

August 6, 2025

To:

Mr. Benjamin Netanyahu
Prime Minister of Israel
Jerusalem

Subject: The Legality of Continuing the War

We, scholars at law faculties in Israel specializing in international law and in legal and moral philosophy, write to draw your attention to legal concerns that have persisted for some time and are growing more acute with each passing day, regarding the legality of continuing the war in Gaza. This issue is distinct from the legality of the means used in conducting the war—a matter we have already addressed on several occasions (see our letters dated July 29, 2025; July 10, 2025; May 4, 2025; October 25, 2024; January 24, 2024; and others sent to the Minister of Defense, the Chief of Staff, and other officials). We feel obligated to warn that the legality of continuing the war is in serious doubt, for the reasons set out below.

The question of the war's legality did not arise with great urgency at its outset, since it was clear that the October 7, 2023 attack presented Israel with a grave threat against which it was entitled—perhaps even obligated—to defend itself. This was understood by most of the international community, and Israel accordingly received broad support for its right to use force for this purpose.

International law recognizes the inherent right of a state that has been attacked to use force in self-defense. However, this right is not unlimited: it is subject, among other things, to binding conditions of necessity and proportionality. These are evaluated not only at the outset of the war but also in regard to its continuation (as was recently emphasized by the International Court of Justice in its Advisory Opinion of July 19, 2024, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, para. 253). Failure to meet these conditions during the course of the war can render the continued use of force unlawful—even if its initial use was lawful.

A central question at this juncture—in which the expansion of military operations against Hamas is being considered—is whether Israel's continued use of force in its war in Gaza meets the requirements of necessity and proportionality under international law. Since the only objective that can justify the use of force is self-defense, the legality of continued force depends on whether its purpose remains self-defense—in this case, the removal of the threat posed to Israel by Hamas and other groups—and whether the use of force remains necessary and proportionate to that aim.

Severely degrading Hamas's military capabilities and removing its ability to attack Israel in the foreseeable future, along with the release of hostages, are the only objectives that may justify continued fighting under Israel's right to self-defense in the current circumstances. International law does not permit the use of force for purposes of revenge, punishment, general deterrence, or regime change. It certainly does not permit the use of force to advance objectives that are

themselves illegal—such as the expulsion or forced displacement of a civilian population. Nor does it permit the annexation of occupied territory or the settling of that territory by nationals of the occupying power. Once the objective of using force exceeds the removal of the concrete threat faced by the attacked state, the very use of force becomes unlawful.

But even if the goal of continued force is self-defense, two questions must still be examined: first, whether continued use of force can in fact achieve that objective—i.e., whether it remains necessary for that purpose; and second, whether its use remains proportionate. On the question of necessity, many military experts believe (see [here](#), [here](#), [here](#), and [here](#)) that Hamas no longer poses a threat to Israel from the Gaza Strip, and therefore continued fighting is no longer necessary to achieve that goal. Many of them also [believe](#) that continuing the war in its current form is unlikely to produce further strategically significant weakening of Hamas's military capacity beyond the substantial degradation already achieved—especially in the absence of any realistic political framework that could solidify military gains. In such a situation, any further tactical weakening of Hamas's forces would at most be temporary, since no viable alternative has taken hold on the ground. Moreover, as is well known, the fighting in recent months has not led to the release of the fifty Israeli hostages still held in Gaza. In fact, based on past experience, continued fighting is likely to endanger their lives—either due to combat near their place of captivity or due to the effects of starvation and harsh conditions under which they are held over time. Under such circumstances, it is highly doubtful that continuing the war contributes to the objective of self-defense.

Second—and perhaps more importantly—even if some military gains could be made through continued fighting, the marginal security benefit these gains would yield is not proportionate to the extent of the humanitarian harm caused to the lives, well-being, and property of civilians in Gaza who are not involved in the fighting. In this regard, the Israeli Supreme Court (High Court of Justice) has long held that the principle of proportionality is a foundational principle of both Israeli and international law (*HCI 2056/04 Beit Sourik v. Government of Israel*, PD 58(5) 807 (2004), para. 37). The continuation—and especially the expansion—of the military campaign at this time must be assessed not only against the reduced threat posed by a weakened Hamas but also in light of the scale of destruction and the depth of the humanitarian crisis already caused by the war. The Gaza Strip is a landscape of devastation. Its civilian population is suffering from hunger and faces a persistent risk of humanitarian collapse and mass loss of innocent lives, including children, the elderly, women, and people with disabilities—whose chances of survival are increasingly threatened by the ongoing hostilities. The proportionality of continuing the war—especially of launching a broad military operation in such a setting—must be evaluated against these severe existing conditions. As time goes on, the balance shifts decisively against the legality of continuing the war: the justification based on the military threat posed by Hamas has lost much of its force, while the grave harm already inflicted on human life and the risks posed even without further military action diminish the legality of any large-scale military operation—potentially to the point of rendering it wholly unlawful.

Moreover, as time passes it becomes increasingly clear—even in the eyes of Israeli security experts—that continuing the war not only causes grave harm to hundreds of thousands of people and massive property destruction, but also endangers IDF soldiers physically and

psychologically, jeopardizes the lives of the hostages, and fails to make a meaningful contribution to Israel's national security.

In sum: Today, after nearly two years of fighting—when most of Gaza's infrastructure has been destroyed, hundreds of thousands of people have been repeatedly displaced from their homes, medical services have collapsed, and tens of thousands are suffering from malnutrition and hunger—the marginal security benefit that might, if at all, be achieved by continuing the war—let alone expanding it—is not proportionate. The use of force that exceeds the bounds of proportionality and is incapable of achieving the objective of self-defense is unlawful, and under certain circumstances may even constitute a crime under the most serious categories of the law governing the use of force and international criminal law. Furthermore, under international human rights law, a war that has lost its lawful purpose violates the right to life of those harmed by it. It violates the right to life of civilians in Gaza and in Israel—including the hostages—as well as the right to life of IDF soldiers sent to risk their physical and mental well-being. For all these reasons, the use of force under such circumstances also fails the tests of the ethics of war.

We believe it is imperative to reassess the legality of continuing the war. Limiting the use of force is a foundational principle of the international order. In the present situation, the legal conclusion is that the continuation of the war—certainly its expansion—has become unlawful and may even amount to an act of aggression, carrying personal criminal responsibility for senior state officials.

Sincerely,

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