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# The 2026 Iran-Israel War: Legality of Pre-emptive Strikes, Nuclear Non-Proliferation, and the Collapse of Regional Deterrence

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## ABSTRACT

*The conflict between Iran and Israel in 2026 has brought into sharp focus enduring issues about the legitimacy of pre-emptive military strikes, the reliability of the international nuclear non-proliferation arms-control system and the decay of deterrence in the Middle East. In a context of increasing insecurity in the region, the relevance of the meaning of Article 51 of the United Nations Charter, and the ongoing concerns regarding Iran's nuclear programme, this study critically considers whether such pre-emptive strikes may be justified under international law, as well as their implications for regional stability and global non-proliferation governance (Gray, 2018; Schmitt, 2013). While a range of scholarship has examined anticipatory self-defense and nuclear deterrence on their own, and Middle East security in isolation, relatively little literature has focused on these themes simultaneously and analyzed their impact on legal norms, strategic calculations and regional security architecture in relation to recent escalation on the battlefield. To fill this void the study examines the legality of pre-emptive force, the implications for the Nuclear Non-Proliferation Treaty (NPT), and the general shift in the nature of deterrence. The study is conducted using a qualitative research design based on the interpretivist research philosophy, with doctrinal legal analysis and qualitative document analysis of international treaties, documents from the United Nations, judicial opinions, official governmental statements, strategic policy reports, and peer reviewed academic literature. The analysis is based on theories of deterrence, realism, constructivism and international legal interpretation, and explores the competing legal narratives and strategic discourses (Waltz, 1979; Wendt, 1999). The findings show that the doctrine of pre-emptive self-defense is gaining greater traction than traditional rules of law regarding the permissible use of force, undermines the faith in the global prevention regime, and is playing a role in the gradual erosion of traditional regional deterrence mechanisms. This study provides an innovative interdisciplinary approach to the topic, combining international law and strategic studies and contributing to current discussions concerning the role of the preventive force, nuclear governance and the security of the region. It ends with a call for renewed multilateral diplomacy, for more power and accountability in law, and for a strengthened international non-proliferation regime to lessen escalation risks and bolster a rules-based regional security order.*

***Keywords:*** *Pre-emptive Strikes, International Law, Nuclear Non-Proliferation, Deterrence, Middle East Security*

**INTRODUCTION**

One of the most prominent security issues of modern Middle East politics is the possibility of a major military conflict between Iran and Israel. While the exact makeup of a potential Iran-Israel conflict is speculative, cycles of escalation through missile exchanges, proxy war, cyber attacks, targeted killings and disagreements over Iran's nuclear programme have led to a growing body of academic and policy literature on the legality of pre-emptive action, the robustness of the global non-proliferation regime and the future of regional deterrence (Waltz, 1979; Mearsheimer, 2001). The potential for Iran and Israel to clash has far-reaching strategic implications: Much of the world would be affected if they should meet on the battlefield, given the implications of such a clash for global energy markets, great power dynamics, maritime security, and the authority of international legal institutions to control the use of force (Freedman, 2004; Gray, 2018). The legal and strategic issues that would arise in the event of a war between Israel and Iran are therefore not "local matters" but matters of the international order in the modern era.

The Iranian-Israeli relations have been changing from cooperation to strategic rivalry since the Iranian Revolution of 1979.Since then, Tehran and Jerusalem have drifted from cooperation to long-term strategic rivalry. The idea of an Iranian nuclear arsenal has been always considered an existential threat by Israel, and Western powers a main regional adversary backed by Israel on the other side of the story, backed by the Iranian leaders (Takeyh, 2009; Parsi, 2007). The resulting security dilemma has led to a pattern of mutual suspicion, with each side taking defensive steps being seen as an offensive move by the other, thus raising the risk of escalation (Jervis, 1978). This competition has taken place through wars in the Red Sea region, in Iraq, Syria, and Lebanon, where state and non-state players have become key ingredients in regional deterrence policies (Byman, 2011; Gause, 2014). However, with deterrence increasingly spread out between the traditional and missile spheres, between the traditional and the cyber, and between the traditional and the proxy sphere, the stability that has been characteristic of bilateral nuclear deterrence has proven more elusive (Freedman, 2004).

The evolution of regional deterrence in the Middle East has been a part of the general developments in international security. According to classical deterrence theory, communication was relatively clear, state actors were identifiable and rational cost–benefit calculations were possible (Schelling, 1966). Modern deterrence, however, takes place in a more complicated Middle East where proxy organizations, asymmetric warfare, cyber tools, and competing political narratives play a role (Byman, 2011). The development of Iran's missile forces, enrichment capability and regional alliances has been seen by many Israeli strategists as an incremental step toward a nuclear threshold posture that would limit Israel's freedom of action even if it never creates a nuclear weapon (Takeyh, 2009). On the other hand, Israeli military strength, its nuclear weapons and its ability to carry out long range strikes have strengthened Iranian ideas about the need for strategic depth and deterrence capabilities for survival (Cohen, 1998). These conflicting perceptions have been a factor in a “deterrent crisis in the region,” where neither side has enough confidence in the other's intentions to use only conventional deterrent means.

The issue of nuclear proliferation is at the heart of this crisis. The main legal instrument governing spread of nuclear weapons is the Treaty on the Non-Proliferation of Nuclear Weapons (United Nations, 1968) which contains non-proliferation, peaceful nuclear cooperation, and eventual disarmament. Iran is an NPT signatory, and has insisted that its nuclear program is for peaceful uses, while Israel has declared a policy of nuclear ambiguity, and is not a member of the NPT (Cohen, 1998). That asymmetry has sparked long-standing debates about the veracity and perceived equity of the non-proliferation regime (Sagan, 2011).

From this perspective, critics say that the NPT's effectiveness in practice is undermined by its unequal treatment of regional players, while proponents believe that it is crucial to stopping other nations from becoming nuclear-armed for the security of the region and world.From this point of view, critics argue that the unequal treatment of regional actors weakens the normative authority of the NPT, while supporters maintain that it is vital to preventing others from gaining access to the nuclear weapons they might use to threaten both regional and international security (Cirincione, 2007). A war over nuclear development in the Middle East would consequently have consequences beyond Iran and Israel and also for the future of the international non-proliferation system.

Pre-emptive military action is a subject of controversy because of the layout of the United Nations Charter. Article 2(4) bars the threat or use of force against the territorial integrity or political independence of any State, and it is clear that the threat to use force to annex territory or to take over the authority of another State is prohibited under Article 2(4) of the United Nations Charter (1945). The exception seems to be Article 51, which provides that in the event of an armed attack there is an inherent right of individual or collective self-defence. This link has been one of the most debated in modern international law – whether States have a legal right to take the first step in the use of force before an armed attack occurs (Gray, 2018; Dinstein, 2021). The issue has gained a new urgency in the face of nuclear proliferation, however, because some governments advocate waiting for an attack to make self-defence useless, and others believe that a wide reading of "anticipatory force" would negate the prohibition on war in the Charter.

In general, scholars make a distinction between anticipatory self-defence and preventive war. Anticipatory self-defence is a type of self-defence that takes place when an attack is imminent, and is often associated with the eighteenth-century Caroline standard that demands “instant, overwhelming, leaving no choice of means, and no moment for deliberation” (Brownlie, 1963; Schmitt, 2013). Preventive war, in contrast, aims to neutralize a potential war threat prior to its imminentness. From the perspective of international law, the definition of the state of preventive war is lacking in the crucial element of "imminence" of an attack that is essential for lawful self-defence, according to most international lawyers (Gray, 2018; Dinstein, 2021). The potential Iran–Israel conflict thus serves as a lens that helps to assess whether the current era of security threats is altering the law on the use of force.

International Humanitarian Law (IHL) complicates matters yet again. Should a pre-emptive strike be lawful according to the jus ad bellum principles, the manner of the use of force would still be subject to the rules of distinction, proportionality, military necessity, and precautions in attack (Henckaerts & Doswald-Beck, 2005). The threat to civilian populations, the possibility of environmental contamination and the potential for long term health effects often go beyond short-term military goals and are of particular concern in the event of a strike against a nuclear facility (ICRC, 1977). Thus, the lawfulness of attacks on dual-use infrastructure must be considered both at the time of resort to force and in the aftermath of the military action, taking into account the humanitarian impact of the military action. The interdependency of civilian infrastructure, energy facilities and urban centres in a dense interdependent regional setting means that IHL is not an aside, but a core element of the analysis.

International institutions are in a pivotal role in this debate. The Security Council has primary responsibility for the maintenance of international peace and security but has lacked the ability to effectively deal decisively with Middle Eastern crisis situations due to the differences in political views among the permanent members (Hurd, 2014). The International Court of Justice has helped the law with its jurisprudence, e.g. in Nicaragua v. United States and its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons (ICJ, 1986, 1996), where it held that the law is restrictive and nuclear weapons are subject to humanitarian law. The International Atomic Energy Agency (IAEA) is the main verification body conducting inspections to ensure adherence to safeguards agreements and reporting any issues raised by compliance with nuclear activities (IAEA, 2024). This dynamic between these institutions provides a good example of the interface between legal, political and technical aspects of proliferation and military conflict management.

While there has been considerable research into self-defence, nuclear deterrence and Middle Eastern security, there are still important analytical gaps. The existing literature has been largely compartmentalized, with legal scholars devoting attention to Charter interpretation and strategic analysts to assessing the credibility of deterrence or the military effectiveness (Gray 2018, Freedman 2004). Until now, there have been few studies that combine doctrinal legal analysis with a qualitative analysis of strategic discourse to illuminate the ways in which legal arguments themselves can serve as instruments of deterrence, signals, and legitimation in moments of crisis. Furthermore, the study of Iran's nuclear programme or Israel's security doctrine has tended to be studied separately from the analysis of the way competing legal narratives affect the region's deterrence dynamics concurrently (Takeyh, 2009; Sagan, 2011). This study seeks to fill that void, by integrating the three approaches—international law, nuclear politics, and regional security analysis—in one interpretative frame.

The article thus aims at three goals. First, it considers the legality of potential pre-emptive strikes against nuclear-related targets as per Article 51 of the UN Charter and customary international law. Second, it considers the consequences that these strikes might have on the credibility of the NPT treaty and on the legitimacy of international verification bodies. Third, it examines the effect of the growing use of pre-emptive force on the decline of traditional regional deterrence mechanisms in the Middle East. Given these goals, the following research questions are raised: (1) When, if ever, would it be lawful for U.S. military force to be used in a pre-emptive strike against Iranian nuclear related facilities as lawful self-defence? (2) What impact would it have on the global non-proliferation regime's legitimacy and effectiveness? How could the normalization of pre-emptive force spur the weakening of regional deterrence?

Because the critical issue of this study is not only if there are laws, but how states, institutions and strategic communities interpret and employ them during a crisis (Yanow & Schwartz-Shea, 2015), the study is interpretivist qualitative. The article uses a method of a combination of doctrinal legal approach to treaties, Security Council resolutions, jurisprudence of the ICJ and provisions of IHL, with a qualitative document analysis of governmental statements, IAEA reports, strategic documents and peer-reviewed academic literature (Bowen, 2009). A theoretical framework combines realist deterrence theory (which focuses on power and credibility; Waltz, 1979; Mearsheimer, 2001) with constructivist theory on the importance of legal norms, identity, and legitimacy in influencing state behaviour (Wendt, 1999). The study thus takes a multidimensional approach to legal claims, seeing them not just as rules but as political narratives that shape security calculations in the region.

The interdisciplinary dimension of the study is important because it contributes to the discussions on future international order. The question of the efficacy of the prohibition on the use of force in the age of nuclear latency, missile proliferation, cyber warfare and disintegration of the regional security architecture is illuminated by a prospective Iran–Israel conflict. It is a theoretically important article because it brings together deterrence theory and legal interpretation, it is methodologically important because it combines doctrinal and qualitative document analysis, and it is practically important as it sets out to uncover the risks inherent in the extension of the claims of anticipatory self-defence. This report aims to provide guidance to policy makers, international organizations, and the legal community interested in enhancing crisis-management structures, bolstering non-proliferation institutions, and minimizing the risks for regional escalation.

The rest of the article goes on like this. A review of literature on anticipatory self-defence, preventive war, nuclear deterrence and Middle Eastern security is undertaken in the next section. The next section presents the methodology and research design of the interpretivist research approach. It then analyses, under the UN Charter, customary international law, the jurisprudence of the ICJ, and under International Humanitarian Law, the potential legality of prospective pre-emptive strikes, and the implications for the NPT regime and the role of the IAEA. The last parts address the wider breakdown of regional deterrence and provide policy advice for the re-establishment of legal deterrence, the intensification of multilateral diplomacy and the reinforcement of a rules-based security order in the Middle East.

## LITERATURE REVIEW

### Theoretical Foundations of Memory Politics and Identity Formation

Because collective memory affects political identity, as well as national narratives and the legitimacy of the state, the politics of memory has become one of the most powerful areas of the current body of social science. Memory is now seen not as a record of events or happenings, but as a socially constructed process of retaining, manipulating and institutionalizing specific interpretations of history and excluding others (Assmann, 2011; Halbwachs, 1992). In South Asia the memory of the Partition of 1947 is among the most contested historical events, which continues to shape the concepts of nationalism, citizenship, inter-communal relations and political discourse in India, Pakistan and Bangladesh (Pandey, 2001; Butalia, 1998). To grasp the politics of Partition memory one must be familiar with inter-disciplinary scholarship on memory, nationalism, postcolonial theory, historical sociology and political science.

Collective memory is the key theoretical approach for examining the ways in which historical narratives construct contemporary identities. The assumption that memory is only individual was challenged by Maurice Halbwachs (1992) who believed that remembrance is a social construction. People recall the past through families and churches, schools and government bodies, political parties and other collectives that determine what events are remembered and what are lost. Thus, memory is not unchanging, nor is it necessarily historical, but rather is an ongoing reconstruction, based on current social and political contexts. Halbwachs' structure continues to be crucial for qualitative research that views memory as a social practice and not a collection of facts.

Halbwachs laid the groundwork for sociological approaches to the study of memory, but subsequent work has broadened the scope of Halbwachs's work by focusing on the cultural frameworks in which societies encode memories. Jan Assmann (1995) distinguishes communicative memory, which is transmitted from person to person, from generation to generation, and cultural memory, which is kept alive in monuments, museums, archives, literature, education, rituals, and state commemorations. Cultural memory offers societies longer-term narratives, which can help to strengthen collective identities and political legitimacy. Moreover, cultural memory is not apolitical and not historical, as argued by Aleida Assmann 2011. Rather, states and institutions actively shape which historical experiences are part of the official memory and those that are marginalized or silenced. It is especially important in the context of South Asia, where official events marking the events of Partition often highlight nationalist experiences and downplay other experiences of displacement, coexistance, or shared suffering.

Pierre Nora (1989) also claims that modern societies are more and more dependent on sites of memory (lieux de mémoire) due to the inexorability of the fading away of living memory as generations pass. Monuments, museums, memorials, textbooks and national ceremonies are all symbolic places that societies use to reimagine their history and its identity. Nora argues that such commemorative acts frequently arise when the collective memory becomes fragile, as political institutions try to "save" certain forms of memory and history. In the South Asian context, the museum devoted to Partition, National independence, border ceremonies and public memorials serve not only as a reminder of history but also as a political tool to enhance the narratives of the state on the notions of national identity, sacrifice and nationhood.

In Paul Connerton's (1989) study, he shows that collective memory is not only maintained through written history but also through a series of collective social practices. Rituals, commemorations, ceremonies and daily performances transmit historical awareness across time and generations through the routines of social activity. National holidays, remembrance activities, patriotic education, and symbolic public events are then a part of upholding dominant narratives of history while also shutting out the other storylines. This view is especially useful to grasp how postcolonial states construct specific memories of Partition in their public commemorative practice and educational systems.

Memory and history have always been one of the most controversial aspects of the modern memory studies. Paul Ricoeur (2004) suggests that the writing of history and collective memory are related but are two distinct modes of representation of the past. Historians look to critical interpretation, backed by the evidence, while collective memory is influenced by identity, emotion and moral interpretation. This means that Ricoeur warns us not to fall into the error of making history or memory entirely objective, since both are the results of selection, interpretation, and the building of narratives. It is particularly important in societies which have been impacted by violent conflict, where there may be more than one narrative of history, and where official histories may be influenced more by political concerns than a wider historical record.

On this theoretical basis, Marianne Hirsch (2012) coined the term postmemory to describe the intergenerational transmission of traumatic experiences that were never directly experienced. Families often pass along emotional legacies of collective trauma through stories, photographs, oral history, books, and cultural media, Hirsch noted. Postmemory thus shows that histories of violence remain a part of the identity long after the living memory of those who were victimized to it has gone. The framework was developed by Hirsch using the Holocaust as a case study; but, in recent years, a growing body of scholarship has looked to postmemory in the field of colonial violence, forced migration, and Partition studies. While in South Asia, second and third generation descendants are still making a living with memories of displacement, communal violence, migration and loss that were handed down to them without having experienced the Partition firsthand.

Memory is also a political issue, and has been the focus of studies on the links between memory and state power. Collective memory is a space of political contestation in which different actors fight to legitimise their interpretations of the past (Elizabeth Jelin 2003). Historical narratives are often disputed by governments, political parties, civil society organizations and by communities of victims, as history shapes national identity, citizenship and political power. Collective memory does not constitute a single social consensus, but rather a history of struggles for recognition, justice and historical legitimacy. These comments are very apt to the South Asian politics where the understanding of the Partition is strongly connected with the discussions on secularism, religious nationalism, minority rights and nationhood.

While the social construction of memory is widely acknowledged, there are competing theories on the relationships between political memory and political identity. Halbwachs (1992) has stressed the social structures of memory, while Assmann (2011) has focused more on institutionalized cultural practices. Nora (1989) reads memory mostly in terms of symbolic locations of memory and Connerton (1989) emphasizes the embodied practices of memory and ritual. Ricoeur (2004) emphasises the ethical dimension of interpretation and the historical weight of responsibility, while Jelin (2003) highlights the political aspect of contestation and claims for recognition. These viewpoints are not simply contending viewpoints, but rather complementary in that they highlight different aspects of memory politics.

However, there are very few empirical studies that bring these theories together in analyses of postcolonial South Asia, providing opportunities for more in-depth qualitative studies.

Another restriction of the overall memory literature is its geographical focus. As a result of experiences in Europe, including the Holocaust and post-war reconciliation, much foundational scholarship was produced, which does not necessarily fully reflect the complexities of colonialism, decolonization, religious nationalism, and mass displacement in South Asia (Hirsch, 2012; Ricoeur, 2004). While these theories have continued to have their impact, there has been a growing emphasis on the importance of paying greater attention to the postcolonial context of an empire, colonial governance, communal politics, and the continuing effects of the imperial rule (Chatterjee, 1993). It is therefore not enough to simply transfer the theory of memory to the Partition of British India, but needs critical adaptation.

The literature as a whole makes clear that memory is an evolving political process, in which histories are continually produced and reproduced to fashion current identities. Together, these concepts—collective memory, cultural memory, postmemory, commemorative practices, and historical narratives—help us understand how societies manage the relationship between past violence and present political life. Current scholarship, however, is divided into disciplines with an examination of memory, nationalism, postcolonialism and identity politics, discussed separately. The current study remedies this by bringing these two perspectives together in a single analytic lens through which to examine the politics of the Partition memory and its current impact on South Asian identity formation. Conceptualizing History, memory, politics and identity construction in India, Pakistan and Bangladesh, this interdisciplinary approach offers the conceptual framework for the study.

**Nationalism, the concept of identity politics, postcolonial theory, and historical narratives**

Memory and nationalism have been at the heart of the current political and historical debate. Collective memories of shared history, shared experiences and national identity are important national bonds that hold a nation together besides territorial borders and political institutions. Such stories are repeated in schools, political rhetoric, commemorative ceremonies, museums, media, and public ceremonies. Memory thus becomes a political tool for establishing a legitimate state, strengthening national identity, and setting itself against real or imagined external and/or internal "others" (Anderson, 2006; Hobsbawm & Ranger, 1983). As a South Asian experience, the memories of the 1947 Partition continue to impact national identities in the Indian subcontinent, influencing how each of the states on the subcontinent thinks about their origins, political legitimacy, and collective futures.

Benedict Anderson (2006) has contributed one of the most influential ideas to the study of nationalism, the idea of imagined communities. Anderson's perspective of nations as socially fabricated groups is consistent with a view that sees them as politically and culturally unified communities despite not having met the majority of their fellow citizens. Anderson states that common languages, education systems, newspapers, literature, maps, commemorations and historical stories are ways of sustaining this shared imagination. Collective memory is thus an important factor in the reproduction of national identity between generations. When extended to Partition studies, Anderson's model posits that the national memories of India, Pakistan and Bangladesh aren't just different accounts of past events but are also processes of collectively constructing meaning around concepts of independence, nationhood and communal identity through institutional frameworks.

Anderson's work is complemented by that of Eric Hobsbawm and Terence Ranger (1983), who claim that many national traditions are "invented traditions" and not continuous historical continuations. States design ceremonies, symbols, commemorative events and historical narratives to give political legitimacy and enhance national unity. This is because these traditions are relatively new political creations which are accepted as ancient or natural. This attitude is especially pertinent to the Partition: post-colonial states highlighted certain events in history while downplaying others, to normalize their official state-stories. The institutionalization of desired interpretations of Partition has, therefore, taken place through National independence celebrations, martyred commemorations, school textbooks, and public memorials.

Nationalism focuses on the importance of having a shared sense of identity, but it has been shown that identity is also a political issue. Stuart Hall (1996) suggests that identities don't exist in isolation or are biologically given, but are created over time, historically, culturally and politically. The negotiation, representation and interpretation of collective experiences are essential elements of identity formation and not mere preservation of historical facts. Hall's view is particularly useful for the analysis of post-Partition South Asia, since identities have not been fixed since 1947, but have moved, shifted, and changed. Migration, displacement and violence are remembered collectively in the present, and in turn are informing current notions of citizenship and belonging and political mobilisation.

The proliferation of writings about identity politics also acknowledges the ways in which history can become a political legitimating force. Political actors strategically recall the past in order to serve their current policies, boost electorate support or reinforce ideology (Brubaker, 2004). Historical memories are thus not neutral recollections but political tools that are used in political competition. Historical memory in South Asia is still strongly linked to the present and present-day political identities because mentions of Partition are still heard and seen in contexts such as electoral campaigns, parliamentary debates, diplomatic talks, and media reporting of events. These observations suggest that the politics of memory is not simply a concern of historical studies, but of current citizenship, national security and minority rights issues.

Under the lens of postcolonial theory, the importance of memory politics is even more evident. Edward Said (1978) showed that the knowledge about history is never completely objective but it is closely tied to relations of power. Colonial administrations created images of colonized people that supported the idea of colonial rule and excluded native voices. In Said's analysis, it is important to make historians think about who gets to be heard and who is left out of history. In the context of Partition studies, this view makes it necessary to look beyond the official histories and the marginalised voices which challenge them.

Building on post-colonial discussions, Partha Chatterjee (1993) is interested in how the process of nationalism in formerly colonised societies emerged from a "negotiation" between colonial modernity and indigenous cultural traditions. Anti-colonial movements challenged the rule of the imperial powers, yet at the same time embraced many of the institutions of colonial government. Chatterjee thus calls into question the simplistic notions of nationalism as only emancipatory and the ways in which the postcolonial state can produce new forms of political exclusion while building national unity. His account on the formation of the national identity of India, Pakistan and Bangladesh after Partition is especially important in the understanding of the rapid process by which the nation states have evolved from the former British Empire.

Homi K. Bhabha (1994) adds to these orthodox notions of national identity by introducing the concepts of hybridity, ambivalence and the narration of the nation. Bhabha goes against the grain of assuming that countries are uniform in their cultures, but instead suggests that identities are constantly negotiated and created through the interplay of many different cultures. National histories can thus never be presented as unproblematic historical facts, but as partial and contestable histories of collective experiences. This is particularly important for Partition studies, as past centuries of cultural contact between South Asia did not come to an end with the establishment of new political boundaries. Rather, memories of living together, moving and cultural interactions persist, complicating official nationalist narratives of separation and difference.

An important other dimension is added by Gayatri Chakravorty Spivak (1988), who theorises the subaltern. She believes that political and academic institutions favor the opinions of the elite and marginalized groups are excluded from the dominant history. In the case of Partition, Spivak's framework calls for a greater consideration of the stories of women, refugees, the lower castes, religious minorities, and others who are largely underrepresented in official histories. Such a critique has also been a major factor in the development and expansion of the field of qualitative Partition scholarship in favour of the incorporation of oral histories and lived experiences in addition to state archives and political documents.

The history writing itself is a significant object of scholarly discussion. Historical writing is an art of telling a story, not an objective presentation of facts, asserts Hayden White (1987). Historians choose evidence, arrange events, and create an interpretation, which influence readers' views of the past. Likewise, Paul Ricoeur (2004) argues that the interpretation of History must be accurate but at the same time ethically responsible, as narratives have an impact on collective memory and political identity. Such viewpoints have become especially important in Partition studies where the narratives of the various nations often lead to differing interpretations of the same historical occurrences.

In the field of South Asian scholarship Gyanendra Pandey (2001) counters conventional approaches to the historiography of the Partition by claiming that the violence of the Partition is not exclusively political or constitutional in nature. In contrast, he points to the daily lives of violence, fear and displacement which changed communal identities throughout the region. Official histories, similarly, tend to ignore suffering, especially that of women and displaced families, as Urvashi Butalia (1998) shows. In oral testimonies, Butalia uncovers how silence, trauma and fracture of memory became fundamental aspects of Partition history. These studies greatly extended the field by bringing people out of the spotlight of the political negotiations and into the realm of lived experiences and memory.

These views have been further developed in subsequent studies. The Partitioned history of Pakistan demands a wider historical perspective than just the year 1947 as a single event, as is evident in the eyes of the author of this book, Vazira Fazila-Yacoobali Zamindar (2007). For many years later, administrative modification, migration, citizenship policies, and border formation further affected identities over the generations. Yasmin Khan (2007) also holds that Partition was not just a political act of independence, but one of the largest forced migrations in history, leaving a lasting humanitarian, political and psychological impact. These studies show that Partition memory is not monolithic but each one has multiple and conflicting experiences from among different communities.

Although there is a great deal of consensus in the scholarship on the political nature of memory, there are a number of gaps to be noted. First, majority of the literature limits itself to discussing nationalism, postcolonialism, memory studies and identity politics as intellectual disciplines in isolation rather than as components of a holistic analytical framework. Second, the comparative analysis between Indian and Pakistan remains quite limited and many studies are restricted to a single national setting, in the case of the latter Pakistan.Second, comparative analysis between Indian and Pakistan is still largely limited; the majority of studies focus on one national context, in this instance Pakistan. Third, while oral history has contributed significantly to the Partition scholarship, the attention paid to the role of political institutions, education, media, museums, and commemoration on collective memory in South Asia has been relatively light. Lastly, new kinds of memory politics, resulting from recent political changes such as debates about citizenship, religious nationalism, digital media, and historical revisionism, demand qualitative research.

The limitations serve as a conceptual base for the present study. This research does not take memory as a singular, psychological event, or nationalism as a pure political ideology, but instead views memory politics as a process of interplay between historical narratives, political institutions, cultural representations and identities. The study, which is based on the analysis of memory texts as a collective memory, a cultural memory, a nationalism, and a postcolonial analysis of nationalism and a historical narrative analysis, employs an overall interpretivist qualitative approach to understand the impact of memories of Partition on contemporary political identities in South Asia. This multi-disciplinary perspective also paves the way to the next section on the critical examination of empirical research on the memory of Partition in India, Pakistan and Bangladesh which identifies the significant lacunae in the previous empirical studies, thereby giving justification to the present qualitative study.

## RESEARCH METHODOLOGY

The research design of this study is qualitative, aiming to analyze the legality of the 2026 Iran–Israel War, the consequences of such an intervention in the international nuclear non-proliferation system, and its effects on the Middle East regional deterrence system. The study is designed to gain an in-depth understanding of the complex phenomenon of contested legal interpretations, geopolitical narratives and state behaviour, hence a qualitative approach is the most suitable method to use to gain this understanding. Qualitative research is well suited to the needs of studies that focus on meanings, interpretations, and socially constructed realities, such as studies on international law, diplomatic practice, and security policy (Creswell & Poth, 2018; Merriam & Tisdell, 2016).

The methodological approach is of Interpretative character based on a qualitative case study strategy, doctrinal legal research and qualitative document analysis. Such a combination of complementary methods aids in the analysis of the legal norms and principles of the conflict and the broader political and strategic narratives that have influenced international reactions. The research does not test hypotheses, but rather seeks to account for how conflicting legal positions and arguments on issues of anticipatory force and nuclear non-proliferation developed in the 2026 conflict, by reading law texts, official documents, state practice, and scholarly debates.

### Research Philosophy

The interpretivist research philosophy used in this research adopted the perspective that social and political realities are not facts but constructions of human, social and political interpretation (Schwandt, 2014). The interpretivist approach is especially suitable for research in the field of international law and relations, as this branch of law is often built upon the interpretation of divergent treaties, customary international law, judicial interpretations, or state practices. To assess the legality of pre-emptive military action, one needs to take a dispassionate look at the legal arguments, diplomatic rhetoric, institutional interpretation, and state narratives that may be at play.

While positivism attempts to find objective causal explanations based on observable variables, interpretivism holds that the norms and behaviours of international law are shaped by historical events, institutional processes and conflicting conceptions of legitimacy (Crotty, 1998). The 2026 Iran–Israel War saw a wide range of interpretations of Article 51 of the United Nations Charter, the doctrine of anticipatory self-defence, and the obligations under the Nuclear Non-Proliferation Treaty (NPT). The interpretation of these principles in international law is a complex process that requires consideration of the meanings that governments, international organisations and legal scholars assign to them.

The interpretivist paradigm then allows this research to explain and analyze the process of argument construction, its justification, and the contestations as they happen in international institutions and diplomatic discourse. The study does not seek to determine any one legal fact, but instead addresses a number of aspects and critically assesses the consistency of each with the principles of international law. This approach is considered common practice for qualitative legal and policy research due to the interpretive and contextual nature of legal analysis (Creswell & Poth, 2018; Yanow & Schwartz-Shea, 2015).

**Qualitative Research Approach**

The study aimed to gain insights into the nature of legal reasoning, political narratives, and strategic decision making processes, so a qualitative research approach was used. Qualitative inquiry can be used to explore complex phenomena in their natural settings through the detailed interpretation of text-based data (Denzin & Lincoln, 2018). Qualitative analysis is suitable for the dimension of the research questions, which are related to the legality of pre-emptive strike, the function of nuclear non-proliferation regime and the transformation of regional deterrence.

The use of force in the legal context is, however, a matter of normative judgments, historical precedents, judicial reasoning, and rival political narratives which are better captured by other means than by statistics. Similarly, analysis of the meaning of nuclear deterrence and regional security debates should be based on the interpretation of the evolving strategic doctrines, official statements and policy documents. Qualitative research thus allows legal analysis to be combined with the theory of international relations in order to obtain a comprehensive picture of the conflict.

In addition, qualitative research helps in cross-checking various types of documentary materials such as treaties, judicial rulings, official government documents, United Nations documents, International Atomic Energy Agency (IAEA) documents, policy papers and scholarly documents. Combining these materials together provides deeper analysis and enables the researcher to spot patterns, contrasts, and themes across several types of evidence (Patton, 2015).

**Research Strategy**

Given the need to tackle the research objectives in an integrated and holistic manner, four complementary research methods are used in this study, namely, Qualitative Case Study, Doctrinal Legal Research, Qualitative Document Analysis, and Comparative Legal Analysis. A combination of these methods helps to enhance methodological rigor through an analysis of the legal interpretation in juxtaposition to more comprehensive analysis of geopolitical and institutional developments.

**Qualitative Case Study**

The study method is qualitative and the case study approach is the main method used. Yin (2018) noted that case study research is appropriate for the study of contemporary phenomena when the phenomena and context are not easily differentiated and have many unknowns in the real world. Likewise, Stake (1995) maintains that case studies can be used to develop a detailed examination of multiple forms of evidence to develop rich contextual understanding of unique or significant events.

The 2026 Iran-Israel War is a pivotal scenario where key legal issues such as anticipatory self-defence, allegations of nuclear proliferation, failure to deter in the region, and international organization involvement in conflict management are likely to arise. This analysis of one case allows for a comprehensive examination of the application and interpretation of international law in the context of a crisis in the region without precedents. The case study, unlike a statistical statement of generalization, strives to provide analytical understanding and to inform the debates on the development of international law and regional security governance.

**Doctrinal Legal Research**

Doctrinal legal research is an integral part of the methodological framework, since the central research questions are related to the legal aspects of military action in international law. Doctrinal legal research is the systematic process of studying the rules of law, judicial decisions, treaties, customary international law, and legal commentaries in order to ascertain the substance of the law, its interpretation and application (Hutchinson & Duncan, 2012).

The doctrinal analysis is mostly on how Article 2(4) and Article 51 of the United Nations Charter, decisions of the International Court of Justice (ICJ), the Nuclear Non-Proliferation Treaty (NPT), IAEA safeguards, Security Council resolutions and customary international law on the use of force have been interpreted. The study critically examines these legal authorities and evaluates the competing arguments on the subjects of anticipatory self-defence, necessity, proportionality and state responsibility.

The present study, in contrast to purely descriptive legal research, critically examines the discrepancies between legal doctrine and state practice, thus helping to contribute to the ongoing discussions on the development of international legal norms.

**Qualitative Document Analysis**

The research also applies the qualitative document analysis technique as an empirical analytical method in addition to doctrinal analysis. Document analysis is a systematic process of examining, assessing, and comprehending documents to derive significant knowledge about social and political aspects, as stated by Bowen (2009). When direct participant observation is impractical or inappropriate, documentary evidence can be useful in understanding the government's decision-making process, institutional reactions, diplomatic accounts, and legal reasoning, especially in the context of international conflicts.

Official legal instruments, U.N. reports, government statements, policy documents, military briefings, IAEA publications, parliamentary debates (when available), international legal opinions, academic literature and reports by reputable international organisations and policy institutes are included in the analysis. These documents have been chosen as authoritative and significant for having shed light on the legal, political and strategic aspects of the conflict.

Other advantages to qualitative document analysis are the ability to triangulate across multiple documentary sources which will limit the influence of any one institutional story and enhance the trustworthiness of the analysis (Bowen, 2009). The study reveals the presence of common legal arguments, conflicting policy stances and changing understandings of the concepts of self-defence, nuclear proliferation and regional deterrence.

**Case Selection**

The choice of the Iran–Israel War for 2026 is made based on the purposive case selection, which is a theoretically significant and information-rich case for study to understand contemporary international law and security studies (Patton, 2015). The question of whether pre-emptive military action against potential nuclear facilities is legal, the ability of the global nuclear non-proliferation system to withstand the proliferation of nuclear weapons, and the strength of deterrence theory in an increasingly volatile Middle East security environment are all issues that need to be addressed.

As a legal affair, the conflict offers a chance to revisit some questions that remain unresolved in the law of self-defence, the nature and scope of Article 51 of the United Nations Charter and the connection between state practice and legal doctrine. On a geopolitical level, it shows how regional alliances and alliances change, proxy wars, nuclear uncertainty and strategic rivalry are still tinkering with security dynamics in the Middle East. As a result, the case has significant analytical value for legal scholarship and for research in international relations.

**Data Sources**

The study is essentially based on documentary data, in line with qualitative legal research and interpretive policy analysis. Documentary evidence can be used to systematically analyse legal norms, institutional responses and state actions at various levels of international governance.

The primary sources are the United Nations Charter, the resolutions of the United Nations Security Council and General Assembly, the decisions of the International Court of Justice, its advisory opinions, the terms of the Nuclear Non-Proliferation Treaty, the reports of the IAEA, official statements issued by the governments of Iran, Israel, the United States and other relevant regional actors, diplomatic communications, and publicly available policy documents. These sources are legal and institutional authorities for the evaluation of the conflicting claims made in the conflict.

Secondary sources include scholarly books and edited volumes, policy reports, legal commentaries, peer-reviewed journal articles, and publications from internationally recognised research institutions. Academic quality is emphasized by giving preference to literature published in SSCI and Scopus indexed journals, whereas essential works are included as needed to set the context for current discussions. Combining primary legal materials with authoritative secondary scholarship helps to ensure that the study is comprehensive and methodological, enhancing the overall strength of the study.

**Sampling Strategy**

The sampling method used in this research was purposive sampling. It is a non-probability sampling that involved selecting information-rich sources which are directly related to the research objectives (Patton, 2015). Considering that pre-emptive strike, nuclear non-proliferation, and regional deterrence are central themes of the 2026 Iran–Israel War, purposive sampling was used to select authoritative legal, political and institutional documents that could provide comprehensive insights into these themes. The goal was not to be representative of a population, but rather to gain analytical depth, as is the case for interpretivist qualitative inquiry (Creswell & Poth, 2018).

Additionally, Criterion sampling was used to assure that only documents that fit predetermined criteria of relevance and credibility were analyzed. Only documents that spoke directly to the legal foundations of the conflict, the application of international humanitarian law and international law, nuclear governance, and/or regional security dynamics were selected. Official legal documents, international institutional documents, peer-reviewed papers from academic journals and scholarly books by well-established academic publishers were favoured.

**Inclusion and Exclusion Criteria**

Inclusion and exclusion criteria were set and clearly defined to improve methodological transparency and consistency.

The documents that were included in the final sample had to meet criteria that included being published by a recognised international organisation, government institution, peer-reviewed journal, or established academic publisher; analysing the legality of the 2026 Iran–Israel War or other legal issues related to the use of force; discussing the Nuclear Non-Proliferation Treaty (NPT), International Atomic Energy Agency (IAEA) safeguards, or nuclear security; examining deterrence theory, Middle East security, or regional strategic stability; and examining Article 2(4) of the United Nations Charter or Article 51 of the United Nations Charter, anticipatory self-defence, or pre-emptive self-defence.

Those documents that did not have an identifiable author, had an opinion without supporting facts or information that could not be verified, or did not address the legal or geopolitical aspects of the conflict were not included. Media commentary and content found on the internet without credible scholarly or institutional sources, as well as content from politically partisan publications, were not included. The use of these criteria made the documentary evidence more reliable and authentic (Bowen, 2009).

**Data Collection Procedures**

Data gathering involved the systematic identification, retrieval and organisation of documentary evidence from several authoritative sources. Primary legal sources included publicly accessible databases at the United Nations, the International Court of Justice (ICJ), the International Atomic Energy Agency (IAEA), treaty databases and government official websites. Other academic databases like Scopus, Web of Science, HeinOnline, JSTOR, and Google Scholar and other university library resources were used to identify secondary literature.

A structured search strategy was created by applying various combinations of the following keywords: Iran–Israel War 2026, pre-emptive self-defence, anticipatory self-defence, Article 51 UN Charter, use of force, Nuclear Non-Proliferation Treaty, IAEA safeguards, deterrence theory, Middle East security and international humanitarian law. Documents retrieved were sorted and then downloaded by reference management software for systematic analysis and accurate citation based on the inclusion/exclusion criteria set out.

A careful scrutiny of the documents for authenticity, relevance, authority and consistency was made throughout the data collection process. Multiple documentary sources helped in triangulation which minimized reliance on any one institutional or political point of view and enhanced the credibility of the research findings (Patton, 2015).

**Coding Process**

Data analysis started with a process of repeated reading of all the selected documents to become familiar with their content. This familiarisation phase helped to identify some of the more common legal themes, political stories and security issues relating to the conflict (Braun & Clarke, 2021).

The coding process was systematically carried out in a qualitative manner. Initial open coding was done by assigning descriptive codes to salient portions of text that addressed legal arguments, state practice, nuclear governance, regional security and international institutional reactions. Focused coding and constant comparison were then used to organize similar codes into larger analytical categories, and relationships among concepts began to become apparent (Saldaña, 2021).

Codes were constantly readjusted, streamlined, combined or split to maintain conceptual uniformity and prevent duplication. A process of iteration further increased the transparency of the analysis and ensured that themes were based upon documents and not assumptions.

**Thematic Analysis**

Thematic analysis was used in the study, following Braun and Clarke's six-phase process (2006, 2021). Thematic analysis is a flexible yet rigorous qualitative analytical technique for discovering, structuring and unpacking patterns of meaning within a variety of documentary sources.

The analysis was carried out in 6 phases: familiarisation with the data, generation of initial codes, seeking out potential themes, revisiting and refining themes, defining and naming themes, and writing the analytical story. In this process, key issues of the legality of preemptive military intervention, competing understandings of the concept of self defence, the failure of regional deterrence, international institutional reactions, and the development of 'customary' international law emerged.

Thematic analysis was particularly relevant because it enabled legal doctrine, political discourse and strategic narratives to be analysed all in one, whilst also remaining sensitive to the historical and institutional contexts of each. This was done to aid interpretation and not merely description, which reflected the interpretivist philosophical perspective of the study.

**Analytical Framework**

A multi-disciplinary approach to analyzing the findings was employed, which entailed an interdisciplinary analytical framework incorporating elements of international law and international relations theory. The legality of the act was judged primarily using the United Nations Charter, specifically Articles 2(4) and 51; ICJ jurisprudence; customary international law and the necessity and proportionality principles of self-defence.

The study also relied on Nuclear Non-Proliferation Theory, to explore the effectiveness of the international nuclear governance after the conflict, and on classical and contemporary deterrence theory was used to analyse changes in regional strategic stability. Constructivist approaches also contributed to the analysis of diplomatic accounts and state rationales by accounting for the fact that security perceptions and legal legitimacy are socially constructed through the political process and institutional engagement (Wendt, 1999). All these theoretical frameworks helped to provide a holistic understanding of the legal and geopolitical ramifications of the war.

**The study has been conducted in a trustworthy manner**

In order to maintain the methodological rigor, the study applied the framework of establishing trustworthiness of Lincoln and Guba (1985): credibility, transferability, dependability, and confirmability. These are standards that are generally accepted as measures of the quality of qualitative research.

Methodological triangulation was used to strengthen the credibility of the study, in which a combination of various types of documentary evidence was analysed such as treaties, judicial decisions, government statements, reports from international organisation, and scholarship that has been peer-reviewed. Multiple sources allowed for multiple comparisons that allowed for cross-verification of interpretations of the law and decreased the effects of institutional bias (Lincoln & Guba, 1985; Patton, 2015).

The Transferability was sustained by offering thorough descriptions of the legal, political and strategic context of the 2026 Iran- Israel War. While the findings of this study are context specific, the wide-ranging contextualisation helps readers evaluate the findings' applicability to other international conflicts of pre-emptive force, nuclear proliferation, and regional security.

The research process was documented, offering transparency and strengthening dependability, as were the procedures for selecting documents, coding, analytical decisions and theme development. A methodological audit trail helps to ensure consistency and replicability within qualitative inquiry (Nowell et al., 2017).

Documentary evidence was used to substantiate interpretations in order to promote confirmability. When themes began to take shape, the researcher continually analyzed the themes in relation to the data and pertinent legal sources to ensure the conclusions were in accord with the documentary evidence. Subjective bias was also minimised by reflexive awareness throughout the research process.

**Reflexivity**

Reflexivity was a part and parcel of the research process, because the Iran–Israel conflict is a politically sensitive issue. In order for reflexivity to be used, the researcher must acknowledge that their interpretations, theories and disciplinary background might affect their analysis (Creswell & Poth, 2018).

Conscious attempts have been made during the study to be analytical and impartial in considering the various competing views of the law offered by various states, international organisations and scholars. The analysis does not reflect a political stance but assesses legal arguments on the basis of principles of international law, and aims at a balanced and evidence-based interpretation.

**Ethical Considerations**

The study did not involve human subjects and would not have required informed consent or ethical approval from an institution in most academic settings because it was based on documents which are publicly available. However, ethical issues continued to be important throughout the research process.

Documentary sources were properly cited using APA 7th edition guidelines. Intellectual honesty was achieved by quoting and paraphrasing legal authorities, arguments and official statements accurately without selective quotations or misinterpretations. The legal arguments were presented in an unbiased way to avoid any ideological bias, and to ensure the scholarly integrity of the arguments. The study also maintained the norms of academic honesty in avoiding plagiarism and referencing all the original source(s).

**Study Limitations**

There are a number of caveats to be noted. First, the study is based solely on documentation and does not include interviews with the relevant main actors or discussions with policymakers, military officials, diplomats, or legal practitioners. Documentary analysis gives a good amount of evidence in the shape of documents and institutions, but it may not reflect confidential decision-making procedures.

Second, as more official information becomes available, legal and political evaluations of the 2026 Iran–Israel War can continue to change as the situation unfolds. Interpretations offered here, therefore, should be seen in the context of the time period of the available documentary record.

Third, there is always a degree of contestation in international law with regards to interpretation of the law. The definition of anticipatory self-defence, proportionality and the legality of pre-emptive military action may lead to different answers from various scholars and states. In order to avoid interpretive bias, the study does not only use a single source of interpretation, but systematically analyses various legal authorities, judicial decisions and scholarly interpretations.

## FINDINGS AND DISCUSSION

The question of whether pre-emptive strikes are within the scope of contemporary international law is a complex one.Whether pre-emptive strikes are lawful under contemporary international law is a complicated issue.

The qualitative analysis shows that the question of whether future pre-emptive military actions against Iranian nuclear related facilities are legal continues to be one of the most controversial concerns in modern international law. There is no common ground in this regard over the course of the analyzed legal instruments, judicial rulings, governmental statements and scholarly literature regarding the legitimacy of states in using force in response to an expected, but not actual armed attack. Rather, the results show the ongoing conflict between the prohibition on the use of force in Art. 2(4) of the United Nations Charter and the right of self defence in Art. 51 (United Nations, 1945; Gray, 2018). This legal uncertainty is especially stark in situations where government officials see an emerging nuclear capability as a threat to their own survival, thus raising the strategic value of ‘preemptive' military action.

A doctrinal analysis shows that most of the international legal literature still supports the narrow reading of Article 51. This would mean that self-defence would be legal only if there was a real or clearly threatened armed attack, which has been the interpretation of the Caroline incident and confirmed in the jurisprudence of the International Court of Justice (Brownlie, 1963; ICJ, 1986; Dinstein, 2021). It is clear from the documentary evidence analysed in this study that there would be marked opposition to preventive military use of force if it were to be generally accepted. As a result, most legal experts consider preventive actions against future threats to be incompatible with the provisions of the treaties and customary international law (Gray, 2018; Ruys, 2010).

In the qualitative dimension, the examined governmental discourses show a remarkable difference between legal argumentation and strategic argumentation. When it comes to possible threats from nuclear arms, strategic policy documents often focus on "uncertainty," technological progress and intelligence estimates. Objective necessity, proportionality and imminence are still the key elements in international legal instruments, however. The difference reflects the fact that the interpretation of the law is gradually becoming not just another judicial activity, but a broader strategy of communication. Governments thus present legal arguments not only to create legality but also to secure the diplomatic legitimacy and international support.

The results are in line with constructivist scholarship, which emphasizes the role of international law beyond its formal legal commitments to shared norms, legitimacy and international expectations (Wendt, 1999). States do not just make the case for armed force because of a strategic need, they actively look for the legal narrative that enables a greater domestic and international acceptance. As a result, legal language becomes an important aspect of strategic signalling in times of geopolitical crisis.

Realist scholars, on the other hand, read the same evidence in different ways. Realists' legal arguments may instead be a reflection of security interests rather than of self-standing norms (Mearsheimer, 2001; Waltz, 1979). When states feel threatened by the survival of the species, they will pay more attention to their own survival than to the letter of the law, especially when nuclear proliferation changes the balance of power in the region. The findings therefore show an ongoing conflict between values and calculations, between normative legal considerations and strategic considerations, which is very much part of the current debates on anticipatory self-defence.

**Article 51 rethought in the Nuclear Age**

The qualitative results also indicate that new nuclear technologies have contributed to the debates around the definition of ‘imminence' in Article 51 of the UN Charter. The traditional interpretation was based on the idea that imminent attack would be evident in military mobilisation. With modern nuclear technology, however, warning times are significantly shortened and the intention of another nuclear power becomes more uncertain (Schmitt, 2013). In view of the speed at which nuclear development is taking place, several strategic analyses are now increasingly coming to call for more liberal use of the term anticipatory self-defence.

However, the facts in the documentary record show that international courts and tribunals have been hesitant to embrace such expansion. The International Court of Justice has consistently stated that the concepts of necessity and proportionality must be met in the exercise of self-defence and that self-defence must not be interpreted as giving rise to a right to "preventive war" (ICJ, 1986; ICJ, 2004). Likewise, key international legal academics argue that setting the ‘imminence' bar too low might open the door to ‘generalised' self-defence justifications for unilateral military action (Gray, 2018; Dinstein, 2021).

The conclusions are thus that technological change has not essentially transformed the legal framework of the use of force. Instead, current issues have to do with how the current legal principles should be applied in changing strategic circumstances. Theoretically this distinction is important because it indicates that adaptation to law does not entail giving up on existing norms. Rather, it will emphasize the ongoing relevance of state security and collective international stability.

**Responding to the IHL obligations**

In addition to the lawfulness of starting a use of force, the qualitative analysis shows that any potential military response against nuclear infrastructure would still be governed by IHL. In the literature that has been reviewed so far, it is always made clear that the obligations of compliance with the jus ad bellum do not cancel out the obligations of compliance with the jus in bello. Where there is legal justification for an attack, it is subject to the principles of distinction, proportionality, military necessity and precaution (Henckaerts & Doswald-Beck, 2005; ICRC, 1977).

A special concern arises in the humanitarian aspects of strikes against nuclear installations. Enrichment facilities and associated infrastructure are not targets like military installations, but if they are damaged, they can cause environmental contamination and displacement, with public health risks that will last much longer than the duration of the military operation. The results confirm earlier academic research which has maintained that there are very stringent proportionality requirements for attacks on nuclear facilities, due to the long-term consequences of such attacks on civilians (ICJ, 1996).

It also sheds light on the increasing entanglement of humanitarian law and strategic communication. Precise weapons and technology are becoming more of a focus for governments in securing military actions. But humanitarian law comes to an examination of the legality based on the actual civilian consequences and not solely on the sophistication of the technology. The development of military technology, then, is no replacement for compliance with existing legal requirements.

**How to Unravel the Deterrence of the Region**

The qualitative evidence indicates that one of the most important consequences of the increasing Iran–Israel tension is the shift of regional deterrence in a gradual manner. Classical deterrence theory was based on relatively stable strategic relationships in which rational actors could send credible threats and make calculations of predictable costs (Schelling, 1966). The modern Middle East is far more complicated, with proxy groups, cyber warfare, ballistic missiles, unmanned aerial systems (UAS) and rival regional pacts (Freedman, 2004).

The documents analysed reveal that deterrence is increasingly being exercised on a multi-faceted and interdependent plane more than just a plane of conventional military power. One aspect of deterrence is Iran's missile programme, its regional partnerships and its growing technological capabilities, while another is Israel's state-of-the-art conventional military forces, its missile defence and its intelligence infrastructure, and its long-standing nuclear ambiguity policy (Cohen, 1998; Takeyh, 2009). The combination of these capabilities has led to a phenomenon sometimes described as multi-domain deterrence, one in which stability is achieved through "the simultaneous credibility of conventional, cyber, intelligence and strategic components."

But the results also show that multi-domain deterrence is a less predictable form of deterrence than the classic Cold War deterrence approach. Non-state actors, proxy organizations, and asymmetric military capabilities make signalling more complex, make miscalculation more likely, and make it less certain about how escalation will be handled (Byman, 2011). Thus it seems that regional deterrence is growing weaker in the face of significant military strength on both sides.

According to the realist view, this is a consequence of the security dilemma, which has been identified by Jervis (1978). Defensive military measures that one State takes against another State often seem aggressive to the other State and therefore elicit similar military expansion by the other State. Constructivist scholarship also suggests that when military balances are relatively stable, competing threat perceptions and political narratives can lead to mutual distrust (Wendt, 1999). The results indeed reinforce a theoretically integrated interpretation that has space for both material and political factors that lead to the decay of regional deterrence.

**Implications for the Nuclear Non-Proliferation Treaty**

The qualitative analysis reveals that one of the critical lessons that can be drawn from a possible Iran-Israel military conflict is the credibility and likely success of the Nuclear Non-Proliferation Treaty (NPT). The NPT has been the backbone of the international nuclear order since its adoption in 1970, balancing three intertwined goals: the prevention of the spread of nuclear weapons, the promotion of peaceful uses of nuclear energy and the advancement of nuclear disarmament (United Nations, 1968). The outcome, however, does indicate that a military response against nuclear related facilities would have wider implications than bilateral security issues and would have a significant impact on the overall confidence in the non-proliferation regime.

As revealed in the reviewed literature, there are two conflicting interpretations. One view is that the use of force could postpone nuclear proliferation at least for a while, by damaging sensitive nuclear facilities and by strengthening the deterrence effect on nuclear weapon development in the future (Sagan, 2011). A different view suggests that this could undermine the legitimacy of the NPT by leading states to believe that nuclear weapons are the only means of ensuring their national survival (Cirincione 2007; Hymans 2006). The qualitative evidence collected in this study is more in line with the latter interpretation, and it appears that a continued use of military instruments may have a negative impact on the international trust in multilateral non-proliferation institutions.

These findings also show a constant normativ contradiction in the NPT regime. Unlike current nuclear weapons states, there is extensive verification and safeguards for nuclear non-nuclear states, but discussions on nuclear ambiguity, strategic alliances and unequal enforcement have led to concerns over the uniformity of international nuclear governance (Sagan, 2011). Therefore, the sustainability of the treaty will also rely on the perception of the fairness, consistency and legitimacy of the legal framework.

**Nuclear Escalation Risks and Strategic Stability**

The other significant discovery relates to the growing complexity of the risks of nuclear escalation in the current Middle East. Classical deterrence theory takes it for granted that rational actors can make their intentions clear and will prevent uncontrolled escalation by being able to show them to be credible (Schelling, 1966; Waltz, 1979). Qualitative evidence indicates, however, that regional security dynamics have changed significantly from this traditional perspective.

Today, strategic engagements take place through ballistic missiles, cyber attacks, unmanned aerial systems, proxy groups, intelligence rivalry and sophisticated precision-strike systems are all being used at once. The overlapping security fields add complexity to predicting adversaries' goals and decrease the decision-making time in crisis (Freedman, 2004). As a consequence, strategic stability is gaining significance not only as a matter of military strength but as well as of good communication, diplomatic crisis management, and institutional confidence.

The uncertainty of uncertainty has emerged as a major factor in driving escalation, according to the documentary analysis. Even in the absence of complete intelligence assessments, and where political leaders feel that their strategic options are constricting, there might be pressure for preventative action. The observation is in line with the security dilemma Jervis (1978) identified as a state's defensive moves could inadvertently create offensive perceptions for other states. Thus, in addition to military power, strategic instability also results from conflicting perceptions of military power.

**The United Nations, International Court of Justice and the International Atomic**

The results illustrate, however, that international institutions have been and will continue to be vital for maintaining legal order in practice, while important practical constraints remain. The United Nations system as a whole continues to provide the main legal framework for the use of force, namely the Charter system, and the International Court of Justice contributes to authoritative interpretations of international law while the International Atomic Energy Agency contributes to technical verification of nuclear safeguards (United Nations, 1945; ICJ, 1986; IAEA, 2024).

Yet, qualitative study of institutional effectiveness shows that political consensus among key actors is often essential for institutional effectiveness. The Security Council's divisions have repeatedly limited the ability of the United Nations to respond collectively to international crises by preventing it from taking any binding action that would help prevent escalation through enforcement actions (Hurd, 2014). Likewise, the International Court of Justice makes valuable legal contributions, but its jurisdiction is limited in its ability to adjudicate fast-moving geopolitical conflicts.

In contrast, the International Atomic Energy Agency is in a unique position, because its authority is based mainly on technical expertise, not political. Inspections, verification of safeguards, and transparency in reporting, as analysed in the reports, are still crucial elements to diminish uncertainty surrounding nuclear activities. But technical verification does not necessarily resolve political disagreements on regional security or conflicting strategies. It is, therefore, important that there is greater cooperation between legal, diplomatic and technical institutions in an effective crisis management, instead of depending on any one institution.

**This is a book on regional security architecture and great-power politics**

The qualitative results suggest that regional security cannot be captured without addressing the geopolitical competition in the region. The security architecture of the Middle East is growing ever more closely linked with the interests of great powers such as the United States, Russia, China and the European Union. They have policies, economic ties, political power and military engagement that have a significant impact on regional crisis management and conflict prevention (Gause, 2014).

Realist theory has been used to explain this interaction by focusing on the distribution of power in the international system, with outside powers seeking regional influence for the wider strategic interests (Mearsheimer 2001). Constructivist approaches, on the other hand, emphasize the influence of norms, diplomacy and institutional legitimacy on a state's actions over its material power (Wendt, 1999). Both explanations are still valid as shown by the qualitative evidence. Material power will continue to shape regional security decisions, as will international legal norms as to the legitimacy of diplomatic action and the formation of coalitions.

The results in this respect thus confirm a synthesis of legal analysis and strategic studies. International law will not necessarily provide a full account of state behaviour in times of increased security competition, but strategic analysis without international law is insufficient to account for how states rationalise military activity in the international community.

**Theoretical Contributions**

The study makes a few contributions to the scholarship. First, it shows that doctrinal legal analysis alone is not enough for an understanding of debates about pre-emptive force. Legal interpretation, strategic calculation and political legitimacy are instead at play in today's security crises. International law is thus more comprehensive than realism or constructivism in explaining the behaviour of states.

Second, the study builds on existing regional deterrence scholarship by showing that today's deterrence is more likely to be conducted in multiple and interrelated domains – conventional military, cyber, proxy, nuclear signalling and legal. Its multidimensional character is reflective of the changing nature of twenty-first century international security.

**Policy and Practical Implications**

The results indicate a number of policy implications. International law must regain its credibility, by reinforcing the interpretation of Article 51, and its commitment to the prohibition on the use of force, as set forth in the United Nations Charter. Meanwhile, maintaining the credibility of the NPT demands greater transparency and good tracking of the safeguards implementation and continued diplomatic activity via the International Atomic Energy Agency.

The analysis also underscores the need for institutionalized crisis communication, confidence-building measures at the regional level and preventive diplomacy to mitigate escalation risks due to strategic misperception. While military deterrence has its place, lasting regional peace and stability will only come from credible legal institutions, effective diplomacy and multilateral cooperation that are capable of managing security competition without it spiraling out of control into armed conflict.

**Overall Discussion**

In combination, the qualitative results show that the current debate over potential pre-emptive military action is more than just about the military need to this moment. They include more general issues of international law interpretation, the future of nuclear non-proliferation, the effectiveness of international institutions and the robustness of the rules-based international order. The analysis suggests that broadening the scope of anticipatory self-defence could offer strategic maneuverability on the short term but could also also make it harder to uphold the current legal restrictions on the use of force.

The overall conclusion of the study is that military deterrence is not enough to bring about sustainable regional security. Instead, only a balanced system of compliance with international law, sound multilateral institutions, dependable non-proliferation systems, diplomatic engagement and strategic restraint can guarantee durable stability. An integrated approach would provide the most feasible grounds for significantly diminishing escalation risks, maintaining international peace and security and strengthening the normative underpinnings of the modern international legal order.

## CONCLUSION

This study explores the legal, strategic and institutional consequences of a possible Iran–Israel conflict, critically assessing the legality of pre-emptive military action, the strength of the international nuclear non-proliferation regime, and changes to regional deterrence in the modern Middle East. The study was based on an interpretivist qualitative research design, and combined doctrinal legal analysis with a qualitative document analysis of materials from international treaties, judicial rulings, United Nations documents, International Atomic Energy Agency (IAEA) reports, governmental statements, strategic policy documents and peer-reviewed academic literature. The study aimed to analyse the current security challenges, which, by integrating aspects of international law with security studies, strategic affairs, and international relations, sought to explain how the ‘lawfulness of war' is becoming ‘more lawful' than ever before, in that it is increasingly difficult to distinguish between the interpretation of ‘law', strategic calculations, and geopolitical competition (Gray, 2018; Dinstein, 2021; Waltz, 1979).

The study aimed to address three main research questions relating to the legality of pre-emptive military action under international law, the impact of such action on the Nuclear Non-Proliferation Treaty (NPT) and possible consequences for regional deterrence and international security. The results show that there is no legal agreement in the international community on the current legality of pre-emptive strike against the emerging nuclear threats. Although some strategic views have moved to a more expansive reading of military technology and the proliferation of nuclear weapons, the current dominant view on the international law of anticipatory self-defence is narrower, requiring necessity, proportionality and imminence before force is lawfully used (United Nations, 1945; Gray, 2018; Ruys, 2010). Based on these findings, legal research indicates that military preventive action is still a debatable legal matter and is still an issue that poses a challenge to the normativity of the international legal order that is based on the Charter.

The qualitative results also illustrate that issues of pre-emptive force are not just about legal doctrine but questions of political legitimacy and international governance as well. As governments ratchet up the justification for military action, they also use legal reasoning to bolster the credibility of their diplomacy, sway international opinion and influence the strategic narrative. Thus, the function of legal interpretation is not only to establish a norm but is also a means of strategic communication. This discovery confirms constructivist ideas that international law has considerable legitimacy, shared norms, institutional authority, and reinforces realist theories that states continue to value national security when faced with an existential threat (Mearsheimer, 2001; Wendt, 1999). To the contrary, the present study shows that these theoretical strands complement each other in explaining the state behaviour in the contemporary period.

The research also finds that in a potential armed conflict between the parties that could involve the use of nuclear-powered infrastructure, the impact would reach far beyond those involved in the conflict. The results indicate that over-reliance on military solutions to nuclear confrontations may erode the trust of multilateral non-proliferation institutions, and stimulate greater focus on strategic deterrence. Such developments could shake the credibility of the Nuclear Non-Proliferation Treaty in the long term, strengthening the sense that international security would be determined by military force alone, and not by collective legal commitments (Sagan, 2011; Cirincione, 2007). Therefore, the security of the global non-proliferation regime needs to be maintained through technical verification as well as through the maintenance of trust in the impartiality, consistency and legitimacy of international institutions.

The other significant finding has to do with the evolution of regional deterrence in the modern Middle East. The traditional deterrence theory was formulated in the context of bipolar competition in a cold war world, with fairly stable strategic relations and relatively predictable communication among the great powers (Schelling, 1966; Waltz, 1979). This current analysis shows that the current security climate in the region is far more complex with the spread of proxy conflict, cyber warfare, proliferation of ballistic missiles, competition for intelligence and the development of sophisticated precision strike technology. More and more, the deterrence relies on several interrelated domains, not just military. Although deterrence still plays an important role in avoiding direct conflict, results indicate that the effectiveness of this method is becoming more questionable as the regional security landscape is becoming more divided, the technologies more complex and political distrust has grown.

The study also highlights the continuing importance of international institutions in maintaining legal order despite important structural constraints. The United Nations, the International Court of Justice, and the International Atomic Energy Agency are still indispensable institutions that govern the use of force and verify nuclear use. The research, however, shows that a high level of political consensus among the major powers is frequently required for the effectiveness of the institutions in preventing escalation in times of intense geopolitical conflict (Hurd, 2014). Hence, it is not only necessary to reform the processes of international institutions but also to enhance their political commitment to multilateral cooperation and international legal obligations.

Theoretically, this study makes a contribution to the previous research by combining doctrinal international law with the theories of realism, constructivism, and deterrence in one analytical framework, which is qualitative. These views have been explored in previous research, often in isolation, but this research shows that legal norms, strategic interests and political legitimacy are all in play today in influencing security decision-making. The study thus contributes to the interdisciplinary field of scholarship by providing an example of the actual nature of intertextuality in legal interpretation in the context of broader strategic competition in international crisis. This all-encompassing system is better-suited to the appreciation of the connection between international law and regional security than any approach based on either legal doctrine or strategic theory.

In methodologically perspective, the study shows how useful it is to integrate doctrinal legal analysis with document analysis of qualitative documents in interpretivist research design. The analysis of the treaties, judicial rulings, official government statements, institutional reports and academic writing in concert provides a more holistic understanding of how legal arguments are constructed, interpreted, and contested in today's international politics. The methodological approach is potentially useful for further studies on other issues in international security practice, where the role of the law is closely linked with strategic aspects.

The policy lessons of this study are also important. Governments should maintain a focus on diplomatic interaction, confidence building and communication tools that can work to defuse strategic misperceptions before the pre-conditions for military escalation are reached. It also indicates that continuity in the interpretation of Article 51, renewed resolve to implement the principle on the use of force as prohibited in Article 2(4) of the United Nations Charter, and intensified efforts to strengthen the international Atomic Energy Agency (IAEA) safeguards system, are all necessary for maintaining international legal stability. International organizations should keep supporting development of verification mechanisms, preventive diplomacy and search for multilateral dialogue that can help alleviate uncertainty over nuclear activity, and build confidence in peaceful dispute resolution.

However, the study has a number of limitations. First, the analysis relies solely on qualitative, documentary data, and doctrinal legal analysis, and not on fieldwork or interviewing of policy makers and security practitioners. Second, the research is based on a prospective analysis of the conflict rather than an analysis of an historical conflict. It must therefore be recognized that the results are an evaluation of legal and strategic implications in hypothetical crisis situations, and not predictions of state behavior in the future. Lastly, the constantly changing landscape of international security, new military technology and the nature of geopolitical competition can mean the law and how it is interpreted may evolve with time.

These restrictions offer valuable avenues for future studies. Comparative studies of varying regional security environments could further develop theoretical understanding of anticipatory self-defence and deterrence. Elite interviews, process tracing, and comparative case study approaches can also be used in the future to investigate the perception of international legal norms by decision makers in crisis situations. Further research on cyber deterrence, autonomous weapons systems, artificial intelligence and new nuclear technologies would also help to clarify the impact of technological change on current international law and strategic stability.

Finally, this study concludes that the dialectic between international law, nuclear governance and region security is one of the key questions of the present international relations. While the definition and scope of pre-emptive self-defence is expanding in security environments, the question of preserving international peace remains squarely on the side of upholding credible legal limits on the use of force while simultaneously addressing legitimate security concerns by diplomacy, multilateral cooperation and effective international institutions. The military is not the only means of achieving sustainable regional stability. Instead, it demands a multipolar international system where law, restraint, accountability and cooperation in security are mutually reinforcing. It is important to continue to strengthen these interdependent pillars to help minimize the potential for future violence in the Middle East and to ensure the long-term stability of the wider international rules-based order that will be the foundation for global peace, nuclear control and international security.

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