

# The Legality of Operation “Rising Lion”

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## Introduction

Israel’s June 2025 military strike against Iran’s nuclear and ballistic missile programs, known as Operation Rising Lion, achieved dramatic success. We analyze whether those strikes were justified under international law.

While several commentators were quick to condemn the strikes as illegal,<sup>1</sup> we contend that the strikes were fully justified for two independent reasons. First, the strikes constituted a lawful act of self-defense against Iran in response to the unlawful military invasion and ongoing rocket, drone, and missile attacks Iran and its proxies launched against Israel commencing on April 13, 2024. Second, the strikes constituted a lawful exercise of Israel’s inherent right to anticipatory self-defense against the imminent threat that Iran’s nuclear and ballistic missile programs posed to Israel.

## First Justification: Self-Defense Against Ongoing War of Aggression

*Iran’s Complicity in the October 7, 2023, Hamas Invasion of Israel*

Iran’s strategy for years has been to surround Israel with a “ring of fire” in the form of heavily armed proxies ready and willing to do Iran’s bidding to bring about the destruction of the Jewish state. Iran armed, funded, and trained proxies in Gaza, Lebanon, Iraq, Syria, and Yemen. Iran has also smuggled weapons from Syria and Iraq to the West Bank via Jordan.

Hamas invaded Israel on October 7, 2023, crossing the border by land, air, and sea, and fired thousands of rockets at civilian targets. Hamas murdered 1,200 people, took 251 hostages back to Gaza, and committed horrific acts of sexual violence, mutilation, and torture.

On October 8, 2023, Hezbollah began firing hundreds of rockets and drones at civilian targets in northern Israel, displacing tens of thousands of Israelis from their homes, towns, and villages.

Iran bore responsibility for both the October 7 Hamas attack and the October 8 Hezbollah attack. *The Wall Street Journal*, citing senior Hamas and Hezbollah sources, reported that Iran had green-lighted the Hamas attack several days prior to October 7.<sup>2</sup> Although the Biden Administration said it had not seen evidence directly

implicating Iran in the Hamas attacks,<sup>3</sup> neither Iran nor Hamas ever denied *The Wall Street Journal* report.

Subsequent reporting bolstered *The Wall Street Journal*’s account. Documents discovered in 2024 revealed that Hamas had disclosed its October 2023 invasion plans to both Iran and Hezbollah *several months* before the attacks.<sup>4</sup>

If *The Wall Street Journal* overstated Iran’s involvement in the Hamas attacks, it could be argued that Iran would not be legally responsible for the attacks. Even though Iran had provided financial support, arms, and training to Hamas, Iran’s defenders would argue that Iran had not been directly involved in or exercised “effective control” over the planning or implementation of the October 7 invasion.

1. Adil Ahmed Haque, “Indefensible: Israel’s Unlawful Attack on Iran,” JUST SECURITY, June 19, 2025, available at <https://www.justsecurity.org/115010/israel-unlawful-attack-iran-charter/>; Marko Milanovic, “The Illegal Israeli-American Use of Force Against Iran: A Follow-Up,” EJIL: TALK! June 23, 2025, available at <https://www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/>
2. Summer Said, Benoit Faucon, and Stephen Kalin, “Iran Helped Plot Attack on Israel Over Several Weeks: The Islamic Revolutionary Guard Corps gave the final go-ahead last Monday in Beirut,” *THE WALL STREET JOURNAL*, Oct. 8, 2023, available at <https://www.wsj.com/world/middle-east/iran-israel-hamas-strike-planning-bbe07b25>
3. Former Secretary of State Antony Blinken claimed, “We don’t have anything that shows us that Iran was directly involved in this attack, in planning it or in carrying it out.” See “Meet the Press” (NBC television broadcast Oct. 8, 2023), transcript available at <https://www.nbcnews.com/meet-the-press/meet-press-october-8-2023-n1307318>
4. Ronen Bergman, Adam Rasgon, and Patrick Kingsley, “Secret Documents Show Hamas Tried to Persuade Iran to Join Its Oct. 7 Attack,” *NEW YORK TIMES*, Oct. 12, 2024, available at <https://www.nytimes.com/2024/10/12/world/middleeast/hamas-israel-war.html>

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The International Court of Justice reached a similar conclusion in the *Nicaragua* case, where it noted the lack of evidence directly connecting the United States to armed attacks by the *Contras* against the Sandinista government, even though the United States had provided arms, money and training to the *Contras*:

United States participation, even if preponderant or decisive, in the financing, organizing, training, supplying and equipping of the *contras*, the selection of its military or paramilitary targets, and the planning of the whole of its operation, is still insufficient in itself, on the basis of the evidence in the possession of the Court, for the purpose of attributing to the United States the acts committed by the *contras* in the course of their military or paramilitary operations in Nicaragua. All the forms of United States participation mentioned above, and even the general control by the respondent State over a force with a high degree of dependency on it, would not in themselves mean, without further evidence, that the United States directed or enforced the perpetration of the acts contrary to human rights and humanitarian law alleged by the applicant State. Such acts could well be committed by members of the *contras* without the control of the United States. For this conduct to give rise to legal responsibility of the United States, it would in principle have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed.<sup>5</sup>

Several commentators have criticized the *Nicaragua* “effective control” test as too strict, especially as it pertains to states providing weapons to non-state actors operating and fighting for them. The government of Austria, for example, advocated in 2013 for a standard based on State knowledge: “[s]hould supplied arms be used by armed opposition groups in Syria in the commission of internationally wrongful acts, the States who had supplied these arms and had knowledge of these acts would incur State responsibility for their aid and assistance in the commission of such acts.”<sup>6</sup>

As discussed above, the evidence here indicates Iran

had a far more direct role in the Hamas attacks than the United States played in any of the *Contra* attacks in Nicaragua. The uncontroverted reporting from both *The Wall Street Journal* and *The New York Times* demonstrates that Iran had knowledge of Hamas’s attack plans months in advance, and then green-lighted the attacks a few days prior to October 7. Moreover, Iran eventually joined the war against Israel directly, launching drone and missile attacks against the Jewish state on April 13, 2024, and October 1, 2024.

*Iran’s Complicity in the October 8, 2023, Hezbollah Attacks Against Israel*

Iran also bore responsibility for the Hezbollah attacks against Israel that began on October 8, 2023, and continued for many months. Hezbollah essentially functioned as an arm of the Iranian IRGC (Islamic Revolutionary Guard Command), taking orders directly from Tehran. The United States Congressional Research Service described Hezbollah in December 2024 as an “Iranian partner force.”<sup>7</sup>

In 2016, former Hezbollah leader Hassan Nasrallah said that Hezbollah’s “budget, everything it eats and drinks, its weapons and rockets, comes from the Islamic Republic of Iran.”<sup>8</sup> Iran’s Foreign Minister travelled to Beirut to confer with Nasrallah on October 12, 2023, only a few days after Hezbollah began launching rockets into northern Israel.<sup>9</sup>

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5. Military and Paramilitary Activities in and Against Nicaragua (*Nicar. v. U.S.*), Judgment, 1986 I.C.J. 14, ¶ 115 (June 27).
  6. Jennifer Maddocks, “Israel-Hamas 2023 Symposium – Iran’s Responsibility for the Attack on Israel,” LIEBER INSTITUTE, Oct. 20, 2023, available at <https://lieber.westpoint.edu/irans-responsibility-attack-israel/>
  7. Clayton Thomas, Jim Zanotti, “Lebanese Hezbollah,” CONGRESSIONAL RESEARCH SERVICE, Dec. 4, 2024, available at <https://www.congress.gov/crs-product/IF10703>
  8. “Hezbollah’s Record on War & Politics,” WILSON CENTER, Oct. 25, 2023, available at <https://www.wilsoncenter.org/article/hezbollahs-record-war-politics>
  9. “Iranian FM met with Hezbollah leader Nasrallah in Lebanon,” JERUSALEM POST, Oct. 13, 2023, available at <https://www.jpost.com/breaking-news/article-768101>

*October 2023 – June 2025: One Long, Complex, Dynamic War*

The attacks of October 7-8, 2023, should be viewed as the beginning of an Iranian war of aggression against Israel that has continued to the present. As the war continued, it expanded beyond Hamas in Gaza and Hezbollah in Lebanon to include attacks against Israel from other Iranian proxies in Syria, Iraq, and Yemen. Iran itself attacked Israel twice in 2024, launching hundreds of drones and a smaller number of missiles on April 13, 2024, and a much larger fusillade of ballistic missiles on October 1, 2024.

Therefore, as of June 2025, Israel had been defending itself in a long, complex, and dynamic war against Iran and a variety of terrorist groups acting at Iran's behest, all united in common cause against Israel. The war began, at the earliest with the Hamas invasion, and at the latest when Iran directly attacked Israel on April 13, 2024. In any event, the war has been ongoing ever since.

*Legal Consequences: Israel's Right to Self Defense*

Iran initiated the war against Israel that began on October 7-8, 2023 by enabling and green lighting the invasion of Israel led by Hamas, in close cooperation with Iran and its proxy Hezbollah in Lebanon. Under *ius in bello*, Israel is entitled to use whatever force is necessary and proportionate to eliminate the military threat facing it.<sup>10</sup>

Article 2(4) of the United Nations Charter obligates nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations." In Resolution 242, the UN Security Council called for the "[t]ermination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the [Middle East] area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

Iran violated Article 2(4) and Security Council Resolution 242 when it drove Hamas and Hezbollah to launch an unprovoked military attack against Israel on October 7-8, 2023.

Article 51 of the Charter sets forth the self-defense exception to the rule against armed aggression, providing, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations."

Israel therefore acted fully within its rights in

responding militarily to the attacks. Israel's right to respond against Iran arose immediately on October 7-8, 2023, but Article 51 does not prescribe any time limit for acting in self-defense. Notwithstanding one commentator's admonition that "[l]egitimate self-defence must be neither too soon nor too late,"<sup>11</sup> as a practical matter, Israel could not have responded directly against Iran in October 2023 (or, for that matter, in April or October 2024), because the threat of a massive Hezbollah response against Israel still loomed.

Although Israel had significantly degraded Hezbollah's capabilities by October 2024, the Assad regime had yet to be overthrown in Syria, and Israel could not have taken the risk of a massive response of rocket and missile fire coming from just across its borders.

Therefore, the better argument would be that Operation Rising Lion did not constitute a new war by Israel against Iran, but instead as Israel acting in self-defense against the war that Iran and its proxies had already started as early as October 2023, but no later than the first Iranian attack against Israel on April 13, 2024. Accordingly, Israel was under no time deadline to exercise its right to self-defense against Iran.

As one recent article noted:

Several . . . commentators have based their contention that Israel's attack is illegal on their opinion that Israel was not responding to an "imminent" nuclear attack by Iran. But this argument overlooks a critical legal principle: When two countries are already in a state of armed conflict—in colloquial terms a war—there is no requirement to wait for "the next attack" to be imminent. Israel's attack on Iran's nuclear weapons program, including its ballistic missile capabilities, was legal because Iran and Israel were already engaged in an ongoing international armed conflict.<sup>12</sup>

10. The International Court of Justice has approved self-defense measures "which are proportional to the armed attack and necessary to respond to it, a rule well established in customary international law." *Supra* note 5, at 94, ¶ 176.

11. George P. Fletcher, *BASIC CONCEPTS OF CRIMINAL LAW* 133-34 (Oxford University Press 1998).

12. Geoffrey Corn and Orde Kittrie, "Israel's Attack on Iran's Nuclear Weapons Program is Fully Justified under

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Therefore, as a matter of international law, Israel had the full right to use force to defend itself, subject to the rules regarding proportionality and necessity, against direct and indirect Iranian aggression at any time between October 7, 2023, and June 13, 2025, when it initiated Operation Rising Lion.<sup>13</sup>

### **Second Justification: Anticipatory Self-Defense Against Imminent Iranian Threats**

Alternatively, it could be argued that if Operation Rising Lion constituted the beginning of a new war in June 2025 (which some have referred to as the “12-Day War”), then Israel had the lawful right to strike first in anticipatory self-defense against the imminent nuclear and ballistic missile threat posed by Iran, a regime that for decades has threatened to destroy the State of Israel.

#### *Iran’s Longstanding Threats to Destroy Israel*

Ever since it came to power in 1979, the revolutionary regime in Iran has sworn to destroy Israel. The Ayatollah Khomeini has made such threats abundantly clear in his public statements, including Tweets, calling for Israel’s “elimination” and “eradication.”<sup>14</sup>

Iran’s foreign policy, based on its Islamist theology, demands the destruction of Israel. Iran has never accepted Israel’s existence, and refers to the country, a fellow United Nations Member State, solely as “The Zionist Entity.”

#### *Iran’s Nuclear Program*

Iran’s nuclear program – which the Iranians claim is peaceful – must be seen in light of Iran’s stated goal of eradicating Israel. There is abundant evidence that the Iranian regime has been working to build nuclear warheads and the ballistic missiles needed to deliver them.

Iran signed the Nuclear Non-Proliferation Treaty in 1968, yet Iran began pursuing the development of nuclear weapons following the Islamic Revolution in 1979. In August 2002 an Iranian opposition group revealed secret underground nuclear facilities at Natanz and Arak meant for enriching uranium and producing heavy water.

Concerns increased about Iran’s nuclear ambitions over the next decade, culminating in the so-called P5+1 group (the U.S., UK, France, Russia, China and the EU) signing the Joint Comprehensive Plan of Action (JCPOA) with Iran in September 2015, the so-called “nuclear deal.” The Obama Administration later justified the JCPOA by claiming but for the deal, Iran already had enough enriched uranium to assemble 8 to 10 nuclear bombs within 2-3 months.<sup>15</sup>

President Trump withdrew the United States from the JCPOA in May 2018. The White House issued a fact sheet describing Iran’s bad faith, its decades-long support for terrorism that had claimed hundreds of American and other lives, its use of armed proxies to threaten Israel and international shipping, and other conduct the President said justified terminating the deal.<sup>16</sup>

In the succeeding years both the Biden and eventually the second Trump Administration tried to renegotiate new terms with Iran to prevent the regime from acquiring nuclear weapons, but the talks proved fruitless. By early June 2025, Israel had become deeply worried about an

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International Law,” UNIVERSITY OF PENNSYLVANIA CENTER FOR ETHICS AND THE RULE OF LAW, June 18, 2025, available at <https://www.pennccerl.org/the-rule-of-law-post/israels-attack-on-irans-nuclear-weapons-program-is-fully-justified-under-international-law/>; see also Michael Schmitt, “Israel’s Operation Rising Lion and the Right of Self-Defense,” LIEBER INSTITUTE, June 16, 2025, available at <https://lieber.westpoint.edu/israels-operation-rising-lion-right-of-self-defense/>

13. Amichai Cohen and Yuval Shany, “A New War or a New Stage in an Ongoing War – Observations on June 13 Israeli Attack against Iran,” JUST SECURITY, June 15, 2025, available at [https://www.justsecurity.org/114641/israel-iran-un-charter-jus-ad-bellum/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=israel-iran-un-charter-jus-ad-bellum](https://www.justsecurity.org/114641/israel-iran-un-charter-jus-ad-bellum/?utm_source=rss&utm_medium=rss&utm_campaign=israel-iran-un-charter-jus-ad-bellum)
14. See, e.g., Imam Sayyid Ali Khamenei (@Khamenei.ir), X, Nov. 9, 2014, available at [https://x.com/khamenei\\_ir/status/531366667377717248](https://x.com/khamenei_ir/status/531366667377717248) (“Why Should & How Can Israel be Eliminated?”); Imam Sayyid Ali Khamenei (@Khamenei.ir), X, June 3, 2018, available at [https://x.com/khamenei\\_ir/status/1003332853525110784?lang=en](https://x.com/khamenei_ir/status/1003332853525110784?lang=en) (“Our stance against Israel is the same stance we have always taken. #Israel is a malignant cancerous tumor in the West Asian region that has to be removed and eradicated: it is possible and it will happen”).
15. President Barack Obama, “The Historic Deal that will Prevent Iran from Acquiring a Nuclear Weapon,” THE OBAMA WHITE HOUSE ARCHIVES, Jan. 16, 2016, available at <https://obamawhitehouse.archives.gov/node/328996>
16. “President Donald J. Trump is Ending United States Participation in an Unacceptable Iran Deal,” THE TRUMP WHITE HOUSE ARCHIVES, May 8, 2018, available at <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-ending-united-states-participation-unacceptable-iran-deal/>

Iranian scientific breakthrough that brought the country to within a very short timeframe, perhaps even less than the two weeks some Israeli officials had said publicly, of assembling at least ten nuclear bombs.<sup>17</sup>

Then, on June 12, 2025, the International Atomic Energy Agency (IAEA) adopted an unprecedented, strongly worded Resolution condemning Iran for breaching its obligations under the Nuclear Non-Proliferation Treaty, lying about its nuclear program and refusing to cooperate with the agency.<sup>18</sup> This was the first IAEA condemnation of Iran in two decades. Israel launched Operation Rising Lion the next day.

#### *Iran's Ballistic Missile Program*

Israel also had been concerned for many years about Iran's aggressive pursuit of a ballistic missile arsenal capable of wreaking havoc on Israel and delivering nuclear weapons against Israel. The JCPOA did nothing to curb Iranian ballistic missile aspirations, and indeed the JCPOA helped fund those aspirations by releasing more than \$100 billion of frozen Iranian cash back to the regime.

By early 2024, Iran had amassed an arsenal of thousands of missiles, some with a range capable of hitting eastern and central Europe, but most aimed directly at Israel. The United States Institute of Peace reported on April 12, 2024 (only one day prior to the first Iranian drone and missile attack against Israel) that "Iran has the largest and most diverse missile arsenal in the Middle East."<sup>19</sup>

#### *Legality of Israel's First Strike*

Israel's attack against Iran on June 13, 2025, was justified as an act of anticipatory self-defense against the imminent threat to Israel posed by Iran's nuclear and ballistic missile programs. Abundant evidence existed that Iran was perilously close to producing several nuclear warheads as of early June 2025. The mere existence of those warheads, given Iran's ambitions and stated policies, would have constituted an existential and imminent threat to Israel.

Israel had a moral obligation to its people not to wait for Iran to assemble nuclear bombs before taking action to remove the threat. But was Israel's first strike legal?

International law regarding anticipatory self-defense is murky. Although there is some uncertainty about what the rules are, it is widely agreed that the *jus ad bellum* allows States to take anticipatory or preventative action against the threat of an imminent attack.

Article 51 of the UN Charter expressly preserves to States their "inherent" right to self-defense, meaning longstanding customary rules of international law

regarding self-defense. The reference to "inherent" rights of self-defense would suggest Article 51 was not intended to supersede preexisting customary international law, including the *Caroline* doctrine.<sup>20</sup>

International custom and practice have long permitted anticipatory self-defense in circumstances where an armed attack appears imminent. The concept derives from the so-called *Caroline Doctrine*. The *Caroline* was a privately owned American steamboat attempting to transport supplies to Canadian insurgents. A British force intercepted the *Caroline* in United States waters on December 29, 1837. The British force fired on the *Caroline*, forcibly seized it and set it on fire, and sent it plunging over the Niagara Falls. Two Americans died in the attack.<sup>21</sup>

Britain, in an exchange of letters with U.S. Secretary of State Daniel Webster, defended the attack on the *Caroline* as a justified act of self-defense or self-preservation. Webster, however, rejected Britain's assertion of a broad, peremptory right of anticipatory self-defense. He argued Britain had failed to demonstrate the *Caroline* posed an "instant, overwhelming [threat], and leaving no choice of means, and no moment for deliberation." Webster emphasized Britain had failed to demonstrate any necessity for the attack. Nor had Britain acted in proportion to whatever threat it perceived from the *Caroline's* activity.<sup>22</sup>

17. David Horovitz, "How Close was Iran to the Bomb, and How Far Has Israel Pushed it Back?" *TIMES OF ISRAEL*, June 18, 2025, available at <https://www.timesofisrael.com/how-close-was-iran-to-the-bomb-and-how-far-has-israel-pushed-it-back/>

18. U.N. Doc. GOV/2025/38 (12 June 2025), available at <https://www.iaea.org/sites/default/files/25/06/gov2025-38.pdf>

19. The United States Institute of Peace, "Iran's Missiles: Infographics and Photos," *THE IRAN PRIMER*, April 12, 2024, available at <https://iranprimer.usip.org/blog/2021/feb/17/iran%E2%80%99s-missiles-infographics-and-photos>

20. Malcolm Shaw, *INTERNATIONAL LAW* 994 (Cambridge Univ. Press, 9th ed. 2021).

21. M. Rogoff & E. Collins Jr., "The Caroline Incident and the Development of International Law," 16 *BROOK. J. INT'L L.* 493, 494-95 (1990).

22. *Id.* at 497-98.

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Webster's formulation, which left open the possibility of anticipatory self-defense in certain circumstances, became known as the "*Caroline* doctrine." The doctrine has been defined as follows:

[U]se of force by one nation against another is permissible as a self-defense action only if force is both necessary and proportionate. The first of these conditions, necessity, means that resort to force in response to an armed attack, *or the imminent threat of an armed attack*, is allowed only when an alternative means of redress is lacking. The second condition, proportionality, is linked closely to necessity in requiring that a use of force in self-defense must not exceed in manner or aim the necessity provoking it.<sup>23</sup>

Britain reasserted the *Caroline* doctrine many years later in the 1893 *Fur Seal Arbitration*. Britain argued anticipatory self-defense could be justified in emergency situations, "when there is no time for deliberation, no time for contrivance, no time for warning, no time for diplomatic expostulation."<sup>24</sup>

One early commentator endorsed the legality of anticipatory self-defense, arguing States have the legal right to use force "by preventive means if in its conscientious judgment necessary, against attack by another State, threat of attack, or preparations or other conduct from which an intention to attack may reasonably be apprehended. In doing so it will be acting in a manner intrinsically defensive even though externally aggressive."<sup>25</sup>

A later commentator explained:

Even internal law recognizes that acts committed in self-defense to avert an illegitimate act which has "commenced" or is impending are "legitimate." In this situation it would evidently be impossible to expect that the party attacked should wait and try to obtain his rights by asserting them before the courts. The same must be all the more valid in International Law where there is no organized administration of justice to turn to.<sup>26</sup>

Another commentator, in his treatise on self-defense and international law, urged a broad interpretation of the right of anticipatory self-defense:

[T]he right [of self-defense] under traditional international law, has always been "anticipatory," that is to say its exercise was valid against imminent as well as actual attacks or dangers.... No state can be expected to await an initial attack which, in the present state of armaments, may well destroy the state's capacity for further resistance and so jeopardize its very existence.<sup>27</sup>

Another commentator noted the interpretational difficulty that would arise if Article 2(4) were construed to limit the right to self-defense in Article 51 solely to situations where an actual armed attack occurred first:

[T]he question of who decides when an armed attack occurs ... a question determined by the Charter, loses any special significance, for the right of self-defense is not confined to that eventuality. The question is in fact a broader one as to who decides, in the first place, whether the occasion has arisen which justifies the exercise of the right of self-defense. In the nature of things this must be a decision for the state invoking the right, but this does not imply that the states unilaterally determines the legality of the action as is taken, for this final decision ought properly to be made by an impartial body and not by the parties concerned.<sup>28</sup>

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23. *Id.* at 498 (emphasis added); *see also* R. Jennings, "The *Caroline* and *McLeod* Cases," 32 AM. J. INT'L L. 82 (1938).

24. *Fur Seal Arbitration* (U.S. v. Gr. Brit.), Trib. Arb. 299 (1893), available at <https://archive.org/details/fursealarbitratipt13beri/page/n5/mode/2up>

25. John Westlake, INTERNATIONAL LAW, PART I: PEACE (Cambridge Univ. Press 1910); *see also* Elihu Root, "The Real *Monroe* Doctrine," 8 AM. J. INT'L L. 427, 432 (1914).

26. Alf Ross, A TEXTBOOK OF INTERNATIONAL LAW (Longmans, Green & Co. 1947).

27. D. W. Bowett, SELF-DEFENSE IN INTERNATIONAL LAW 187-90, 191-92 (Manchester University Press 1958).

28. *Id.* at 193.

One example of this principle involved Pakistan's defense of its 1950 invasion of Kashmir as a legitimate exercise of the right of anticipatory self-defense against the possibility of an Indian invasion.<sup>29</sup>

Thus, Article 51 permits both actual self-defense in response to an armed attack, such as Hamas's attacks against Israel on October 7, 2023, or Jordan's attacks against Israel on June 5, 1967, and for anticipatory self-defense, when such an attack has not yet occurred but appears reasonably imminent. Therefore, Article 51 does not require the party invoking self-defense to wait until the first bomb has been dropped on its people or territory.

The Attorney General of the United Kingdom agreed with this view when answering a question during a House of Lords debate in April 2004:

It is argued by some that the language of Article 51 provides for a right of self-defence only in response to an actual armed attack. However, it has been the consistent position of successive United Kingdom Governments over many years that the right of self-defence under international law includes the right to use force where an armed attack is imminent. It is clear that the language of Article 51 was not intended to create a new right of self-defence. Article 51 recognises the inherent right of self-defence that states enjoy under international law. That can be traced back to the "*Caroline*" incident in 1837.... It is not a new invention. The charter did not therefore affect the scope of the right of self-defence existing at that time in customary international law, which included the right to use force in anticipation of an imminent armed attack.<sup>30</sup>

Israel, therefore, had more than ample basis under both Article 51 of the United Nations Charter and the customary international law doctrine of anticipatory self-defense to fire first and launch Operation Rising Lion in June 2025. To that end, Israel's anticipatory self-defense in June 1967 provides a clear precedent for justifying the legality of Israel's June 2025 action against Iran:

The facts of the June 1967, "Six Day War" demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbors. This is

indicated by the fact that Israel responded to Egypt's prior closure of the Straits of Tiran, its proclamation of a blockade of the Israeli port of Elath, and the manifest threat of the U.A.R.'s use of force inherent in its massing of troops in Sinai, coupled with its ejection of UNEF. It is indicated by the fact that, upon Israeli responsive action against the U.A.R., Jordan initiated hostilities against Israel. It is suggested as well by the fact that, despite the most intense efforts by the Arab states and their supporters, led by the Premier of the Soviet Union, to gain condemnation of Israel as an aggressor by the hospitable organs of the United Nations, those efforts were decisively defeated. The conclusion to which these facts lead is that the Israeli conquest of Arab and Arab-held territory was defensive rather than aggressive conquest.<sup>31</sup>

Finally, it must be noted that the concept of anticipatory self-defense has experienced a significant shift in recent years, with both the United States and the United Kingdom arguing for a more permissive approach to the use of anticipatory self-defense and a far broader standard for assessing imminence.<sup>32</sup>

The movement toward a more permissive interpretation of the concept of imminence gained momentum in 2012, when the former legal advisor to the UK Foreign Office published an influential article setting forth various principles governing the international law of self-defense. Regarding anticipatory self-defense and the concept of "imminence," the author stated:

29. U.N.S.C. Rep. of the Security Council, Feb. 8, 1950, U.N. Doc. S/PV.464 (statement of Mohammed Zafrulla Khan, Pakistani Ambassador to the United Nations).

30. "8.16 p.m. The Attorney-General (Lord Goldsmith)," UK PARLIAMENT, April 21, 2004, available at <https://publications.parliament.uk/pa/ld200304/ldhansrd/vo040421/text/40421-07.htm>

31. S. Schwebel, "What Weight to Conquest?" 64 AM. J. INT'L L. 344, 346 (1970).

32. Monica Hakimi, "North Korea and the Law on Anticipatory Self-Defense," EJIL: TALK! June 28, 2017, available at <https://www.ejiltalk.org/north-korea-and-the-law-on-anticipatory-self-defense/>

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Whether an armed attack may be regarded as “imminent” will fall to be assessed by reference to all relevant circumstances, including (a) the nature and immediacy of the threat, (b) the probability of an attack, (c) whether the anticipated attack is part of a concerted pattern of continuing armed activity, (d) the likely scale of the attack and the injury, loss, or damage likely to result therefrom in the absence of mitigating action, and (e) the likelihood that there will be other opportunities to undertake effective action in self-defense that may be expected to cause less serious collateral injury, loss, or damage. The absence of specific evidence of where an attack will take place or of the precise nature of an attack does not preclude a conclusion that an armed attack is imminent for purposes of the exercise of a right of self-defense, provided that there is a reasonable and objective basis for concluding that an armed attack is imminent.<sup>33</sup>

On the assumption that Israel applied Bethlehem’s formulation, Israel would have been justified, on June 13, 2025, in reaching the conclusion that its military campaign was a necessary and proportionate response to an imminent armed attack by Iran, for the following reasons:

First, the threat sought to be averted was the threat of one or more nuclear bombs being fired by ballistic missiles, the injury, loss and damage of which would have far exceeded the scale of Hiroshima or Nagasaki. This threat was imminent, in the sense that, given the circumstances described in this article, Israel was entitled to assess that Iran would immediately employ its ballistic missiles to deliver a nuclear warhead, as soon as it was produced.

Second, an attack by Iran on Israel (in the event it produced a nuclear weapon) was highly likely. In the circumstances, including Iran’s use of ballistic missiles in 2014, Israel was entitled to take the Ayatollahs at their word, and conclude that it was highly probable that Iran

would use a nuclear bomb to attack Israel.

Third, there was clear evidence of a continuous pattern of Iranian armed activity (especially Iran’s violence via proxies, and IRGC-sponsored attacks on Jewish persons and Israeli citizens over many years).

Fourth, the injury, loss and damage of such a nuclear attack would have been catastrophic.

Fifth, there was no likelihood that Israel would have had another opportunity to eliminate the threat that would have caused less collateral damage. It must be observed that Israel was very successful in limiting collateral damage in the 12-day war, to the elimination of infrastructure and personnel essential to the production of ballistic missiles and nuclear weapons, and causing minimal loss of civilian lives. No critics of Israel’s attack have presented a credible alternative of other action that Israel could have taken to eliminate the very grave and imminent threat while causing less injury, loss or damage to Iran.

### **Conclusion**

Operation Rising Lion was lawful for two independent reasons: first, the strikes constituted a lawful act of self-defense against Iran in response to the unlawful military invasion and ongoing rocket, drone, and missile attacks Iran and its proxies launched against Israel commencing October 7-8, 2023 (or alternatively, commencing with the first Iranian drone and missile attack against Israel on April 13, 2024). Second, the strikes constituted a lawful exercise of Israel’s inherent right to anticipatory self-defense against the imminent threat Iran’s nuclear and ballistic missile programs posed to Israel.■

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33. Sir Daniel Bethlehem, “Principles Relevant to the Scope of a State’s Right of Self-Defense Against an Imminent or Actual Armed Attack by Nonstate Actors,” 106 AM. J. INT’L L. 770, 775-76 (2012).