 2005, pp. 4-5). These framings thereby produce patterns of legal exceptionalism through the uneven attribution of legitimacy, accountability, and legal scrutiny within ostensibly universal international law.

This pattern is visible in Thomas-Greenfield’s (United States) statement on the meeting that took place on Monday, 13 October 2023. The meeting sought to address a draft resolution urging the release of all hostages, a ceasefire, and the condemnation of all acts of terror, among other provisions. The United States voted against it due to it not directly naming Hamas: “Hamas’ actions have led to the dire humanitarian crisis facing the people of Gaza. Civilians should not have to suffer for Hamas atrocities.” (S/PV.9439, 2023).

Here, responsibility for the humanitarian situation in Gaza is directly attributed to Hamas through explicit nomination. Palestinian suffering is acknowledged, but causality is narrowed to Hamas alone, despite the fact that the humanitarian crisis was unfolding within the context of Israeli bombardment and siege. The effect of this framing is significant because it relocates responsibility for Palestinian suffering away from Israeli military action and onto Hamas itself.

Israeli violence, therefore, becomes discursively secondary, while Hamas is established as the primary causal actor behind the humanitarian catastrophe. This framing operates through an orientalist construction of the “other” that is seen as irrational and inherently violent (pp. 2-3). Hamas is represented as the source of disorder and barbarity, while Israeli actions remain comparatively normalized and politically intelligible.

Thomas-Greenfield reinforces this framing when she states:

Let us be clear. Hamas’s own actions have brought on this severe humanitarian crisis. Hamas has caused so much needless suffering, death and destruction. Every Member State should condemn Hamas’s terrorism and cruelty and every Member State should call on Hamas to cease its endless barrage of rockets against Israel. That is not complicated, and it is not controversial. It is the bare minimum. (S/PV. 9442, 2023)

Again, the humanitarian crisis is directly linked to Hamas through repeated nomination and moral condemnation. The repetition of “Hamas” throughout the statement individualizes responsibility and establishes Hamas as the central explanatory framework through which violence in Gaza is understood. In the quote, we can also see the escalation in the language (e.g., “the bare minimum”, “not complicated”, and “not controversial”) and how it functions discursively to foreclose political and legal debates by presenting condemnation of Hamas as an unquestionable moral consensus rather than a position open to deliberation. In doing so, alternative discussions concerning Israeli military action, proportionality, or legal responsibility are implicitly positioned as secondary, unreasonable, or outside the boundaries of legitimate discourse. This framing constructs legal norms as formally universal while simultaneously granting certain actors broader legitimacy in the interpretation and application of violence (Nymalm & Plagemann 2019, pp. 16-17).

A similar pattern appears in Kulhanek’s (Czechia) statement:

This war is not Israel’s choice. It is a choice by Hamas and other terrorist organizations, with no regard for the consequences for the Palestinian population. Civilian casualties,

both Israeli and Palestinian, are reported daily. Homes, hospitals and schools are being damaged. Hamas has embedded itself in civilian communities and is using innocent Palestinian civilians as human shields. That is not acceptable — all civilians must be protected at all times, in line with international humanitarian law. (S/PV.9451: resumption 1, 2023)

Here, responsibility for the “war” itself is transferred entirely onto Hamas. Israel is explicitly removed from political agency through the assertion that the war is “not Israel’s choice”. This is significant because it frames Israeli military decisions as exempt from legal scrutiny. Palestinian suffering is simultaneously attributed to Hamas, “with no regard for the consequences for the Palestinian population”, further relocating responsibility for civilian harm away from Israeli military operations. The discursive effect is that Israeli violence becomes interpreted as an unfortunate but legitimate response rather than an independent source of legal and humanitarian responsibility. This reinforces the differentiated positioning of actors within international law, where some actors remain situated within legitimate sovereign self-defence while others are constructed primarily as sources of illegitimate violence (Anghie 2005, pp. 30-31).

France similarly states: “[...] The Palestinian population of Gaza is also a victim of Hamas.” (S/PV.9439, 2023). Although brief, this statement is significant because it again redirects responsibility for Palestinian suffering toward Hamas. Palestinians are acknowledged as victims, but the source of that victimhood is identified as Hamas rather than Israeli military action. Israeli violence, therefore, becomes backgrounded even while discussing mass civilian suffering in Gaza. This contributes to a discursive environment in which Israeli actions are not foregrounded as the primary object of legal condemnation despite their central role in producing the humanitarian conditions being discussed.

The representative of Israel intensifies this framing when stating:

[...] They use Gazans as human shields in an effort to maximize civilian casualties, knowing that it will lead the Council to pressure Israel into ending the military operation.

Please remember that for Israel, every civilian death is a tragedy. For Hamas, civilian deaths are a strategy. (S/PV.9584, 2024)

This statement is particularly significant because it reframes responsibility for civilian deaths caused during Israeli military operations onto Hamas itself. Palestinian civilian deaths are acknowledged, yet responsibility is displaced through the argument that Hamas intentionally produces those deaths as part of its strategy. Israeli violence is therefore discursively legitimized as reluctant and tragic, while Hamas is represented as intentionally barbaric. This discursive distinction simultaneously redistributes responsibility and narrows the scope of accountability directed at Israeli military violence, positioning Israel as the rational party and Hamas the legally deficient “other” (Darian-Smith 2013, p. 49).

In contrast, when discussing humanitarian suffering in Gaza, many representatives avoid directly naming Israel altogether. Mrs. Frazier, representing Malta, states only that: “The parties involved must allow aid in, according to their obligation under international law.” (S/PV.9453, 2023). Here, responsibility is generalized through the phrase “the parties involved”. No actor is specifically identified as restricting humanitarian access despite widespread discussion within the Security Council regarding Israeli control over aid entry into Gaza. The significance of this abstraction is that it transforms a politically attributable condition into a generalized humanitarian problem detached from identifiable agency. Israel's responsibility becomes diffused through universal language applied equally to “the parties involved”, despite the asymmetrical power relations shaping humanitarian access. Formally universal language functions here to conceal unequal relations of power by redistributing responsibility symmetrically across actors despite the asymmetrical conditions governing humanitarian access (Eslava & Pahuja 2012, pp. 3-5). In doing so, the discourse narrows the scope of legal scrutiny directed toward Israeli conduct while maintaining the appearance of formally universal legal concern, thereby contributing to patterns of legal exceptionalism.

Similarly, Hastings (Deputy Special Coordinator for the Middle East Peace Process, Resident Coordinator and Humanitarian Coordinator for the Occupied Palestinian Territory) states:

Today of all days, when we celebrate the United Nations, we must all continue to demand respect for international humanitarian law. The parties on all sides must take constant care to spare civilians — including medical and humanitarian personnel — and civilian objects — including homes, hospitals and humanitarian assets. Civilians must have the essentials to survive, and to that end, the passage of rapid and unimpeded and increased humanitarian relief must be facilitated, and water and electricity connections resumed. I urge all countries with influence to exert it and ensure respect for the rules of war. (S/PV.9451, 2023)

This statement was made during the meeting held on Tuesday, 24 October 2023, days after the attack on the Al Ahli Arab hospital, in which nearly 500 Palestinians were killed (Al Jazeera 2023a). The significance of this formulation lies in its abstraction of agency. Although the statement refers to attacks on homes, hospitals, and humanitarian infrastructure in Gaza, responsibility is generalized through references to “the parties on all sides” rather than identifying the actor carrying out the bombardment and siege conditions being discussed throughout the meeting. Unlike references to Hamas elsewhere in the debates, which are explicit and individualized, responsibility here becomes diffuse and universalized. The effect is that civilian suffering is framed primarily as a humanitarian emergency rather than as the result of identifiable political and military actions. This demonstrates how humanitarian discourse can depoliticize violence through generalized legal language. While Hamas is repeatedly named as the source of terrorism and atrocity, Israeli actions are more often discussed through abstract appeals to civilian protection, aid access, and respect for international humanitarian law. The asymmetry matters because the absence of direct attribution reduces political and legal scrutiny of Israeli military actions while maintaining the appearance of universal legal neutrality.

When discussing a ceasefire, Thomas-Greenfield (United States) states: “[...] that will allow much more lifesaving humanitarian aid to get into Gaza.”(S/PV.9584, 2024). The sentence acknowledges restrictions on humanitarian aid, yet no actor is identified as responsible for preventing that aid from entering Gaza. Humanitarian access is framed as an abstract logistical problem rather than the consequence of identifiable political and military decisions. Again, responsibility is displaced through depoliticized humanitarian language.

This becomes especially significant when humanitarian concern is combined with explicit support for Israeli self-defence. France states:

The terrorist attack carried out on the 7 October by Hamas is, without a doubt, the worst such attack experienced by Israel since its creation. In this difficult time, France stands by Israel. Israel's security is non-negotiable. Israel has the clear right to defend itself. Given the current crisis, urgent humanitarian assistance for Gaza is critical. The protection of civilians is imperative. Everyone must respect the Geneva Conventions. The Palestinian population of Gaza is also a victim of Hamas. (S/PV.9439, 2023)

Here, support for Israel's right to self-defence precedes humanitarian concern for Gaza. The humanitarian critics are therefore acknowledged within a framework that has already legitimized Israeli military action as defensive and necessary. Hamas is individualized as the source of illegitimate violence, while Israeli actions are situated within the language of sovereign security and lawful self-defence. In doing so, international legal discourse differentiates between actors through legal categorization and positioning (Anghie 2005, p. 4). Israel remains situated within legitimate sovereign violence, while Hamas is constructed as illegitimate violence itself.

Amid warnings of catastrophic shortages of food, water, electricity, and medical supplies in Gaza (Al Jazeera 2023b), Riyad Mansour, the Permanent Observer of Palestine, challenges:

We implore the Council to be guided by the rule of international law, with no exception or exceptionalism allowed. Do not send the signal that Palestinian lives do not matter. Do not dare say that Israel is not responsible for the bombs it is dropping on their heads. Do not justify the killings. Do not blame the victim — do not do that. What is happening in Gaza is not a military operation, it is a full-scale assault against our people. It is massacres against innocent civilians. Nothing in natural law or international law allows for the targeting of civilians and such indiscriminate, barbaric attacks against them. (S/PV.9439, 2023)

Here, responsibility is explicitly reattached to Israeli military action, countering the broader discursive tendency toward abstraction and uneven attribution. Mansour's reference to exceptionalism is particularly significant because it directly names the logic through which this selectivity operates: international legal norms are formally articulated as universal, yet their application becomes differentiated through discourse, enabling certain forms of violence to be framed as defensive, necessary, or politically displaced rather than directly attributed. This reflects how the language of international law can remain intact while its interpretive application shifts in practice, producing a gap between formal universality and practical selectivity (O'Connell 2002, pp. 43-44). Legal subject positions are unevenly constructed within this order, with some actors persistently individualized as illegitimate sources of violence while others are situated within a framework of conditional legitimacy or self-defence (Anghie 2005, pp. 4-5). Mansour's intervention disrupts this pattern by refusing the abstraction that typically surrounds Israeli military action in the debates and insisting on direct attribution of responsibility for civilian harm.

Collectively, the statements show that selective attribution is not simply about blame, but about how legal meaning is structured. Through repeated naming of Hamas and simultaneous abstraction of Israeli military conduct into humanitarian language, the discourse produces a hierarchy of visibility and accountability. It becomes visible how this hierarchy aligns with broader historical patterns in which universality is formally maintained while differentiation operates through interpretation and application. The result is not the absence of legal language, but its uneven operation: one form of violence is persistently individualized and criminalized, while another is increasingly absorbed into the language of necessity, defence, and humanitarian management.

6.2 The Politics of Self-Defence

A central discursive mechanism through which selective legality is produced in the Security Council meetings is the repeated invocation of self-defence. While formally grounded in Article 51 of the UN Charter and articulated as a universal legal entitlement, the empirical material demonstrates that self-defence does not operate as a stable or evenly distributed legal category.

Instead, its meaning is continuously shaped through discourse in ways that expand its scope for Israel while constraining or excluding its applicability to Palestinian actors. This produces a structured asymmetry in which Israeli violence is rendered intelligible as defensive and therefore legitimate, whereas Palestinian violence is largely positioned outside the category of lawful self-defence altogether.

This is evident in Mr. Ishikane's (Japan) formulation:

We also think it is important for every Member State — every Member State — to recognize the right to defend itself and its people. Every Member State, without distinction has such right, which has to be exercised in full compliance with international law. (S/PV.9453, 2023)

At the level of rhetoric, the repeated emphasis on “every Member state” performs universality through repetition, presenting self-defence as an automatic and unquestionable entitlement attached to sovereign statehood itself. The formulation is significant not only because it affirms a legal right, but because it constructs that right as self-evident and universally available prior to political or legal contestation. Self-defence, therefore, appears less as a claim requiring justification than as a pre-established attribute of legitimate statehood. Yet while the discourse formally universalizes the category, its practical application within the debates remains uneven. In practice, self-defence becomes structurally associated with actors whose violence is already pre-framed as legitimate, while other forms of violence remain excluded from the same framework of legal intelligibility. Universality is, therefore, maintained at the level of legal principle, while differentiation emerges through the interpretive assumptions governing who can meaningfully inhabit that universality in practice (Nymalm & Plagemann 2019, p. 16).

This becomes more explicit in Switzerland's statement, where the day before, over 700 Palestinians were killed in Israeli air raids (Al Jazeera 2023c), and over five died after Israeli raids in the occupied West Bank (Al Jazeera 2023d):

Switzerland recognizes Israel's legitimate desire for self-defence and national security. We deplore the deaths of thousands of civilians — including thousands of children — in Israel and the occupied Palestinian territory, particularly in Gaza. It is regrettable that the Council has once again been unable to reach a consensus in order to demonstrate its unity in confronting these principles and the intensity of a crisis that still risks spilling over into the entire region. (S/PV.9453, 2023)

Here, self-defence is not only recognised as a legal entitlement but framed as a “legitimate desire”. This formulation shifts the category from juridical justification to normative validation, embedding Israeli self-defence within a broader moral and political register of legitimacy. At the same time, the statement acknowledges the deaths of thousands of civilians, including children, without allowing those deaths to fundamentally disrupt the legitimacy already attached to Israeli forces. The wording, therefore, performs an important discursive function: support for Israeli self-defence and recognition of mass civilian suffering are articulated as positions that must coexist rather than as potentially contradictory claims requiring legal reassessment. Civilian harm becomes something to be regretted and managed within the framework of legitimate self-defence, rather than something capable of destabilising that framework itself. This is reinforced through Switzerland's subsequent emphasis on the Council's inability to “reach a consensus”, which shifts attention away from substantive disagreement over the legality of violence and toward the procedural problem of institutional unity. The effect is that political consensus around the legitimacy of self-defence is implicitly prioritised even amid acknowledgement of extensive humanitarian destruction. In this way, legal justification is preserved even as the substantive thresholds governing the use of force become expanded through interpretive framing (O'Connell 2002, pp. 43-44).

A similar structure appears in the United States' repeated affirmations. These statements come during the meeting on Wednesday, 18 October 2023, where the United States was the only country to vote against two separate draft resolutions put forward by Russia and Brazil:

Let us all affirm Israel's right of self-defence and support the urgent diplomatic efforts under way. Let us stand with the United Nations and other partners as they work to

alleviate the humanitarian crisis facing Palestinians in Gaza. And let us all support equal measures of justice and freedom for Israelis and Palestinians alike. (S/PV. 9442, 2023)

And:

The United States is disappointed that this draft resolution made no mention of Israel's right of self-defence. Like every nation in the world, Israel has the inherent right of self-defence, as reflected in Article 51 of the Charter of the United Nations, [...]. (S/PV.9442, 2023)

The invocation of an “inherent” right is particularly significant. It removes self-defence from the realm of legal contestation and positions it as an automatic attribute of statehood. In doing so, the discourse stabilises Israeli violence as pre-legitimated before any evaluation of proportionality or legality occurs. Universality is therefore maintained at the level of legal principle, while differentiation becomes embedded in the interpretation and application of that principle (Nymalm & Plagemann 2019, p. 16). Hamas, in contrast, is consistently positioned as the origin of illegitimate violence, meaning that Israeli self-defence is discursively produced as a reactive necessity rather than as a claim requiring independent legal justification.

The repeated formulation that Israel possesses an “inherent” right to self-defence “like every nation in the world” is significant not only for how it legitimizes Israeli violence, but also for what it leaves unsaid. While self-defence is constructed as a universal and automatic entitlement of statehood, Palestinians are largely absent from this category of legal protection and political legitimacy. The discourse, therefore, established a distinction in which Israeli violence appears as lawful, defensive, and necessary, while Palestinians are largely absent from the category of actors capable of legitimately claiming self-defence within the same legal framework. In this sense, the invocation of universal self-defence simultaneously narrows who can meaningfully inhabit that universality in practice. Palestinian violence consequently becomes intelligible primarily through frameworks of security, terrorism, or illegitimacy rather than through the language of lawful defence. Self-defence, therefore, functions not simply as a legal principle, but as a discursive boundary determining which actors can appear as legitimate legal subjects within international law (Darian-Smith 2013, pp. 48-49).

Yet the issue is not only that Palestinians remain largely excluded from recognition as subjects capable of lawful self-defence. The repeated invocation of Israeli self-defence also becomes legally complicated in the context of the occupation itself. Because Gaza and the Palestinian territories are repeatedly discussed within the meetings as occupied territory, the question is not simply who can claim self-defence, but whether the doctrine operates in the same way for an occupying power exercising control over the territory in question. Occupation law introduces a different legal structure governed not by reciprocal sovereign equality, but by asymmetrical relations of control, responsibility, and protection. Several interventions consequently challenge the automatic extension of Article 51 to Israel by foregrounding the legal implications of occupation directly. Russia's intervention is particularly significant in this regard:

A separate and major legal problem for the draft resolution is its reference to Israel's right to self-defence, which, as confirmed by the International Court of Justice's 2004 advisory opinion on the Legal consequences of the construction of a wall in the occupied Palestinian territory (see A/ES-10/273), is inapplicable in the case of an occupying Power, which is what Israel is with regard to the Palestinian territory. (S/PV.9453, 2023)

Here, self-defence is explicitly challenged as legally inapplicable, introducing a structural constraint grounded in the law of occupation. The significance of the ICJ advisory opinion lies in its position that Article 51 of the UN Charter concerning self-defence does not apply in the same way to threats originating from territory under occupation. In doctrinal terms, this limits the automatic extension of self-defence claims by distinguishing between interstate attacks and violence emerging within occupied territory. This intervention is therefore analytically significant because it introduces a formal legal constraint that directly destabilizes the expansive and largely uncontested framing of Israeli self-defence observed elsewhere in the meetings.

The significance of this lies not only in the doctrinal content but in what it reveals about the broader structure of the meetings themselves. Despite the ICJ's position that self-defence does not apply in the same way in situations of occupation, Israeli force continues throughout the language of inherent and universally available self-defence, often in terms that resemble

conventional interstate conflict. At the same time, extensive humanitarian suffering in Gaza is repeatedly acknowledged, including by states such as Switzerland, without this producing sustained engagement with the legal implications of the occupation itself. The result is a discursive structure in which occupation remains simultaneously recognised and backgrounded: Palestinian territory is discussed as occupied, yet the legal consequences of occupation are frequently displaced by a dominant framework centred on Israeli security and defensive necessity. This displacement is analytically significant because it allows self-defence to function as the primary interpretive lens through which violence is understood, even in a context where the applicability of that doctrine is itself legally contested.

Yet even where legal limitations are acknowledged, they rarely displace the underlying presumption of legitimate self-defence. Instead, proportionality and humanitarian obligation are introduced only after defensive legitimacy has already been secured. Malta intervention illustrates this structure particularly clearly:

Malta acknowledges Israel's right to self-defence and its duty and responsibility to protect its people. At the same time, we also emphasize that such actions must be consistent with its obligations under international humanitarian law and in line with the principles of distinction and proportionality. (S/PV.9451: resumption 1, 2023)

While this statement introduces legal constraint, it maintains the sequential logic observed elsewhere: entitlement is acknowledged first, limitation follows. The effect is that legal restriction is positioned as a qualification of an already established legitimacy, rather than as an independent evaluative standard. This sequencing is analytically significant because it structures legality itself through a prior presumption of legitimate violence. Self-defence is, therefore, not first subjected to legal evaluation through proportionality, necessity, or occupation law; instead, the legitimacy of self-defence is discursively secured in advance, while international humanitarian law appears as a secondary framework concerned primarily with regulating the conduct of an already justified use of force. In this structure, legal scrutiny does not determine whether violence is legitimate in the first place, but instead operates within a framework where

legitimacy has already been presupposed. This reflects the broader pattern in which self-defence is not applied as a neutral threshold but structured through prior recognition of legitimacy.

Mr. Hmoud, representative of Jordan and on behalf of the Group of Arab States, similarly disrupts the stabilisation of Israeli self-defence:

We would like to remind the Council that what Israel is doing is not within its right to self-defence, and it is unfortunate that some countries continue to repeat that Israel has the right to defend itself in the Gaza Strip, which is an occupied territory. (S/PV.9439, 2023).

Egypt similarly questions the coherence of defensive framing under conditions of mass civilian harm:

Today I want to ask what right a State has to justify a refusal to distinguish between an enemy to be targeted and unarmed civilians destined to live for generations in a specific part of their homeland subject to a blockade? There are 2.5 million civilians in Gaza who are being killed, starved and forcibly displaced. (S/PV.9451: resumption 1, 2023).

The emphasis on “some countries continue to repeat” introduces a meta-discursive layer in which the problem is not only the legal claim to self-defence, but the ongoing institutional reproduction of that claim within SC discourse. Repetition itself is thereby constructed as politically and legally consequential, as it contributes to the stabilisation of an otherwise contested justification. Egypt’s intervention similarly shifts attention away from the abstract legality of self-defence and towards the practical implications of its continued invocation under conditions of mass civilian harm. Collectively, these interventions expose the instability of self-defence as a legal category in practice. Rather than functioning as a fixed threshold, it emerges as a contested interpretive space in which the boundaries between lawful defense and unlawful force are continuously negotiated. Crucially, however, these contestations do not displace the dominant structures; they remain interruptions within a broader discursive pattern in which Israeli self-defence is repeatedly presupposed.

Yet despite the accumulation of such interventions, the invocation of self-defence remains largely intact within the Council's dominant framing of Israeli violence. This raises a further question that the preceding exchanges begin to make visible but do not resolve: why does Israeli self-defence persist as a stabilised interpretive frame even in moments where its legal basis is explicitly challenged through references to occupation, its empirical grounding is undermined by accounts of civilian harm, and its doctrinal applicability is questioned through international legal opinion? The issue, therefore, is not simply that competing interpretations exist, but that they do not appear to displace the underlying availability of self-defence as the primary lens through which Israeli violence is understood.

I argue that this persistence can be understood through a discursive structuring of legal meaning in which certain actors are consistently rendered as legitimate subjects of defensive violence, while others are positioned as less legally intelligible within the same framework, allowing self-defence to remain available as an interpretive category even in the presence of doctrinal, empirical, and contextual contestation (Darian-Smith 2013, pp. 48-49).

Taken together, the analysis shows that legitimacy and responsibility in SC discourse on Israel-Palestine are not applied as neutral legal categories, but are unevenly constructed through the repeated and selective invocation of self-defence. While formally universal in legal terms, self-defence is discursively activated in ways that consistently stabilise Israeli violence as legitimate and responsible defensive action, while Palestinian violence is positioned outside the same framework of recognition.

This pattern demonstrates that legal exceptionalism is not produced through explicit departures from international law, but through the asymmetric activation of universal legal categories within discourse. The same doctrinal framework, self-defence, produces differentiated outcomes depending on how actors are positioned within the international legal order. In this sense, universality is preserved at the level of principle, while its application is structured through implicit hierarchies of legitimacy that determine who can appear as a lawful subject of defensive violence.

At the same time, this reflects a broader dynamic in which international legal language does not merely describe violence but actively contributes to the production of legal subjectivity itself. Certain actors are consistently rendered intelligible within the grammar of lawful defence, while others are positioned at the margins of that category. Responsibility is therefore not assigned through neutral legal assessment, but through a discursive ordering that pre-structures whose violence can be read as legitimate in advance of legal scrutiny.

Overall, the analysis suggests that SC discourse preserves the appearance of legal universality while systematically differentiating its operation in practice, thereby reproducing structured hierarchies of legal recognition within the very categories that claim to regulate violence impartially (Anghie 2005, pp. 204-205).

6.3 Civilization and Barbarism

Another recurring discursive pattern within the Security Council meetings is the construction of moral and civilizational hierarchies through representations of terrorism, historical trauma, and victimhood. Across the debates, Israeli and allied representatives repeatedly frame the conflict through binaries of civilization versus barbarism, democracy versus terrorism, and good versus evil. These formulations do not merely condemn violence or describe security threats. Rather, they structure how legitimacy, legality, and humanitarian concern are distributed within the debates, positioning some actors as inherently lawful, rational, and civilized, while others are represented as irrational, violent, and outside the boundaries of legitimate political subjectivity (Ruskola 2002, pp. 196-197). In doing so, these discursive patterns contribute to broader processes of legal differentiation and exceptionalism by shaping whose violence appears legally intelligible, whose self-defence appears legitimate, and whose suffering becomes politically recognizable.

The civilization framing is particularly visible in Israel's repeated characterization of Hamas and Palestinian violence. Israel's representative states:

Despite the wording of the draft resolution submitted by Russia, there can never be any false immoral comparisons between the Hamas savages and the law-abiding democracy of Israel. Israel is fighting sheer evil, and that should be crystal clear to every person in this Chamber. (S/PV.9453, 2023)

The statement was made during the SC meeting on Wednesday, 25 October 2023, amid deliberations over competing Russian and United States draft resolutions on ceasefire proposals, humanitarian pauses, and hostage release, neither of which was adopted. It followed Israeli air attacks on Gaza the previous day that reportedly killed at least 704 Palestinians in a 24-hour period, the highest recorded daily death toll since the start of the 7 October conflict (Al Jazeera 2023e).

The statement constructs a hierarchical distinction between a lawful and civilized “self” and a violent and irrational “other”. Through formulations such as “law-abiding democracy” and “Hamas savages”, Israel becomes associated with legality, morality, and democratic order, while Hamas is positioned outside the boundaries of legitimate political subjectivity altogether. The discourse, therefore, operates through more than condemnation alone. It establishes a civilizational framework in which Israeli actions appear aligned with law, reason, and legitimate authority, whereas Palestinian violence is constituted through the language of barbarism, irrationality, and existential threat from the outset. In this sense, legitimacy becomes unevenly distributed prior to substantive discussion of occupation, proportionality, or civilian harm (Said 1978, pp. 2-5). The significance of this framing lies not only in how Hamas is represented but in how the distinction between a lawful democratic “self” and a barbaric “other” establishes the broader terms through which the situation is subsequently articulated within the meetings.

Similarly, Israel states elsewhere two weeks after 7 October:

The world now is facing a clear choice of moral clarity. One can be either part of the civilized world or surrender to the forces of evil and barbarism — Hamas savages and their friends. There is no middle ground and no room for moral ambiguity. (S/PV.9451, 2023)

The analytical significance of these statements lies not simply in the condemnation of Hamas, but in how such representations structure the moral and legal intelligibility of violence within the debates. By framing the conflict as a struggle between civilization and barbarism, Israeli military action becomes positioned as inherently defensive, rational, and morally necessary before questions of proportionality, occupation, or civilian harm are substantively addressed. The effect is not merely the delegitimization of Hamas, but the production of a discursive framework in which Israeli violence appears as part of a broader defence of civilization itself. This is important analytically because it demonstrates how discourse can shape the interpretive conditions under which international law is applied. Legal exceptionalism frequently operates not through outright rejection of legal norms, but through reinterpretation and expansion of the conditions under which force appears justified (O'Connell 2002, pp. 43-44). Here, the language of civilizational defence contributes to expanding the moral and political legitimacy of military action by framing it as part of a universal struggle against barbarism rather than a contested exercise of force within an occupation context.

Once the conflict is articulated as a civilizational struggle, arguments about proportionality, distinction, or occupation risk appearing as moral equivocation rather than legal analysis. Within such a framework, questioning Israeli conduct can more easily be interpreted as a failure to recognize the exceptional nature of the threat being confronted, rather than as engagement with the legal limits governing the use of force. The language of “evil”, barbarism, and civilizational defense therefore reshapes the interpretive conditions under which critique becomes possible, narrowing the space in which humanitarian concerns can be articulated without appearing politically suspect.

This exclusionary logic becomes even more explicit through repeated comparisons between Hamas and globally recognized symbols of absolute evil. Israel states:

[...] Hamas deliberately targets civilians and massacres children when given the chance, which makes Hamas a terror organization, no different from the Islamic State in Iraq and the Sham (ISIS). They do not believe in dialogue and do not want a dialogue or believe in political solutions. [...] There is only one way to cure a cancer, and that is the

evisceration of every cancerous cell, just as was done with ISIS and Al-Qaida. Complete obliteration is the only way to ensure such atrocities will never be repeated. (S/PV.9443, 2023)

By linking Hamas to ISIS and Al-Qaida, the discourse relocates the conflict from the domain of territorial occupation and political contestation into the global security framework of counterterrorism. Hamas is no longer represented as a political actor embedded within a historical conflict, but as a transnational embodiment of irrational violence fundamentally incompatible with civilization itself. The metaphor of “cancer” reinforces this depoliticization by framing the enemy not as a political opponent to be negotiated with, but as a pathological threat requiring eradication. Such discourse expands the scope of what appears politically and morally permissible by positioning military destruction as a necessary treatment rather than contested violence.

The discourse repeatedly constructs Hamas as an entity positioned outside legitimate politics, rather than as an armed group committing atrocities alone. This becomes particularly visible in statements suggesting that Hamas “do not believe in dialogue” or political solutions and is driven only by “genocidal ideology” (S/PV.9443, 2023). By representing Hamas as inherently irrational and incapable of political negotiation, the possibility of engaging with the broader political conditions surrounding the conflict – including occupation, blockade, displacement, or Palestinian claims to sovereignty – becomes increasingly marginalized within the debates. The conflict is thereby reframed from a political question rooted in history and territorial struggle into a civilizational confrontation between order and barbarism.

This civilizational framing is further intensified through repeated references to historical trauma in the debates, particularly references to the Holocaust and anti-Semitic persecution. Israel and allied representatives repeatedly describe events such as October 7th as:

Hamas has perpetrated the most barbaric massacre of Jews since the Holocaust. Hamas is solely responsible for the Palestinians’ situation in Gaza. Hamas is committing crimes against humanity. In the wake of the Holocaust, we collectively swore — never again.

That was one of the main reasons the United Nations was established. Never again is now — we must not forget that. (S/PV.9453, 2023)

Israel invokes the phrase “never again is now”, explicitly linking the attacks to the historical memory of genocide and Jewish extermination. These references do not function merely as commemorative acts or historical observations. Rather, they position contemporary violence within a broader narrative of existential Jewish vulnerability and survival. Through this framing, Israeli military action becomes discursively embedded within the historical imperative of preventing annihilation. The conflict is therefore not presented as an ordinary armed confrontation governed solely through proportionality or humanitarian restraint, but as part of a longer historical struggle against existential destruction.

Within the meetings, Israeli representatives repeatedly articulate Israel as both part of the universal “civilized world” and as uniquely vulnerable due to Jewish historical trauma. This dual positioning contributes to a justificatory framework in which extraordinary military measures can appear not as deviations from legal universality, but as necessary responses to an exceptional threat. In this sense, the discourse reflects what's been identified as a broader pattern: legal norms are not openly abandoned, but selectively interpreted through claims of unique security circumstances and moral authority (Nymalm & Plagemann 2019., pp. 16-19).

The discourse, therefore, does not simply justify violence through security language alone. Rather, it combines civilizational discourse with historical trauma in ways that elevate Israeli security into a broader moral imperative. Within such a framework, criticism of Israeli conduct risks being interpreted not only as political disagreement but as failure to recognize the existential implications of anti-Semitic violence and Jewish historical persecution. This contributes to an expansion of permissible state action grounded in claims of unique moral and historical circumstance.

Building on that, the debates also reveal a parallel hierarchy of victimhood. While Israeli suffering is repeatedly individualized, historicized, and framed through existential trauma, Palestinian suffering is more frequently generalized, quantified, or mediated through Hamas.

Israeli victims are repeatedly described through individualized humanitarian language - hostages, massacred children, civilians murdered by terrorists - while Palestinian casualties are often represented numerically or discussed primarily through the framework of Hamas responsibility:

This asymmetry becomes visible in statements by Israel, such as: “The hostages held by Hamas must be the top humanitarian priority of the international community. Their well-being should come before aiding the supporters of the terrorists who abducted them.” (S/PV.9453, 2023)

I argue that the intent of this statement lies not in whether hostages deserve protection, but in how humanitarian urgency itself becomes hierarchically organized. By positioning Israeli hostages as the “top humanitarian priority” even amid mass Palestinian civilian casualties, the discourse contributed to an asymmetrical framework of humanitarian recognition in which some forms of suffering become more politically visible and urgent than others.

The wording is particularly significant because Palestinian civilians are implicitly associated with “supporters of the terrorist”, thereby blurring distinctions between civilians and combatants. Humanitarian aid to Gaza is consequently framed not simply as assistance to civilians under bombardment, but as aid potentially benefiting terrorism. This framing narrows the humanitarian legitimacy of Palestinian suffering itself.

At the same time, Palestinian and other states are challenging this hierarchy of victimhood. The representative of Palestine states:

Israel has killed thousands of Palestinians over the years, and yet no one suggested that that entitled us to start killing Israeli civilians, neither under the right to defend ourselves, or to protect our own, or to resist. The message was always clear: nothing can justify killing Israeli civilians. Well, nothing justifies killing Palestinian civilians — nothing. (S/PV.9451, 2023)

Similarly, the United Arab Emirates argues: "Yesterday we heard dozens of statements imploring the Council to assign the same value to Palestinian life as it does to Israeli life. We cannot allow any equivocation on that point — there is no hierarchy of civilian lives." (S/PV.9453, 2023)

These interventions directly contest the asymmetrical humanitarian framework operating within the debates. Rather than denying Israeli suffering, they challenge the differential moral recognition through which Israeli victimhood becomes politically central while Palestinian suffering is more frequently conditionalized through security discourse. Palestinian representatives repeatedly emphasize that Palestinian civilians are not receiving the same unconditional humanitarian recognition afforded to Israeli victims.

This becomes especially visible through attempts to resist the dehumanization embedded within the discourse. In the SC meeting on 24 October 2023, held weeks after Israeli Defence Minister Yoav Gallan's stated that they are fighting "human animals" (Karanth 2023). Palestine argues:

What Israel is doing is consistent with its belief that we are sub-humans, or "human animals", as they put it. But surely those in this Chamber do not share that belief. They do not believe that our lives are less worthy, less sacred or more expendable. I therefore ask everyone to imagine what they would do if bombs were falling on Israel and killing civilians by the thousands, and to then ask themselves, why is this any different? (S/PV.9451, 2023)

The statement is significant because it directly contests the unequal distribution of humanity underpinning many of the speeches. By invoking terms such as "sub-humans" and "human animals", the Palestinian representative identifies a discursive structure in which Palestinian lives are positioned as less grievable, less protected, and more expendable than Israeli lives. The appeal to imagine similar violence directed at Israel simultaneously exposes the asymmetrical moral standards through which civilian suffering is recognized and politically mediated within the council. This makes you question whether an underlying representational structure of differentiated legitimacy operates within the Chamber itself. Palestine, through its intervention, renders visible what is otherwise left unspoken by asking the Council to consider how the

situation would be perceived if the roles were reversed. A similar logic is evident in earlier stated interventions, where Palestine noted that Palestinians have been killed over a prolonged period without any corresponding suggestion that this constitutes a justification for reciprocal violence. I argue that this apparent inconsistency is not incidental but reflects a broader representational structure in which Palestinians are discursively positioned as an “othered” category, while Israel is more readily aligned with the dominant normative and political framework despite its geographical location in the Middle East. This differential positioning produces an uneven distribution of legitimacy and intelligibility within international legal discourse, whereby certain actors are more readily recognised as fully legitimate subjects of law and violence, while others are rendered less fully legible within the same normative framework (Ruskola 2002, pp. 182-184, 196-197).

This broader pattern also appears in repeated Palestinian statements emphasizing that Palestinian lives “matter too” and rejecting the assumption that large-scale Palestinian death “will ever make Israelis more secure” (S/PV.9439, 2023). What emerges across these statements is an attempt to reclaim Palestinian civilian life as politically recognizable within a discourse that frequently absorbs Palestinian suffering into the broader language of terrorism, security, and counter-violence.

Such statements are analytically significant because they reveal that the struggle within the meetings is neither over legality nor self-defence, but over recognizable humanity itself. Palestinian representatives repeatedly attempt to reassert Palestinian civilian life as equally grievable, valuable, and deserving of legal protection within a discursive environment that frequently subordinates Palestinian suffering to the broader imperative of defeating terrorism.

The debates, therefore, reveal not simply competing legal interpretations, but competing humanitarian frameworks. While some states frame a ceasefire as an unconditional humanitarian necessity grounded in the equal value of civilian life, others articulate it through a conditional security logic tied to hostage release and the defeat of Hamas. The United Arab Emirates, for example, supports “a full humanitarian ceasefire” so civilians may “bury their dead in dignity” (S/PV.9442, 2023), while Malta describes the ceasefire as “the only avenue” to prevent further

deterioration (S/PV.9584, 2024). By contrast, the United States repeatedly frames a ceasefire as part of a deal “that leads to the release of all hostages” (S/PV.9584, 2024), while Israel insists that “the hostages held by Hamas must be the top humanitarian priority” (S/PV.9453, 2023).

Several states explicitly challenged this conditional framing. Guyana argued that “the demand for a ceasefire should not be linked to or conditional on the release of hostages.” (S/PV.9584, 2024), while also criticizing Security Council resolutions for obscuring Israeli responsibility for the destruction in Gaza.

What becomes significant in these disagreements is that they reveal competing understandings of humanitarian obligation itself. A ceasefire framed as conditional upon hostage release or the defeat of Hamas restructures humanitarian protection through the logic of security and military necessity. Civilian relief becomes dependent upon the achievement of political and strategic objectives, thereby presupposing the continued legitimacy of military operations until those conditions are fulfilled. Within such a framework, Palestinian civilian protection appears conditional and deferrable rather than immediate and self-standing. The disagreement, therefore, extends beyond competing diplomatic positions and reflects deeper contestation over whose security is prioritized, whose suffering becomes politically urgent, and under what conditions humanitarian protection is considered legitimate within the meetings.

The conditionalization of ceasefire is particularly significant because it demonstrates how humanitarian discourse itself becomes structured through the same hierarchies that organize the broader discussions surrounding terrorism, civilization, and legitimate violence. While Israeli security and hostage suffering remain politically central, Palestinian civilian suffering becomes increasingly mediated through security frameworks and counterterrorism objectives. In this sense, humanitarian protection is unevenly distributed, with some lives appearing as requiring immediate safeguarding while others remain subordinated to calculations of military necessity.

These meetings demonstrate how formally universal humanitarian principles become unevenly operationalized through broader structures of legitimacy and security discourse. International law frequently operates through differentiated constructions of civilization and legitimacy despite its

universalist language (Anghie 2005, pp. 3-5, 30-31). The statements, therefore, reveal how humanitarian concern itself becomes hierarchically structured, with some forms of suffering appearing more politically urgent, visible, and actionable than others.

Taken together, these debates demonstrate how legal and humanitarian discourse within the Security Council operates through differentiated constructions of civilization, legitimacy, and victimhood. Historical trauma, counterterrorism discourse, and humanitarian language do not merely describe the conflict but actively structure the conditions under which violence, legality, and suffering become recognizable within the international legal order. In this sense, the meetings reveal how legal exceptionalism operates not only through formal legal doctrine but through broader discursive frameworks that shape whose violence appears necessary, whose suffering appears urgent, and whose humanity becomes fully visible. By doing so, they also frame legitimacy and responsibility in uneven ways, whereby responsibility is differentially assigned, and legitimacy is unevenly distributed across actors depending on their positioning within these hierarchies of civilization, security, and victimhood.

6.4 International Law: Invoked versus Applied

Another discursive pattern within the Security Council meetings is the repeated invocation of international law alongside claims that those laws are being openly violated without consequence. Across the debates, representatives frequently refer to international humanitarian law, the Geneva Conventions, Security Council resolutions, and the broader principles of the United Nations Charter. Yet these invocations are rarely articulated as evidence of an effective and universally applied legal order. Instead, they are repeatedly accompanied by accusations of double standards, selectivity, impunity, and institutional silence. International law is therefore constructed simultaneously as universally valid and fundamentally uneven in its application.

The analytical significance of this pattern lies not simply in the frequency with which international law is mentioned, but in how legality itself becomes tied to questions of hierarchy, enforcement, and political power. Rather than presenting violations as exceptional breakdowns within an otherwise coherent legal order, many states frame selective enforcement as a recurring structural feature of international law itself. The meetings consequently shift attention away from

whether legal norms exist toward the unequal conditions under which they are interpreted, enforced, or ignored. In doing so, the meetings reveal how the authority of international law becomes increasingly contested when certain actors are repeatedly perceived as operating beyond meaningful accountability.

This pattern becomes particularly visible through repeated assertions that Israel continues violating international law without deterrence or consequences. Jordan states:

However, it seems that Israel is above international law. It is violating international law without any deterrence. It is running roughshod over Security Council resolutions. It is building settlements and clearly violating international law without any consequences. It is confiscating Palestinian land without accountability. It is expelling Jerusalemites from their homes without accountability. It is disregarding the rights of the peoples in the region. [...] The Security Council must take a clear stance that can assure the world's 2 billion Arabs and Muslims that international law will be applied without discrimination or selectivity. (S/PV.9451: resumption 1, 2023)

These interventions are analytically significant because they frame the legitimacy of international law itself as dependent on equal application. International law is not rejected outright; rather, its universality is questioned when enforcement appears politically contingent. The repeated references to “double standard”, “selectivity”, and “discrimination” reveal a broader concern that legal norms lose legitimacy when some actors are repeatedly protected from consequences despite acknowledged violations. Jordan's reference to “the world's 2 billion Arabs and Muslims” is particularly significant because it frames selective enforcement as affecting not only states, but broader civilizational and geopolitical communities. The statement suggests that international law is experienced as unequally protective depending on who its subjects are, thereby challenging assumptions that legal universality operates independently of historical and political hierarchies (Anghie 2005, pp. 3-5). Rather than presenting discrimination as incidental, the intervention implies that Arab and Muslim actors occupy a more conditional position within the international legal order, where legal protections and recognition appear less consistently guaranteed.

The intervention constructs unequal enforcement not as an isolated failure of legal procedure, but as a shared political experience interpreted collectively across broader civilizational communities. The issue is therefore not simply that international law is applied unevenly in particular cases, but that entire populations come to perceive themselves as occupying a more conditional position within the international legal order (Ruskola 2002, pp. 196-197). Selective enforcement acquires symbolic significance because it appears to reveal underlying hierarchies regarding whose rights are defended, whose victimization can persist without meaningful consequence. In this sense, the legitimacy crisis extends beyond questions of compliance or accountability and becomes tied to the perceived distribution of legal and political recognition within the international system itself.

Similarly, Iraq argues that Israeli violations have continued because:

We deplore the fact that those crimes and violations are either being overlooked by the international community or are the subject of scores of international resolutions that the Israeli occupation authorities have ignored. They have not been implemented and no binding measures have been taken to ensure their implementation. That has emboldened the occupation forces to continue to commit their crimes with impunity and undeterred. They go against international law, the Charter of the United Nations and international treaties and conventions. (S/PV.9451: resumption 1, 2023)

The focus shifts from the violations themselves to the consequences of non-enforcement. The representative of Iraq does not merely argue that international law is being breached, but that the repeated failure to implement resolutions and impose binding measures actively produces further violations. Impunity is therefore represented not as passive absence, but as something politically generated through institutional inaction. The claim that unenforced resolutions have “emboldened” Israeli forces constructs selective enforcement as causally enabling continued violence and disregard for international law. In this framing, the problem is not simply legal non-compliance, but the perception that international institutions tolerate persistent violations by failing to attach material consequences to them.

Similarly, China states: “This selective application of international law and these double standards will only push more innocent civilians to the brink of death.” (S/PV.9453, 2023)

South Africa likewise argues: “Just as Israel deserves peace and security, Palestinians deserve sovereignty, peace and security. It is our view that, for international law to be credible, it must be applied uniformly and not be selective.” (S/PV.9451: resumption 1, 2023)

Both interventions frame the credibility of international law as contingent on equal application, but they do so from different political positions, suggesting that critiques of selectivity and double standards have become a broader discursive resource across diverse geopolitical alignments. Drawing attention to the uneven distribution of legality and legitimacy across differently constructed legal subjects within international law (Darian-Smith 2013, pp. 48-49; Ruskola 2002, pp. 182-184).). China emphasizes the humanitarian consequences of selective enforcement, arguing that unequal application of international law “will only push more innocent civilians to the brink of death”, thereby linking legal inconsistency directly to ongoing violence and civilian suffering. South Africa, by contrast, frames equal application as necessary to the normative legitimacy of international law itself, arguing that legal credibility depends on uniform enforcement rather than selective application. Despite these differences in emphasis, both statements construct inconsistency not as a marginal procedural issue, but as a threat to the authority and moral coherence of the international legal order.

This becomes especially visible through the contrast between repeated acknowledgments of legal violations and the simultaneous absence of meaningful institutional action. Numerous representatives explicitly characterize Israeli actions as violations of international humanitarian law, collective punishment, forced displacement, or war crimes. The Secretary-General states: “I am deeply concerned about the clear violations of international humanitarian law that we are witnessing in Gaza. Let me be clear: no party to an armed conflict is above international humanitarian law.” (S/PV.9451, 2023)

Likewise, Palestine argues:

If Council members say that they stand for international law, international humanitarian law and the protection of civilians, then nothing can justify what Israel is doing. It amounts to the targeting of civilians or, at best, inhumane, unlawful, indiscriminate attacks. It is collective punishment. Once you remove the principles of humanity and distinction from the laws of war, nothing remains. These are crimes and should be treated as such (S/PV.9451, 2023)

Mexico similarly states:

According to international humanitarian law, any indiscriminate or directed attacks against the civilian population under any circumstances, as well as against medical and humanitarian personnel or against civilian objects and essential infrastructure, are contrary to the principle of distinction, which is applicable to all situations of armed conflict at all times and in all places. Such conduct could constitute war crimes, as they are grave breaches of the 1949 Geneva Conventions. Any reprisal is contrary to international law. (S/PV.9451: resumption 1, 2023)

The statements come after several attacks against health care facilities and the death of multiple health care workers in Gaza (Baker 2023).

The repeated invocation of legal terminology such as “war crimes”, “collective punishment”, “occupation”, and “violations of international humanitarian law” demonstrates that the debates are saturated with the language of legality. This saturation makes the absence of corresponding enforcement more analytically salient, as it raises the question of how repeated legal qualification of the same conduct can coexist with institutional inaction. Yet many representatives simultaneously portray these legal recognitions as producing little concrete effect. Algeria states: “Those who believe that the Israeli occupying Power would choose to uphold its international legal obligations are mistaken. They must abandon that fiction.” (S/PV.9584, 2024)

This tension between legal recognition and institutional inaction is analytically significant because it exposes a distinction between formal inclusion within international law and substantive access to its protections. The key issue, therefore, is not the absence of legal language, but the apparent disconnection between legal judgment and enforcement. While Palestinian suffering is repeatedly acknowledged through the language of international humanitarian law, many representatives simultaneously portray legal recognition itself as insufficient to produce accountability or enforcement. This reflects concerns that not all subjects are equally protected through the universal language of law, even when violations are formally recognized. Such distinctions can be identified as broader structures through which political and cultural “others” are differently positioned within systems of authority and representation (Said, 1978, pp. 2-3).

The significance of such statements lies in how they portray international law as symbolically invoked but selectively operationalized. Legal norms remain rhetorically central, yet their enforcement appears politically constrained. The discourse, therefore, constructs a distinction between the formal existence of international law and its practical application. Exceptionalism does not necessarily involve openly rejecting international law, but often operates through differentiated interpretation, selective enforcement, and claims to unique political circumstances (Nymalm & Plagemann 2019, pp. 16-17). Within the meetings, accusations that Israel acts “above international law” or with “impunity” reflect perceptions that legal constraints are being unevenly enforced rather than universally applied (O’Connell 2002, pp. 43-44).

The meetings also reveal how this selectivity is connected to broader geopolitical hierarchies, particularly regarding Western states, including the United States. Venezuela states:

We wonder whether those are the rules that the United States Government is referring to when it promotes the consolidation of a so-called rules-based world order — the rules of exceptionalism, unilateralism, supremacy, double standards and subjective interpretations of international obligations. (S/PV.9451: resumption 1, 2023)

Similarly, Libya questions:

Where are the sermons and the commitment to human rights and international law, especially those that we hear from the self-proclaimed civilized countries? What message are they sending the world today? The world's peoples are fully aware of what is happening on the ground in occupied Palestine. We have had enough of double standards and counterfeit facts. (S/PV.9451: resumption 1, 2023)

These statements are analytically important because they directly challenge Western claims to legal neutrality and moral authority. Rather than presenting selectively as an isolated feature of the situation, representatives increasingly situate it within broader patterns of global inequality and geopolitical hierarchy. Libya's reference to "self-proclaimed civilized countries" is particularly significant in this regard. The statement directly invokes the historical civilizational distinctions through which international law differentiated between "civilized" and "uncivilized" societies during the colonial period (Anghie 2005, pp. 3-5). This reflects a challenge to the longstanding association between Western actors and presumed legal rationality, neutrality, and moral authority (ibid., pp. 204-205). Rather than accepting Western states as natural guardians of international legality, the intervention destabilizes the hierarchies through which some actors are more readily recognized as legitimate interpreters and enforcers of international law than others. What this intervention also does is articulate what is otherwise left unspoken. Libya explicitly names the civilizational hierarchy that typically operates as an unmarked background assumption within the discourse. In doing so, the intervention makes visible the representational structures that have been traced across the debates. It exposes how certain actors are positioned in ways that allow their conduct to be more readily aligned with legal authority and legitimacy, while others are more easily rendered as marginal to it or as subjects of suspicion (Said 1978, pp. 2-3).

I argue that in this context, Israel is implicitly situated within a framework that enables its actions to be presented as legitimate despite their contested legal character. This reflects a broader structural dynamic in which some actors are more readily associated with legal authority, while others are positioned at its margins. What has been traced across debates as isolated references to double standards, impunity, and selectivity thus appears, in this moment, as part of a deeper

representational logic through which international law constructs differentiated legal subjects (Anghie 2005, p. 4).

International law is therefore represented not simply as inconsistently enforced, but as shaped by asymmetrical power relations determining whose violations become actionable and whose are tolerated. These asymmetries are not only institutional but also discursive. The debates suggest that legality itself is unevenly attached to different actors, with some states more readily positioned as credible defenders of international order while others are framed through suspicion, instability, or conditional legitimacy. The critique, therefore, extends beyond selective enforcement toward the broader representational hierarchies through which international legal authority is constructed (Darian-Smith 2013, p. 49).

Through recurring references to civilization, double standards, and othering, the discourse raises broader questions about what repeated selective enforcement does to the legitimacy and authority of international law itself. What is communicated when some actors are consistently framed as more fully bound by legal norms than others, while others appear to operate under conditions of relative exemption or exceptionalism? How does this structure of representation affect the perceived credibility of international law as a neutral and universally applicable system?

South Africa warns:

A policy of double standards and selectivity where abiding by international law and United Nations resolutions is concerned has dangerous repercussions that go beyond this crisis. It affects the system of international law and therefore reflects negatively on our ability to maintain international peace and security. (S/PV.9451: resumption 1, 2023)

Egypt similarly argues:

Silence at a time like this is a kind of indulgence. Refusing to call things by their real names and merely paying lip service to respect for international humanitarian law, without describing what is happening as an actual violation of that law and of human

rights, is tantamount to participating in those crimes. In the context of this latest chapter, the efforts to minimize the suffering that the Palestinian people have endured for more than 70 years are a desperate attempt to justify flagrant violations of international law and international humanitarian law and are tantamount to permitting the perpetuation of the unprecedented (S/PV.9451: resumption 1, 2023)

The issue is framed not only as Palestinian suffering or Israeli conduct, but as the weakening of the international legal system as a whole. Repeated references to inconsistency, silence, and impunity construct selectivity as something that undermines the legitimacy of international law by exposing the gap between universal legal principles and unequal political practice. This further points to a broader dynamic in which international law has historically been structured through differentiated hierarchies of civilization, politics, and institutional power, while simultaneously presenting itself as universal (Anghie 2005, pp. 204-205). In this sense, the issue is not only whether individual violations are enforced, but what repeated patterns of selective enforcement do to the institutional authority of bodies such as the United Nations, particularly when their legitimacy rests on the assumption of equal application of international legal norms.

The SC meetings reveal a recurring tension between the formal universality of international law and its uneven application in practice. International law is consistently invoked as the authoritative framework, yet the same discourse repeatedly frames its enforcement as selective, politically constrained, and inconsistently applied across actors. Through recurring references to impunity, double standards, and unequal accountability, legitimacy is constructed as dependent on equal application, while responsibility is articulated in ways that distinguish between those fully subject to legal consequence and those perceived as effectively exempt. In this sense, legal exceptionalism is produced through patterns of differentiated enforcement and recognition within discourse itself, where the credibility of international law is simultaneously asserted and called into question through its uneven operation.

6.5 Discussion

The analysis demonstrates that legal exceptionalism in SC discourse is produced through patterned and uneven activation of formally universal legal categories. Rather than emerging through explicit deviations from international law, it is generated through discourse that differentially constructs legitimacy, responsibility, and legal intelligibility across interconnected practices of naming, justification, moral framing, and legal invocation. Universality is thus preserved at the level of principle, while its application is structured through implicit hierarchies of recognition.

Hamas is consistently positioned as the primary referent of illegitimate violence, enabling Israeli military action to be framed as reactive self-defence. This is stabilised through repeated invocations of Article 51 and “inherent” rights, which detach self-defence from contextual legal scrutiny. Civilizational framings further reinforce this structure by casting the conflict as a struggle between order and barbarism, narrowing the space for legal constraints such as proportionality or occupation law (Ruskola 2002, pp. 196-197). Humanitarian language frequently accompanies these framings but often abstracts agency into generalized references to civilians or crisis, thereby depoliticizing violence while maintaining the appearance of neutrality.

Together, these patterns show that legal exceptionalism is not produced through the absence of law but through its selective articulation. The same legal categories are invoked across actors, but produce unequal effects depending on how subjects are constructed. This results in a structured asymmetry in which Israeli violence is more readily legible as lawful and defensive, while Palestinian violence and suffering are rendered conditional, mediated, or displaced.

These findings extend Anghie's (2005) “dynamic of difference” by showing that it operates at the micro level of institutional discourse, where legal hierarchy is continuously reproduced through routine practices of representation (p.4). They also complicate accounts of exceptionalism by demonstrating that it does not require explicit claims to exemption, but can emerge collectively through interacting discursive practices. In addition, they show that humanitarian language does not function as a neutral corrective but can depoliticize violence by translating it into a generalized crisis, thereby coexisting with legal selectivity.

While the material focuses on the post-7 October 2023 meetings, these patterns reflect longstanding representational structures in international legal discourse on Israel-Palestine. The post-7 October context nevertheless intensifies these dynamics through heightened counterterrorism framing and claims of existential threat, amplifying rather than fundamentally altering existing hierarchies of legal recognition. In this sense, the events of 7 October can be understood, following Wodak and Meyer (2015), as a historical moment that functions as a discursive trigger, activating and reinforcing pre-existing narratives and interpretive frames within institutional discourse rather than generating entirely new ones (pp. 5-7).

More broadly, the findings suggest that discourse itself functions as a site of legal and political power within international institutions, shaping which claims become recognizable, credible, and actionable within formally universal legal frameworks. The analysis, therefore, demonstrates the importance of examining institutional language not merely as a reflection of geopolitical interests, but as part of the production and normalization of selective legality itself. At the same time, the study remains limited to public SC discourse and cannot fully account for other diplomatic negotiations or the material implementation of international law beyond institutional speech practices. Nevertheless, focusing on discourse makes visible how unequal legal hierarchies are reproduced through routine and normalized forms of institutional representation.

More broadly, the findings reinforce Wodak's (2015) argument that discourse functions as a site of power through which social and political hierarchies are reproduced and normalized (pp. 5-11). Within SC meetings, recurring associations between terrorism, self-defence, civilization, and security operate as discursive triggers that shape how violence, legality, and victimhood become intelligible. Through repetition across institutional speech, these framings come to structure which claims are recognized as legitimate within formally universal legal discourse.

Overall, SC meetings show that legal exceptionalism is produced not through the suspension of international law, but through its uneven discursive operation, which structures whose violence is legitimized and whose suffering is made visible within formally Universal legal language.

7. Conclusion

SC meetings on Israel-Palestine reveal a persistent tension between international law's formal claim to universality and its uneven application in practice (Anghie 2005, pp. 3-5). This thesis has argued that legal exceptionalism is reproduced not primarily through explicit suspension or rejection of international law, but through the uneven discursive organization of legality, legitimacy, and political responsibility within institutional discourse itself. By examining how legal norms are articulated and negotiated within UNSC meetings, the study demonstrates how formally universal legal categories become differentially activated and applied across political actors.

The analysis has shown that these differentiated constructions emerge through interconnected discursive practices of naming, legal invocation, humanitarian framing, and representational distinction (Said 1978, pp. 2-3; Ruskola 2002, pp.196-197). Through these patterns, Israeli violence is more readily stabilized within frameworks of lawful self-defence and security necessity, while Palestinian violence is more persistently individualized, criminalized, and positioned outside equivalent structures of legal legitimacy (Darian-Smith 2013, pp. 48-49; Anghie 2005, p. 4). Humanitarian discourse simultaneously operates as a depoliticizing framework that abstracts violence from broader relations of occupation, colonial power, and unequal legal recognition (Anghie 2005, pp. 30-31, 310-311). In this sense, the thesis demonstrates that legal universality is not undermined through its absence, but through its uneven operation within institutional discourse itself.

The thesis contributes to postcolonial scholarship on international law by extending TWAIL and legal Orientalism into the analysis of contemporary institutional discourse. While existing scholarship has primarily examined the colonial foundations and structural inequalities embedded within international law, this study demonstrates how such hierarchies are continuously reproduced through routine diplomatic and legal representation within international institutions (Ruskola 2002, pp. 182-184, 196-197). The thesis also contributes to the literature on legal exceptionalism by showing that exceptionalism does not need to depend upon explicit claims to legal exemption, but can instead emerge collectively through ordinary discursive

practices that unevenly distribute legitimacy, responsibility, and legal intelligibility across political actors.

Methodologically, the thesis highlights the value of DHA for examining international law as a site of discursive and political struggle rather than solely as a doctrinal system. By analyzing SC meeting transcripts as institutional spaces in which legal authority is articulated and contested, the study highlights how discourse itself participates in the production of legal and political hierarchy (Wodak & Meyer 2015, pp. 5-11). Empirically, the thesis contributes to scholarship on Israel-Palestine by examining how legal and humanitarian language operated within SC debates during the post-7 October 2023 period, revealing how claims to universality continue to function through differentiated structures of recognition and legitimacy.

This thesis also opens broader questions concerning how selective legality operates across other international institutional and geopolitical contexts. Comparative analysis of SC discourse on other conflicts, such as Russia-Ukraine, could further illuminate how legal legitimacy, self-defence, civilian protection, and political responsibility are differently articulated across cases, and whether similar discursive asymmetries emerge in relation to different political actors and conflicts. Such comparisons may contribute to a broader understanding of how international law's universal categories become unevenly operationalized through institutional discourse, depending on geopolitical context and structures of international legitimacy.

Further research could also extend this analysis by examining how SC discourse interacts with legal determinations produced by international courts, investigative bodies, and humanitarian organizations. Thereby enabling closer analysis of the relationship between institutional discourse, legal accountability, and the political construction of legality within international governance. Finally, extending the analysis to include a broader range of UN forums, such as the General Assembly and official state statements, could allow for a more comprehensive understanding of how legality and responsibility are constructed across the wider institutional landscape of international relations.

Ultimately, the thesis argues that selective legality is not external to international law's universalist framework, but produced through the very institutional discourse that sustains its authority (Anghie 2005, pp. 3-5). In doing so, it demonstrates how international law's claim to neutrality and universality remains shaped by historically unequal structures of power that continue to organize whose violence, suffering, and political claims become fully recognizable within the contemporary international legal order.

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