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# **Narratives of Conflict : The Language of Peace in the Chaos of War**

On British media's use of international law and strategic narratives during the  
first month of the Israel-Gaza 'War'

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# **Narratives of Conflict :**

## **The Language of Peace in the Chaos of War**

On British media's use of international law and strategic narratives during the first month of the Israel-Gaza 'War'

*This master's thesis aimed to uncover perceived bias in British media coverage of the Israel-Gaza conflict and to highlight potential double standards through a critical discourse analysis of how selected newspapers deploy international law. An in-depth analysis of The Guardian, The Daily Telegraph, and The Sun's coverage of the first month of the 'war,' including October 7th, situated international law within different narrative frames. Despite varying article types—news, opinion, or editorials—this research found that left-wing progressive media deploy international law more frequently than right-wing counterparts. While The Guardian systematically addresses the situation through international law, The Daily Telegraph and The Sun favor narratives constructed through selective contextualization, humanization, and legitimization of violence. By favoring military-strategic narratives imbued with orientalism, these newspapers create 'alternative legalities' that justify Israel's actions while undermining Palestinian suffering. This raises questions about media power in shaping perceptions and its intersection with political power. The potential of strategic media narratives to undermine international law and legitimize otherwise illegal actions highlights the need for critical engagement with media, especially in the context of Israel-Palestine or other conflicts.*

## Introduction

The Israel-Gaza 'war' inscribes itself in one of the longest and most controversial 'conflict' in modern history. In effect, it started off as a Territorial 'conflict' between two political entities - The Palestinian National movement and the Zionist project- seeking to put forward their right to sovereignty. Since the 2nd Intifada, the situation has slowly worsened and the prospect for a functioning Palestinian state and/or an in depth reconciliation process have withered as Israeli settlements have expanded across the West Bank, the humanitarian situation in Gaza following the blockade has worsened, and the tensions in East Jerusalem are rife. It is within this context that an outburst of sheer violence emerged from Gaza and spread into western Israel, thus challenging the idea that this status quo was viable, namely that one could live in security whilst the other can suffer in silence (Naser-Najjab and Khatib, 2019). On the 7th of October, the Hamas terror attack led to the enactment of multiple war crimes and crimes against humanity. This violent assault, in its proportions and the manner in which it was conducted, profoundly shook Israeli society, the Jewish diaspora, and the world in general (Hilal, 2015). Unsurprisingly, it triggered an Israeli military response that, both in the way it was conducted and the rhetoric that was used to justify it, was vengeful and amounted to collective punishment under international law (OHCHR, 2024). The violence that has been unleashed ever since has been both disproportionate and indiscriminate, and has triggered international judicial mechanisms after allegations were made that what was unfolding in the strip could amount to the crime of genocide.

It is within this context, that we have witnessed an intense polarization and the resurgence of irreconcilable narratives across the world. This divide is visible at the political level between the 'Global South' and the 'Global North'(Ali, 2023), but also within Western countries, opposing « two different perceptions of the conflict (that) reflect deep-seated antithetical and irreconcilable conceptions of the social world and the world order » (Gunay, 2024 : 4). On the one hand, there is a right wing discourse permeated by security and military rhetoric that contextualizes the situation through the historical persecution of Jewish people and the Holocaust, often presenting the Muslim/ Arab/ Palestinian as a monolithic entity that is Islamist, anti-Semitic, and terroristic. On the other hand, progressive and left wing voices tend to use the lens of international law and the language of critical theories, which, by focusing on the discriminatory practices undertaken against Palestinians, presents Israel as an apartheid settler colonial state. In that sense, the actions of Israel are understood as a continuity of western imperialism, and the Palestinians as the subaltern, in an unjust world order (Dajani Daoudi and Barakat, 2013).

This strong polarization was accompanied by perceptions of media bias and unfairness, especially in the Western World (Hassan, 2024). These perceptions are founded in a tendency for most mainstream western media to provide skewed coverage of the Israel-Palestine 'conflict', often through a maximalist/minimalist binary whereby Israeli violence is downplayed and legitimated

whereas Palestinian violence tends to be emphasized or decontextualized (Sirhan, 2021). This evidently transpires to the other side of the coin, where Israeli deaths are decried whilst Palestinian ‘casualties’ are undermined.

Within a context of polarization, perceptions of media bias, and feelings of injustice, the question of the role of international law -International Humanitarian law (IHL), human rights law and ICL- and how it intersects with political and media discourse appears crucial.

This thesis sought first and foremost to analyze the deployment of international law in media regarding the Israel-Gaza ‘war’. Then, following preliminary findings, it explores how international law intersects with strategic narratives -with an aim informed by a certain ideological position. An epistemological assumption taken by this thesis is the porosity that exists between social narratives and the law, especially between narratives of conflict and international law. This can be encapsulated by the term lawfare, or the strategic use of legal principles and discourse to achieve objectives traditionally sought through military or political means. In turn, these narratives can change the norms and what is deemed acceptable in conflict (Kennedy, 2012: Erakat, 2019).

This dissertation will consist in critical discourse analysis of British newspapers’ for the month that followed -and including- the 7th of October. It essentially poses the question of ***What are the legal and socio-strategic narratives that underpin the UK media's framing of the Israel-Gaza ‘War’?*** This question encapsulates two other ones namely how is international law deployed in the British media to describe the Israel-Gaza ‘War’? How law and socio-strategic narratives intersect and what does this reveal about the place of International law in relation to other narratives ?

At first this thesis is going to carry out a summary of the general principles of the main principles of jus ad bellum -justifications for entering into war- and jus in bello -principles that pertain to the conduct of war. These frameworks will guide my assessment of the legal dimensions of media coverage. More specifically it will address the right to self defense and general principles of IHL.

Secondly, the results section presents the critical discourse analysis of the coverage of the four aforementioned war crimes by the three selected newspapers. Each section will be preceded by an ‘objective legal qualification’ section, describing the events and IHL's stance. These qualifications will be based on prominent NGOs and institutions, attempting to be as objective and devoid of emotionally charged language as possible.

Thirdly, these results will be assessed and analyzed through the different theoretical frameworks presented in the literature review. Most notably, the role of international law will be addressed, as well as the manner these selected newspapers depict violence, both in its origins and consequences. Ultimately, by looking at coverage, context, language and legal qualifications, this paper will dissect the different socio-legal narratives that underpin this coverage. Most notably this will lead this dissertation to address the manner in which certain narratives, dictated by political

power and spread through media, shape legal norms in conflict. In turn, this generates questions vis a vis the place 'actual international law' occupies in media and how this relates to power, resulting in the hypothesis that it might incarnate a counter narrative in the context of the Israel-Gaza 'war'.



# 1. Literature Review

This dissertation, through a critical discourse analysis (CDA), will analyze the media framing of the first month of the Israel-Gaza ‘war’ as portrayed by selected British newspapers. Media framing of conflict will be addressed by scrutinizing the deployment of international law and how it intersects with socio-ideological narratives.

This literature review starts off by going through academic research on media framing and narratives, specifically in times of conflict and in relation to the Middle East.

The study then focuses on the interplay between media and international law during conflict, emphasizing how distorted representations of international law, which blur the lines between *jus ad bellum* and *jus in bello*, ultimately serve to justify war crimes.

This will lead to a critical assessment of international law in itself, especially the right to self defense and the narratives that it encapsulates. By examining the interaction between perceived legitimate violence and Western media coverage, this literature review argues that the concept of 'legality' is shaped by the narratives that underpin newspaper reporting.

Finally, this literature review will address the western media in the context of Israel-Palestine by going over different studies that have testified to the biased coverage of the ‘conflict’ and the prevalence of military-strategic narratives over legal assessments.

## 1.1. Critical Discourse Analysis, Framing, and Narratives

When addressing CDA of mass media, Van Dijk suggests that we should focus on discourse oriented research that studies the power of media beyond their effects on their audiences, by including them in a broader framework of the social, cultural, political, or economic power structures of society (2015: 473). This stems from the idea propagated by functional linguists, that semantics and discourse can be systematically associated with social and ideological positions. CDA dissects social life by focusing on « the discursive practices of a community its normal ways of using language » (Anitasari, 2018: 3).

According to Luke, the explanation stage in CDA involves investigating how interactions within a discourse are influenced by and connected to the social context in which they occur. This requires understanding how societal structures and institutional practices shape and are reflected in the discourse. The interpretation stage then links the discourse of immediate events to these broader structural and institutional contexts, demonstrating how they are embedded within and influenced by these larger frameworks (Fairclough, 2001). In this dissertation, this involves analyzing the coverage of specific events in the Israel-Gaza ‘conflict’ and connecting them to broader narratives of conflict in the Middle East, potentially linking those discourses to political power and mainstream narratives.

Critical scholar Van Dijk’s two-fold theory of discourse analysis is a useful framework for understanding how news discourses shape socio-ideological narratives. The theory consists of

three key components. The Semantic Macrostructure refers to the overarching idea or theme of the discourse. It captures the main topics and the overall message conveyed by the text. In the context of news discourses, the semantic macrostructure would encompass the general narrative or story that the news is trying to present. Then, the Microstructures are the detailed elements within the discourse, including the meaning of individual words, the structure of sentences, and the specific propositions made in the text. Microstructures help to build and support the semantic macrostructure by providing the concrete details and specific language that convey the broader themes. Finally, the Mass Level serves as the mediation between the global meaning (macrostructure) and the local meaning (microstructures). The mass level involves strategies used in discourse to manage the representation of different groups, often through mechanisms of positive self-representation and negative representation of 'the other'. This level is particularly relevant in the analysis of news discourses, as it highlights how media can construct an 'us vs. them' narrative, framing certain groups positively while portraying others negatively. This framework will be systematically deployed for this CDA in order to assess the newspaper's representations of both Israelis and Palestinians in the context of the Israel-Gaza 'War'.

CDA applied to media aims to uncover and analyze the frames used by news outlets when discussing specific topics. Framing is described as « the process by which a communication source constructs and defines a social or political issue for its audience » (Nelson et al., 1997: 221). News articles are typically structured around themes or ideas, presenting a particular angle that highlights certain aspects of an issue (Dimitrova et al., 2005). This can involve three key elements of news reporting: events, issues, and actors (Entman, 2003: 23). The way these elements are presented—or omitted—shapes readers' perceptions. Since these perceptions are influenced by discourse, media plays a crucial role in propagating social orders and shaping individual realities.

Through framing, media content fabricates coherent realities that provide meaning to specific facts (Entman, 2003). Critical approaches argue that the content and angle of texts often reflect a dominant ideology. Media acts as an interpreter of events on behalf of power centers, creating a symbolic arena for ideological struggle between dominant discourses and their challengers (Wolsfeld, 1997: 54). In the context of Western newspapers, the assumption for this dissertation is that the dominant discourse will tend to support the interests of Western democracies, particularly Israel. However, every society features multiple simultaneous discourses, forming a network referred to by scholars as the « orders of discourse ». Within this order, ideological struggles occur, and power manifests itself (Fairclough, 2001, 21), which should be evident in this CDA, given that the selected newspapers differ in terms of political ideology.

These framings are increasingly influential when the subject they construct are less known to the readers. This means coverage of marginalized communities or foreign policy is often permeated by essentialist tropes and is more likely to reflect the strategic interests of power centers. This is

the case for the Israel-Gaza 'war' where the distance and impossibility for western journalists to enter the besieged strip facilitates the deployment of essentialist frames.

In relation to the Middle east, postcolonial scholar Edward Said stipulates that orientalist representations permeate the western political and media space. These are underscored by narratives that presuppose an inherent incompatibility between islamic civilizations and the West and systematically interpret violence emanating from the former through culturally embedded clash of the civilizations thesis, void of any political, social and economic realities (Ahmed, 2003). This framing, which essentializes the 'other' and ignores the material realities in which events unravel, has also been theorized by Chouliarkari in the context of the Balkan War (2013 : 73 ). He sheds light on the mobilization of historicity and temporality, that link previous conflict to nowadays through a simplistic assertion that « the virus of aggressive nationalism » that permeates Balkan social life has 'resurfaced' (Chouliarkari, 2013; Gutman, 1993 :175). Violence is not grounded -or at least influenced- by present realities, but addressed as the symptom of a primordial quality of the balkans and its people. This essentialist representation underscores Western media's depiction of the Middle east and its people -the Arab and the Muslim.

American critical media scholar McChesney claims that following 9/11, this orientalist narrative morphed into the terrorist frame, which portrays violence carried out by Arabs or Muslims as always motivated by an intrinsic hatred of the West, its people and its way of life (2002). This simplistic diagnoses follows the logic of mythologies, which emphasize certain realities while intentionally dissimulating significant background information. By linking terrorism with intrinsic evil, in contrast to expressions that highlight the necessity, honor and legitimacy of actions taken by the Western nation state, we have made a moral judgment that seems to encompass the law. Because terrorists are evildoers animated by a malevolent spirit, any of their grievances are made redundant and they are to be destroyed at any cost (Cherkaoui, 2010 : 31).

Within this conflict that opposes the righteous state and the evil terrorist we have sub frames used to perpetually justify the actions of the former and the destruction of the latter. These have been described as mesoframes by security analyst and scholar Nissen ; This includes the military frame, that focuses on the military prowess in times of war, or the human interest frame which effectively humanizes an event by bringing on a face or an emotional aspect to it (2013).

In order to reconcile these two mesoframes, war necessarily requires the construction of strategic narratives that seeks to override humanist considerations. These instruments of power are crucial to defend the interests and aims of the military -and the political position they defend- as they are subjected to public scrutiny and need to justify their decisions and actions (Nissen, 2013). These strategic narratives are forward looking as they are constructed for a purpose and often use frames to mobilize popular support.

Nissen deploys Knightley's framework which establishes four elements that constitute strategic narratives (1997: 42). Firstly, these narratives require a form of threat, often constructed through

its evocation of traumatic historical events involving similar actors or similar circumstances. Then, you need to support this claim with reports that comprise images and visuals ; through the mesoframe of human interest, the strategic narrative humanizes the ‘in group’-the one that is endangered. For the narrative to justify violence, it needs both the humanization of the in group and the dehumanization of the other, the enemy. Once these mechanisms are set in motion, the narrative can solely function by asserting that negotiation is impossible and that it ‘is a situation of no return’. Since no diplomatic or political solution can be attained and that allowing the other to exist is impossible in light of the existential threat that they pose, unleashing unbounded violence on the enemy is not only legitimate, it is necessary.

The Dehumanization process is crucial in this context as it is precisely how the strategic narrative is allowed to attain its goal, and justify the unleashing of disproportionate and otherwise unjustifiable violence. Steuter and Wills, in the context of the war on Terror, argue that this process is enabled by a specific rhetoric as the marshaling of public emotion -fear and anger- is crucial for sustaining conflict (2010). The dehumanization process involves the development of a consistent series of metaphors portraying the enemy as animals, particularly emphasizing their association with noxious, verminous, or pestilential characteristics. Throughout history, adversaries are marginalized and constructed as ‘the other’ by being « dragged symbolically backwards down the evolutionary ladder until they are no longer seen as human, but as insect or animal, germ or disease » (Steuter et al, 2010, 156). This discourse can also resemble what Lasswell has qualified of Satanism, where the adversary is demonized, depicted as the incarnation of of evil, morally corrupt, and beyond redemption (2013, Ch. 5); The only way the civilized, legal subject can be secure in its own moral identify is by juxtaposing it to that of the other, the villains and the monsters (Foucault, 1985). Once one’s existence as a moral subject is secured and the others is denied, then the strategic narrative can attain its aim of justifying the deployment of unbounded violence. This construction of the enemy as ‘non human’ or subhuman entails that their lives « are not perceivable as lives » (Mitchell, 2014 : 11) thus rendering the moral prohibition against violence void.

## **1.2. Law, Media, and Violence**

Given that violence and conflict at the global level are intended to be regulated by international law, this raises the question of how these narratives intersect with legal discourse. Specifically, how do media deploy international law to describe conflict and whether the framing -even when it is not explicitly legal- translate into ‘legal arguments’.

Swedish academic Argren, in her study on media coverage of the Iraq War, argues that the general public is almost only exposed to international law and human rights issues through media yet often, journalists « do not pay much attention to international law » (2005 : 24) as it is deemed technocratic or irrelevant. When discussing the media’s deployment of international law, Argren sheds light on the skewed coverage of the distinction between the laws of war -jus in

bello- and the regulations on resorting to force -jus ad bellum. Using the example of Iraq, she argues that debates relating to the legality of certain actions carried out by the military were made to become a background element in the conversation regarding the legality of the intervention as a whole. In turn, claims of legitimacy override concerns relating to the unlawful nature of certain actions. This crucial distinction not being reflected in media discourse raises questions as to whether this vagueness benefits mainstream actors and their discourses. Especially considering that, whether explicitly or implicitly, political actors use strategic narratives to support their 'legal positions' which spread into society through media (Argren, 2005). Hillebrecht goes even further by suggesting that media is not solely a platform to spread these narratives but can even participate in the crystalizing of international law through 'norm setting'. Essentially, media's discourse can justify some practices or condemn others, making them a relevant actor for human rights and international law (2021).

This idea that discourses can shape conflict is concurred in American academic Dawes work, which theorizes the violence-language nexus and argues that the language of IHL can impact the way hostilities are conducted in war (1999). He claims that the violence that characterizes conflict « shrinks language and damages communication : this diminishment of discourse in turn enables further violence » (Dawes, 1999 : 247). Conversely, the laws of war, through precise definitions and repetitive language can bring order in the pandemonium of war. IHL poses itself against power unconstrained by the limits of definitions, thus taming the chaos of war through the control of language. Despite the obvious value of IHL and its promotion in regulating violence in conflict, Dawes does not acknowledge that the law in itself can encapsulate violence by defining who can yield it and when it is acceptable.

Feminist legal scholar Gina Heathquote, in her paper « Article 51 self-defense as a narrative » addresses the co constitutive nature of law and narratives, and how they relate to violence. Media, through their portrayal of events, can contribute to norm-setting and influence international law. Simultaneously, the way international law, particularly the right to self-defense, is drafted facilitates the propagation of specific narratives on violence. She places her argument in the continuation of Cover's academic work on the centrality of narratives in creating juridical structures. Legal systems are deeply intertwined with the myths that permeate our societies, and are often constructed by narratives that justify violence to maintain the social order. Cover argues that there are three areas where law and violence are interwoven, as violence is the « occasion and method for founding legal orders, it gives law a reason for being, and it provides a means through which law acts. » (1992: 210).

This understanding of the narrative nature of legal orders leads Heathquote to dissect the distinction between force and violence contained in article 51 of the UN Charter, or the right to self defense. In this article, force is the violence justified by law whereas violence is the force that does not receive legal justification and remains opposed to international standards. This article goes further than jus ad bellum and analyzes this distinction within jus in bello, or the manner in

which hostilities are conducted. Heathcote touches upon the principle of proportionality, which does not entail symmetry, but rather requires an act of weighing up between the actions of one party in response to another. This principle encapsulates a large part of discretion, especially from the party that has the upper hand, and ends up being a measure of freedom for the strongest state in their 'defensive actions' once it has established the necessity to undertake them (Heathcote, 2005). This revolves back to Argren's claim that, during the Iraq war, the media framing allowed for the jus ad bellum to override the jus in bello. This phenomena can also be witnessed in the case of the Israel-Gaza 'war', where the 7th of October and the 'inherent right' of Israel to self defense is deployed to justify illegal violence.

Heathcote concurs the idea that media can influence the way international law is applied, by drawing from McInnis's analogy with sports spectatorship, which is not simply a passive activity but rather « spectators create the norms by which the sport is played. » (McInnis, 2002, 149). The principle of self-defense allows for the construction of a spectator narrative through the deployment of a dualism between the legal subject who is placed at the centre of the spectator's gaze, and the dehumanized other which is peripheral, and serves as a negative representation of the subject. Ultimately, as exposed in collected testimonies of the first Gulf war, the trouble of the Western gaze and self defense laws has is in understanding that currently, in war, « the central selves, players, and concerns are not Western communities » (Heathcote, 2005, 143).

The narratives that we observe in mainstream media shift the subject from the one that is undergoing the violence to the western spectator. A narrative of self defense only functions if the reader can identify with the key protagonist or the legal subject ; in this context, the self defense of Israel is read as the western retaliation against the other, the evil, the oriental, the terrorist. This framing means we do not see those that are undergoing the violence, as we are encouraged to identify with those inflicting it.

This phenomena was prevalent in the context of 9/11 and the subsequent War on Terror, whereby the myth of exceptional grievance constructed and solidified the status of America as the sole victim (Mitchell, 2014). In turn, this narrative allowed the US to disregard its accountability and moral responsibility when enacting its right to self defense. Perpetuating the trope of victimhood in media and official discourse enables gross human rights violations and the 'legitimate' unleashing of exceptional violence. In the case of the US, by constantly reiterating its status as the victim and never the aggressor, the « discursive construction of exceptional suffering made the daily humiliations handed out to prisoners in Abu Ghraib prison seem inconsequential compared with the atrocity of 9-11. » (Jackson, 2005, 37).

The right to self defense as enshrined in article 51, because it does not address questions of power, tends to favor a paradigm of the innocent rational subject reacting with force to the irrational and tribal violence of the 'Other'. This is important because violence is precisely what these narratives revolve around, namely by constructing the one that is judged irrational, unacceptable, vile, animalistic and the one that is deemed rational, unavoidable, if not legitimate.

The backdrop of such narratives is that certain subjects can legitimately undergo violence whereas others cannot.

### **1.3. Applied to Israel-Palestine**

This ‘legality’ or at least ‘palatability’ of violence against certain people’s, and more specifically Palestinians, has been theorized by Erakat as pertaining to a ‘legal structure of exception’.

This Palestinian-American lawyer and academic addresses the *sui generis*—one of a kind—status of Palestinians, which she claims is a characteristic of settler colonial regimes where native resistance hinders colonial settlement and settler sovereignty. This exceptionalism entails that the legal framework on its own is insufficient to achieve Palestinian liberation and combat judicial erasure, as it is a legal argument that has resulted in their elision. Erakat roots this phenomenon in the 1917 Balfour Declaration, during which, « With the stroke of a pen, a nascent international community institutionalized the framework of exception justifying the elision of Palestinians’ juridical status as a people » (Erakat, 2019, p. 19). This phenomena marks the start of the historical and judicial erasure of Palestinians, which have been subordinated to the Zionist narrative ; that of a land without people for a people without land.

Erakat draws this link between narratives and legal orders by highlighting how Israel’s « legal work » has allowed it to expand the scope of ‘legal’ violence it can use on Palestinians. She mobilizes the concept of *lawfare* to argue that international law is « made by being broken » (2019, p.12) . For example, By claiming its conflict with terrorism is akin to war, Israel was able to present its situation as unprecedented thus permitting it to create a new legal category, that of ‘armed conflict short of war’ (Erakat, 2019). The creation of this ‘alternative legality’ is a testimony to the claim that states make law through *warfare*.

This legal structure of exception transpires in media, which often deploy political or military perspectives over international legal frameworks when addressing the situation in Israel-Palestine (2019, p. 42). Following a Foucauldian tradition of thought, Erakat underscores the role of power in shaping narratives and knowledge, which has prejudiced the Palestinian cause through media representation characterized by selective humanization, systematic undermining of Palestinian voices, and disregard for international law in the context of Israel/Palestine. Zeroing in on Western media, Erakat highlights the role of bias and misrepresentation in perpetuating Israel’s impunity. She highlights the fact that Palestinians are often denied a historical narrative and their struggle is not properly contextualized, which delegitimizes their resistance.

Even though her book provides a comprehensive account of the juridical and historical erasure of Palestine, it does not base its claims on media representation in academic and scientific research making this segment of her argument weaker.

In her book « *Pens and Swords: How the American Mainstream Media Report the Israeli-Palestinian Conflict* » American academic Dunsky delves deeper into the media's depiction of the Israel-Palestine 'conflict' and how it intersects -or not- with the deployment of international law. She argues that the debate is often kept within the 'Washington Consensus' meaning that most mainstream media will undertake simplistic reporting that « keeps the peace process at war with itself » (Dunsky, 2008, 36). These narrow boundaries placed on the discussion barely seem to incorporate an international law approach, and discard the use of certain terms to describe the dynamics at play, be it settler colonialism or apartheid. Dunsky delves further into this and throughout her interviews finds that journalists tend to favor a « might-makes-right rule of law out there » (2008, 372) approach and argue that their job is not to include events within a moral or legal framework.

Her work convincingly makes the case that the media's failure to deploy international law when addressing the situation in Israel/ Palestine stems from skewed and partial coverage. Dunsky asserts that biased representations affect American public opinion, yet she does not fully explore this aspect or provide detailed evidence to support her claim. This omission is unfortunate, as addressing it would have made her research more comprehensive.

This stance is concurred by Friel and Falk in their book « *Israel–Palestine On Record: How the New York Times Misreports Conflict in the Middle East* », in which they undertake an in depth analysis of the the New York Times coverage, which is found to neglect the role of International law and human rights in its reporting of the 'conflict'. They find that a maximalist/ minimalist binary transpires in its reporting on Israel-Palestine. Despite the magnitude and frequency of Israeli violence being higher, the newspaper tends to invisibilise or minimize its aggressions whilst maximizing Palestinian violence and decontextualizing it (Falk et al., 2007, 23). They also found that Palestinian voices and experiences are discredited and often heavily underrepresented in comparison to Israeli narratives (Friel and Talk, 2007; Dunsky, 2008). This pronounced imbalance in sources creates a skewed and biased account of the situation. This muting extends to renowned and respected human rights organizations that document the crimes committed by Israel, who are often not referred to or misrepresented (Major, 2008). Friel and Falk's study, effectively proves that international law is often silenced in the New York Times's coverage of the 'conflict', but does not explore the reasons behind this bias.

In a smilier vein, Ross's study of the New York Times' coverage of the Israel-Palestine 'conflict' in the thirteen months following 9/11 grounds this bias in broader narratives. Ross finds that the US's position when Israel enters conflict is referring to the war as 'ours'; In the name of national interests, allegiances, or common values, the threats to Israel become that of the US and the West as a whole (Ross, 2003). This links back to Heathquote's depiction of the spectator narrative whereby the self defense of the Western state against the other transforms into a civilizational war between two blocs. Although this explanation leaves out economic interests, it situates the biased



coverage of the Middle East ‘conflict’ within a broader narrative that is consistently employed in any clash between a Western state and an Arab or Muslim population.

In the context of the UK, Sirhan’s book *Reporting Palestine-Israel in British Newspapers: An Analysis of British Newspapers* provides an in depth analysis of the media language and coverage on the ‘conflict’ (2021). Sirhan analyzes around 400 articles of selected British newspapers, namely the Guardian, the Daily Mail, the Independent, the Daily Telegraph and the Times. Her analysis focuses on five key events, three involving Israeli casualties and two involving Palestinian casualties, as well as the media’s portrayal of Operation Cast Lead—Israel’s assault on Gaza in 2008-09. Sirhan finds that these newspapers consistently present pro-Israel coverage, demonstrating a notable bias in their reporting. For instance, she highlights the media’s use of the active voice when Palestinians kill Israelis, while employing the passive voice to describe Israeli actions against Palestinians. This linguistic choice implicitly assigns responsibility for the violence to the Palestinians and obscures Israeli accountability, as the passive voice conceals the subject of the action (Sirhan, 2021, p. 45). Furthermore, Sirhan’s study reveals that these articles frequently neglect the occupation, the Gaza blockade, and the illegality of Israeli settlements, and rarely invoke international legal frameworks to address the ‘conflict’ (Sirhan, 2021). Interestingly, Sirhan attributes this biased and skewed coverage to material realities, such as the assault on Palestinian journalists during Operation Cast Lead and the restrictions placed on journalists, including the refusal to grant press accreditation to non-Palestinian journalists whose positions are deemed unpalatable. Additionally, the inaccessibility of Palestinian territories, particularly Gaza, means that Western journalists often report from the Israeli side of the Green Line, which influences perceptions and positions (Sirhan, 2021).

Sirhan’s research is particularly relevant to this master’s thesis due to its focus on British newspapers and the events it addresses, though her study covers a broader range of data, which allows her to more explicitly demonstrate media bias. In contrast, this dissertation has initially focused on establishing a framework for analyzing media coverage rather than comprehensively documenting bias. By using CDA, this study will investigate how media representations are influenced by specific narratives surrounding violence and legality, with the goal of uncovering how these narratives shape perceptions of international law and justify acts of war.

In turn, this dissertation aims to open the discussion on the position of international law within these narratives by suggesting that increasingly, or at least when it concerns the Middle East, international law is becoming a counter narrative.

## 2. Methodology

The emotional response and feelings of injustice I felt after the outbreak of the Israel-Gaza ‘war’ is what informed my choice of dissertation topic. Initially, shook by the stark double standard that this ‘conflict’ embodied, I intended to assess media bias by comparing it with the Ukraine-Russia war. However, the complexity of the differing contexts and the extensive data required prompted a shift in focus. I decided to zero in on the Israel-Gaza ‘war’, specifically the first month of the ‘conflict’ -including the trigger : the 7th of October attack. I then chose to focus on British media coverage due to the UK's historical and political ties to the region and its influential media landscape.

### 2.1. Legal Discourse Analysis

In order to prove this bias, I chose to use an 'objective' standard: the law. Although complete objectivity is unattainable, I sought to use international law as a standardized framework for assessing media bias, recognizing that this legal framework provides a consistent basis for evaluating actions in the ‘conflict’. Thus, I conducted a legal discourse analysis of the selected newspapers, focusing on the first month of the Israel-Gaza ‘war’, including October 7th.

I selected four events from this period and provided legal qualifications based on legal documents and prominent statements made by NGOs and institutions such as UN bodies, Amnesty International, Human Rights Watch. These qualifications aim to be as objective as possible, devoid of emotionally charged language. The events were selected based on their illustrative value in examining how legal and ethical issues are portrayed in the media. These can include several legal conversations; For instance, the events of October 7 can be classified as both a war crime and a crime against humanity under *ius in bello* (IHL). Additionally, it serves as the basis for Israel’s justification for its actions under *jus ad bellum* (the right to self-defense).

The selected events are:

1. **The Hamas attack on October 7 and the subsequent hostage-taking.**
2. **Israel's siege on Gaza and the blocking of humanitarian aid.**
3. **Israel's evacuation order of 1.1 million Palestinians from the north to the south of the Strip.**
4. **The assault on civilian infrastructure, particularly healthcare facilities and personnel.**

### 2.2 Addressing Bias

Bias is typically defined as an « inclination or prejudice for or against one person or group, especially in a way considered to be unfair. » (Merriam-Webster, 2024) In this particular context, unfair will be held to mean ‘illegal’ under international law, especially IHL. The two groups are

that of Israelis and Palestinians, since this is essentially how these are understood contrary to what Israel claims -that this is an Israel-Hamas 'war'. In this discourse analysis bias will be addressed in three ways:

**Coverage and Context:** The selection and coverage of events -framing- reveal what is deemed important and what truths one seeks to construct. Silences, or the failure to mention certain events, will be considered as stemming from an ideological position. The lack of -or imbalance in- coverage of certain events will be scrutinized alongside who's voices are amplified in these medias. For example failure to have testimonies from Gaza civilians whilst having numerous ones from Israelis is an asymmetry, which will be interpreted as bias. This also extends to omitting the context of the region, such as Israel's settler colonial expansion, restrictions on Palestinian freedom of movement, or mention of the 16 year blockade of the Gaza Strip. These 'omissions' will be seen as a political stance, acknowledging that previous crimes do not justify new ones but are crucial for understanding the 'conflict'.

**Legal Qualification:** Ensuring events are legally qualified accurately without downplaying or exaggeration. This also applies to certain forms of structural violences - Israeli settlements or checkpoints, illegal occupation- that are part of the context.

**Language:** Analyzing the language used to describe events, particularly the portrayal of victims, perpetrators, violence and solutions. This micro structures can then be linked to broader narratives and representations.

### **2.3. Newspaper selection and analysis**

The newspapers that I chose to analyze are the Guardian, the Daily Telegraph and the Sun as I wanted to cover a broad range of political opinions and segments of the UK population. The Guardian typically appeals to more middle to upper class progressive and liberal segments of the populations (Jenkins, 2018) whilst the Daily telegraph more to male, conservative and wealthier demographics (Ipsos, 2005). Finally, the tabloid the Sun appeals to lower income and middle classes and typically displays more right wing and conservative ideals (Lewis et al., 2008). Overall, the number of articles used to carry out this discourse analysis is of 85, with a varying number for the different events depending on the coverage undertaken by the different newspaper.

These newspapers have different categorization of coverage that define how this dissertation is going to address their positionality, depending on whether these are news, opinion and editorial articles. Firstly, news articles, because they are meant to present facts, are held to higher standards since they are meant to be 'objective' and devoid of ideological position. Then editorials are written by the senior editors of a newspaper or magazine; These pieces are unsigned and often reflect the newspapers point of view and ideological positioning. Finally opinion pieces make no claim to

objectivity and are signed, hence they cannot be held to officially represent the stance of the newspaper. However, when we look at them ‘as a whole’ they generally reflect similar ideologies and political positions as that of the editorials.

The Sun, even though it distinguishes between World News and opinion pieces, uses the same type of discourse across these different categories, and fails to deploy international law in both.

The Daily Telegraph does have a distinction between news and opinion articles. They also have articles entitled ‘The Telegraph View’ that are effectively the editorials of the newspaper. There is no significant distinction between opinion pieces and the Telegraph view articles both in their ideological positing and in their deployment of international law. They mobilize the same tropes and frames, most notably military-strategic discourse tainted with Orientalism.

The Guardian has the clearer distinction between news articles and opinion articles, whereby the news ones are very factual and rely on solid sources. Similarly to the Daily Telegraph, their opinion articles and editorials are also very similar in their positions, their use of international law and the narratives they deploy.

## 2.4. Insights from Research

Through my research, I realized that establishing objective truths and quantifiable bias is complex, given the time and resources available. A few key points emerged:

Rather than an objective standard, **International Law should be considered as one of the competing narratives used to frame the situation.** International law is a lens used by certain newspapers, existing alongside other narratives such as postcolonial readings, military-strategic approaches, Orientalist perspectives.

Various frames underlie different articles and newspaper coverage, influencing legal qualifications, language, context, and coverage. For example, the Us vs Them frame that pertains to the orientalist narrative or how the military-strategic narrative mobilizes the frames of military prowess and human interest. These frames define whose voices are amplified, whose suffering is portrayed, who is assigned responsibility, who has broken the law, and what political and legal solutions should be applied. These factors shape the readers’ emotional and political perspectives.

## 2.5. Critical Discourse analysis

Rather than a purely legal discourse analysis aimed at establishing a form of ‘objective truth’ this dissertation carries out a Critical discourse analysis of British mass media during the first month of the Israel-Gaza ‘war’.

This methodology, aimed at analyzing and deconstructing discourse, is founded on the epistemological assumption that there are « multiple possibilities of knowing and interpreting the word » (Anitasari, 2018: 2). Critical Discourse Analysis involves examining how language reflects and constructs power dynamics and ideological positions. Techniques such as analyzing discourse structures, identifying themes, and exploring framing devices will be used to uncover how media representations influence public perceptions of the ‘conflict’.

Essentially, through a thorough analysis of legal qualification, contextualization, coverage and language, this dissertation will extract both the ideological positioning of these selected newspapers and the socio-ideological and legal narratives that they deploy to portray the Israel-Gaza ‘war’.

### **3. Legal Questions Surrounding Israel’s Right to Self-Defense and IHL in the Israel/Palestine ‘Conflict’.**

This section examines the legal debates surrounding Israel’s claim to self-defense under Article 51 of the UN Charter in response to the Hamas terrorist attack on October 7, 2023. Central to this discussion are the interpretations of international law principles as outlined in the UN Charter and customary international law, particularly focusing on the legality of self-defense measures and humanitarian considerations.

#### **3.1. Historical and Legal Context of Occupation**

Since 1967, following the 6 day war, Israel has occupied Palestinian Territories, including the West Bank, East Jerusalem, and Gaza. Despite the 2005 withdrawal of Israeli ground forces from Gaza, Israel retains effective control over the Strip’s borders, airspace, and infrastructure, creating what has been described as an 'open-air prison' (B’Tselem, 2020). Even though some argue that since 2005, the status of Gaza is ambiguous, most prominent institutions and organizations « including the International Committee of the Red Cross (ICRC), the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, UN General Assembly (UNGA), European Union (EU), African Union, International Criminal Court (ICC) (both Pre-Trial Chamber I and the Office of the Prosecutor), Amnesty International, and Human Rights Watch » recognize that Gaza has been effectively occupied since 1967. Under IHL, Israel, must fulfill its obligations as an occupying power, including ensuring the basic needs of the Gaza population and addressing humanitarian requirements (ICRC, 1949).

#### **3.2. Israel’s Right to Self-Defense Under International Law**

International law permits states to use force in self-defense in response to armed attacks. This right is articulated in Article 51 of the UN Charter, which allows for individual or collective self-defense until the Security Council intervenes to maintain international peace and security (UN, 1945). Israel’s invocation of this right following the October 7 attack by Hamas, which resulted in numerous casualties and hostage situations, is grounded in this provision.

However, the International Court of Justice (ICJ) has clarified that self-defense claims by Israel must be assessed within the context of international law. In its 2004 advisory opinion on the Wall, the ICJ ruled that Israel could not claim self-defense against non-state actors within occupied territories, emphasizing instead Israel’s duty to protect its own citizens (ICJ, 2004). This distinction is significant in the context of the Israeli-Palestinian ‘conflict’, where Hamas operates from the Gaza Strip, a territory that Israel maintains effective control over despite its formal withdrawal in 2005.

The “unable or unwilling” doctrine suggests that states may have a right to self-defense against non-state actors if the host state is incapable of preventing attacks (Acheson, 2018). This doctrine

remains contentious and has not been universally endorsed in international law, and rendered more complicated by the ambiguous status of Palestinian statehood and the nature of Gaza's occupation (Acheson, 2021).

Then, some legal scholars argue that the prolonged Israeli occupation of Palestinian territories, initially presented as self-defense, could now be viewed as aggression under international law. UN General Assembly Resolution 3314 (1974) and subsequent legal interpretations affirm that occupations resulting from armed attacks violate the UN Charter and could be deemed acts of aggression (UNGA, 1974). This perspective suggests that Hamas's actions on October 7 might be interpreted as defensive measures against Israeli aggression, though these actions also breached the laws of war and could be classified as war crimes (Acheson, 2021).

Therefore, In legal debate, Israel's right to self defense vis a vis the attack it underwent is still contentious due, inter alia, to the ambiguous status of Palestinian statehood, the nature of the occupation, and the unclear status of the Hamas.

One statement is certain, the right to self-defense is not absolute and must adhere to the principles of necessity and proportionality. Necessity requires that self-defense measures are aimed at repelling or halting an attack, while proportionality ensures that the force used is commensurate with the threat posed (UN, 1945). These principles are designed to prevent excessive or indiscriminate use of force. Ulfstein's analysis highlights that while Israel has the right to defend itself against attacks, its military operations in Gaza often exceed the lawful bounds of necessity and proportionality (2022). The extensive damage and high civilian casualties in Gaza raise serious questions about the legality of Israel's actions under IHL.

### **3.3. Proportionality and IHL**

IHL, encompassing the laws of war, is outlined in the Geneva Conventions of 1949 and other treaties, along with customary international law. IHL applies to both state and non-state actors in conflicts, including groups like Hamas and the Islamic Jihad, even though non-state actors cannot formally ratify these treaties (ICRC, 2005). The principle of non-reciprocity under IHL dictates that violations cannot be justified by the conduct of the other party, and all parties must adhere to IHL standards (ICRC, 2005).

IHL mandates that conflict parties distinguish between combatants and civilians and avoid causing excessive harm. Israel's military response, which led to significant civilian casualties and damage to civilian infrastructure, has been scrutinized for potential violations of IHL principles (ICRC, 2021). Examples include the use of white phosphorus, the siege on Gaza and attacks on civilian sites like hospitals and schools, which are criticized as disproportionate (ICRC, 2021).

### **3.4. Legal and Humanitarian Implications**

The humanitarian impact of Israel's military actions, including the blockade of Gaza, has resulted in severe shortages of essential resources such as food, water, and medical supplies. This situation has raised serious concerns about potential violations of IHL and the possibility of war crimes (UN, 2022). According to the Fourth Geneva Convention, as an occupying power, Israel is obligated to ensure the well-being of the Gaza population, limiting force to necessary and lawful measures (ICRC, 1949).



## **4. Results and Legal Qualifications**

### **4.1. The 7th of October : Al Aqsa Flood and Israel's response**

#### *4.1.1. Legal Qualification*

On October 7, 2023, the Islamic Resistance Movement (Hamas) initiated a large scale attack against Israel called 'Mission Al Aqsa Flood'. This assault involved launching thousands of missiles from Gaza into Israel and conducting simultaneous armed incursions into Israeli territory. During these attacks, police stations were targeted, exchanges of gunfire with Israeli forces occurred, and Israeli civilians were directly assaulted, resulting in significant casualties. Members of the armed groups from Gaza also took hostages, including vulnerable individuals such as women, children, and the elderly (ReliefWeb, 2023).

Additionally, the music festival Supernova was targeted, resulting in many civilian deaths, particularly among the youth. Media reports also highlighted an assault on the Kfar Aza kibbutz, where a substantial number of civilians, including women and children, were murdered. The toll in Israel stands at 1,400 dead, with at least 4,121 wounded, and 250 individuals were taken hostage and brought back into the Strip (Haaretz, 2023).

The actions carried out by armed groups from Gaza constitute war crimes under Article 8 of the Rome Statute of the International Criminal Court, including deliberate killings, hostage-taking, violations of personal dignity, and intentional attacks on civilians and civilian infrastructure. Due to the widespread and systematic nature of these attacks targeting civilians, these actions may also amount to crimes against humanity under Article 7 of the Rome Statute. Offenses such as murder, enforced disappearances, persecution, and other inhumane acts, particularly against those taken as hostages, are included. Human Rights Watch (HRW) and the Office of the High Commissioner for Human Rights (OHCHR) have stated that Hamas's targeting of civilians, indiscriminate attacks, and hostage-taking constitute war crimes. These violations are part of an organized plan or policy, as indicated by the deliberate killing of civilians under Article 8 and hostage-taking under Article 1(b) of Common Article 3 of the Geneva Conventions and customary IHL, recognized as war crimes under the Rome Statute.

While legal debates may arise regarding certain aspects, such as distinguishing between the detention of opposing forces and hostage-taking (Geneva Convention III, 1949, Arts. 4, 33), the events of October 7 unequivocally violate IHL and constitute war crimes, potentially extending to crimes against humanity (OCHR, 2011).

Moreover, determining the applicability of laws of war to militant groups is a difficult question, as both the Council of Europe and International Committee of the Red Cross (2005) note that IL addresses terrorism and war as distinct legal categories. There is debate on whether Hamas is a terrorist group or as an insurgent group conducting legitimate violence as abiding with the criteria

of 'just cause'(Gordon, 2015). Even if the insurgency is deemed lawful, it must still adhere to the principles of just means. Regarding Hamas, even if they have a right to fight against the Israeli occupation, they have to abide by the rules of discrimination, proportionality, and military necessity.

#### ***4.1.2. The Daily Telegraph***

##### *4.1.2.1. The 7th of October*

The first Daily telegraph article written about the 7th of October attack is characterized by relative ignorance of what happened that day. It describes the hostage taking as a strategy for liberating Palestinian prisoners rather than legally qualifying the war crimes committed by Hamas on the 7th of October (Diver, 2023). It does encapsulate a legal dimension as it quotes the International Committee of the Red cross's statement that hostage taking is prohibited under IHL and then references the UN's spokesmen statement affirming that intentionally harming civilians is a violation of IHL. Later that day, a subsequent article exposes new figures regarding the number of people killed and the hostages. It also displays video footage as well as testimonies that give more information on the massacres carried out by the Hamas's military wing. This piece takes on a strategic and military perspective, referencing previous hostage-taking situations and negotiations between Israel and Hamas (Lampert et al., 2023). They also describe how the 2014 Operation protective Edge proceeded in freeing hostages and formulate a hypothesis regarding the reaction of the Israeli government, claiming that it will probably be « cautious » and that there will « use the air force to try to inflict enough punishment on Hamas that they will agree to a cease- fire and then a negotiation for the return of the hostages » (Lampert et al., 2023).

Other perspectives veer off from this strategic perspective by using the words of the UN ambassador, describing the 7th of October attacks as a war crime under international law (Cheeseman, 2023). This is supplemented by an in depth coverage of the Al Aqsa Flood assault with videos footage, photos, a time frame, testimonies by victims and families as well as the names of the hostages. Then, several pieces have focused on specific victims of the war crimes committed by the Hamas, for example Shani Louk, the German Israeli citizen who's seemingly naked body was paraded in Gaza on a truck (Crisp, 2023). Throughout the month that followed, there were numerous articles containing testimonies of families and survivors, in which, there is no mention of international law or legal discourse but rather more emotional language that humanizes the victims (Smith, 2023).

On the 10th of October an opinion piece entitled « Gaza fighting will be brutal but Hamas must be defeated at all costs » seems to reflect the ideological stance of the newspaper (Cohen, 2023). There

is strong emotional rhetoric such as « cruel terrorists » « hostile strangers » « barbarous horrors » « atrocity » « savage » « brutal » to describe this war crime, but it is not legally defined.

The war is framed in terms of necessity; « has to » « crucial » « for its survival » when juxtaposed to « not a war that Israel has sought » « nor is one that it wants to fight ». It claims that conflict between Hamas militants and Israel is solely provoked by the former, and that the latter holds no responsibility in what is going to unfold in the war. This is followed by general statements about the nature of war as « messy » « ugly » « horrible things happen » and « plans go wrong ». Then this piece formulates a normative and diplomatic demand that is « the international community must stand steadfastly by its side » « continue to back Israel » « remain loyal in the dark days ahead » whilst bearing in mind that « peace can only be achieved at high cost to all sides » (Cohen, 2023).

Expressions like « defeated at all costs » « relentless force » « means casualties among the innocent » and « the blood of the innocent will be solely on the hands of the Hamas » suggest the use of significant violence is necessary and legitimate. This ideological stance is followed by article that equate the Hamas to ISIS, which results in the conclusion that « political bargaining, compromise or negotiation is impossible » (Kemp, 2023).

#### 4.1.2.1. The right to self defense

Firstly, this article by the Daily Telegraph states that, « Given what Hamas did, does and says, Israel's declared war aims – the destruction of Hamas's capability – seem consistent with proportionality in self-defense » (Verdirame, 2023). This legal assessment is made irrespective of other crucial factors, namely the juridical status of Gaza and the Hamas and the previous actions carried out by Israel. In a subsequent article, Israel's right to self defense is presented as a « fundamental and indisputable principle enshrined in international law and there can be no debate over this » (Brier, 2023) thus continuing that legal narrative whereby contextual factors, like the blockade, the illegal occupation, or the settler colonial expansion in the West Bank do not even remotely influence this legal conversation.

Another article claims that following the 7th of October « every act that we take against terrorism will ultimately contribute to regional security and stability » (Levi, 2023) thus justifying any actions carried out by Israel in the Strip, since they are to be ascertained to the greater aim of regional stability.

#### 4.1.3. *The Sun*

##### 4.1.3.1. The 7th of October

On the 7th of October, the Sun's first article describes the « brutal massacre » of Israelis carried out by Hamas militants, but does not mention international legal frameworks. Rather it takes on a military and security approach by claiming that this represented an « embarrassing intelligence failure » for Israel (Hooper, 2023). This article contextualizes this attack by referencing claims that « the living conditions for the two million people living inside of the 365 square kilometre Gaza Strip are impossible ».

There is minimal legal analysis in the Sun articles; one article mentions that « Hamas militants (...) indiscriminately opened fire on vehicles » but it is difficult to determine if this language is intended to convey a legal judgment or is merely descriptive (Davis, 2023). In most pieces -whether opinion or 'news'-, the massacres that unraveled on the 7th of October are described with very emotional and graphic language such as « gut-wrenching » « agonizing » « horrifying » « blood soaked baby seats » « Sickening » « brutal violence ». Alongside this, there is a strong display of religious language with terms like « sheer evil » (Braddick and Doughty, 2023), « hell » « evil » « monster » and depictions of the Strip as « the devil's playground » (Braddick, 2023).

This binary opposition between good and evil is shown by the kibbutz being presented as a « little piece of heaven » in opposition to the « hellish waste land and pure hell » it was transformed in (Davis, 2023). Then, there is a partial and selective contextualization of the 7th of October, where in certain articles, we see references to the historical persecution of Jews with references to « pogroms » and « Nazis » (Braddick and Doughty, 2023).

Throughout the first month of the 'conflict', the Sun has extensively covered the 7th of October attacks, with video footage, photos, maps and testimonies. It has effectively humanized Israeli victims, hostages, and their families by giving them a voice and sharing their stories. The stories of Yahav Winner (Doughty, 2023) Emily Hand (Cleave, 2023) Shani Louk (Davis, 2023a) Ariel Sagli (Davis, 2023c) Ada Sagli (Hammond, 2023) Ulkana Bohbot (Parker, 2023) Naday Popplewell (Parker, 2023a)-and the list goes on- have been displayed almost daily by the newspaper, which has given a profoundly human dimension to the victims of the 7th of October.

#### 4.1.3.2. The right to self defense

This article starts off with the rhetorical « What could possibly be deemed "proportionate" to the hideous, gut-wrenching evil that Hamas terrorists inflicted on Israel on October 7?" (Morgan, 2023) which is a worrying statement that seems to suggest that any amount of unbounded violence unleashed by Israel on the Gaza Strip would be legitimate in light of what it has endured. This continues with Morgan's statement that he does not condemn Israel's deployment of airstrikes on children because he supports « Israel's right to defend itself after what happened on October 7 ». This shows that there is no legal critical stance vis a vis Israel's right to defend itself, but also that the means that it uses to do so will not be impeded by the principles of necessity, proportionality and discrimination giving Israel a pass to override IHL.

A following World News article describes the dehumanizing rhetoric of some members of Israel's political establishment; «Animals who can do these things are subhuman » «The people of Gaza have forfeited the right to live here » or « There must be no more Gaza » but fails to describe this rhetoric for what it is in legal terms (Parker, 2023). These are not qualified as amounting to intent and/or encouragement of collective punishment in Gaza. On top of that, many other news articles refer to Hamas using animal metaphors such as « Hamas's spider's web of terror » (Braddick,

2023a) « Rat holes »(Kavanagh, 2023) or « Nest ». There is not always an obvious distinction between Hamas and Gaza civilians, which legally unconstrains the enactment of Israel's right to self defense.

#### **4.1.4. The Guardian**

##### 4.1.4.1. The 7th Of October

On the 7th of October, the Guardian qualified the Hamas military wing assault as a « surprise Palestinian attack » (McKernan, 2023). At first there was no legal qualification used to describe this assault and it is only on the 10th of October, that the Hamas rampage is qualified as a war crime under IHL (Bayoumi, 2023). This event is described as an « appalling attack » of « wanton cruelty » so we also witness the use of emotional language on top of legal qualification.

Many Guardian articles have shared and displayed footage of hostages and victims families in order to humanize them and display their suffering. The message conveyed is one of compassion as showcased by the statement made by the family of an Israeli hostage « It's not about politics ... It's really about humanity. The kids are there ... please help them » (Yerushamly, 2023).

The International law focus is showcased by articles covering the whole first month of the 'conflict' taking on a purely legal approach. Some explicitly quote the UN's statement that the Hamas's indiscriminate killing of civilians and taking of hostages is a crime under IHL. They also share legal experts and reports by NGO's that concur this by claiming that the acts committed on the 7th of October and after constitute war crimes (McGreal, 2023). Some articles- both news and opinion- claim that « Attacking civilians, irrespective of the side perpetrating the violence, lacks any semblance of honour » thus concurring the principles of international law that civilians should be protected at all cost (AbdulKarim, 2023).

Most Guardian articles both legally qualify the Hamas attack as a war crime and then contextualize it by mentioning the expansion of « illegal settlements in the occupied West Bank and East Jerusalem », the « boxing in the people of Gaza with a punitive blockade », and Israel « imposing an discriminatory and oppressive rule on millions of Palestinians under occupation that has been widely described as apartheid » (Roth, 2023).

An editorial article highlights the horror of the 7th of October attack and the failure of the Israeli political establishment in preventing it -both militarily and by not interrupting its repeated violations of Palestinian rights. It contextualizes this attack by highlighting the past year was the bloodiest year on record in the West bank since the 2nd intifada. By claiming that the « status quo before Saturday was neither sustainable nor containable » it is acknowledging the role of occupation and the plight of Palestinians (Editorial, 2023).

As coined by the Israeli journalist Orly Noy « ignoring this context is giving up a piece of my own humanity » (2023). Other Jewish Israeli voices concur this claim that war crimes have to be

understood as part of cycles of violence whereby «if you keep 2 million people in the largest concentration camp on Earth and bomb to death thousands of them on occasion, you create a volcano that is bound to erupt in your face one day, causing horrific atrocities in its wake » (Baram, 2023). They contextualize this politically by advancing that the « military tasked with protecting every settler in the West Bank at any given moment » and the « protests against the Netanyahu government Supreme Court overrule » has led to less attention being given to the Gaza front.

Moreover, Israel's response to the 7th of October is described as a political tool « feeding the desire of some Israelis for revenge (...)and to save Benjamin Netanyahu and his cronies. » (Baram, 2023).

Some pieces also turn to the rest of the world, most notably to the position of the White House which « deliberately elides decades of structural violence against Palestinians » (Erakat, 2023).

In this context, certain journalists address the use of the legal term 'unprovoked' when referring to the Hamas attack by highlighting the crimes and violations of international law repeatedly committed by the Israeli state prior the 7th October. This journalist raises this question; « The 248 Palestinians killed by Israeli forces or settlers between 1 January and 4 October of this year, do they not count for provocations ? ». This statement is then mitigated by the claim that one can « see such actions as provocations without endorsing further murderous violence against civilians » (Bayoumi, 2023a)

#### 4.1.4.2. The right to Self defense

In an article that takes on a legal lens to address the situation, Siddique describes jus ad bellum, or the conditions under which states can resort to war or the use of armed force. He recognizes Israel's right to self defense but reminds us that this response is still subjected to IHL as « the lawful exercise of self-defence does not allow a state to have recourse to unlimited means » (2023). A subsequent opinion piece emphasizes the need to override simplistic discourses that solely advocate for Israel's right to self defense and to liberate hostages, but to contextualize the Israeli response which inscribes itself in a logic of « ethnic cleansing, apartheid, a and settler colonial expansion » (Malik, 2023).

Finally, another opinion piece highlights Francesca Albanese's argument— the UN Special Rapporteur on the Occupied Palestinian Territories—that « Israel cannot invoke the right to self-defense under the UN Charter because the threat originates not from a state but from a military group in a territory under Israeli occupation » (Wintour, 2023). This argument is presented as a legal perspective rather than an absolute truth, yet it challenges the prevailing narrative in the three newspapers that have consistently affirmed Israel's clear and inherent right to self-defense.

## **4.2. The Siege on Gaza: Cutting of electricity, gas and water, the blocking of humanitarian and the bombing of the Rafah crossing -and the internet black out?**

### ***4.2.1. Legal Qualification***

Following the Hamas attack, Defense Minister Yoav Gallant announced a total blockade of the Gaza Strip thus cutting off electricity and blocking the entry of food and fuel. This action was supplemented by the claim that Israel was fighting « human animals » (Al Jazeera, 2023). The responsibility of the Gaza population as a whole is reflected in Israeli president Isaac Herzog accusing the residents of Gaza of collective responsibility for the Hamas attacks and the war (Human Rights Watch, 2023a).

These cuts - justified as a means to pressure Palestinian armed groups - are having a catastrophic effect on civilians, by gravely impacting hospitals, water pumping stations, sewage treatment facilities and other vital infrastructure (Amnesty International, 2023a). These actions may amount to collective punishment, a war crime prohibited by treaty in both international and non-international armed conflicts, more specifically Common Article 3 of the Geneva Conventions and Additional Protocol II (ICRC, 1949).

Tufts University law professor Tom Dannenbaum went further and wrote that the siege order « commands the starvation of civilians as a method of warfare, which is a violation of IHL and a war crime » (2023). On 25 October, Oxfam stated Israel's use of « starvation as a method of war » was a violation of international law, and that Gaza was being « collectively punished in full view of the world » (Human Rights Watch, 2023f).

Moreover, the lack of clean water is resulting in 'grave concerns' by public health experts of an imminent infectious disease outbreak in Gaza, including waterborne illnesses like cholera and typhoid (Human Rights Watch, 2023c). This is especially problematic considering Israel, under IHL, is the occupying power in Gaza and thus has a responsibility to ensure the basic needs of the civilian population are met (ICRC, 1949). On top of refraining from cutting water and electricity, which constitute a war crime under international law, Israel has to facilitate - rather than block - the delivery of humanitarian aid (Human Rights Watch, 2023a).

On the 9th and 10th of October, Israel bombed the Rafah crossing at the Gaza-Egyptian border, disrupting the movement of people and goods in and out of Gaza, leading to the crossing closing and the enclave becoming completely blockaded. These airstrikes have significantly disrupted the delivery of essential humanitarian aid to the Strip and hindered civilians from getting protection (Human Rights Watch, 2023b). Amnesty International has expressed concerns for these attacks and how they affect the establishment of humanitarian corridors (2023b). According to Rule 55 of the ICRC's Customary IHL study, the denial of humanitarian access to civilians, including children, during armed conflicts can be classified as a war crime and a potential crime against humanity (2005). This is concurred by the the ICC prosecutor Karim Khan who, after a visit to the Rafah border crossing, declared that the situation could amount to a war crime (ICC, 2023). The crossing has been the only point of entry for humanitarian relief to get into the Strip after the complete blockade imposed by Israel. Even after aid was allowed, its heavy restrictions meant that on October 21, 117 lorries have

entered Gaza whilst before the siege, around 500 lorries of goods and aid would enter the enclave every day (Human Rights Watch, 2023d).

This could amount to at best a war crime and at worst a crime against humanity. In IACs, denial - or heavy restriction - of humanitarian aid can constitute willful killing, torture, or inhuman treatment, and willfully causing great suffering, or serious injury to body or health. In non-international armed conflicts (NIACs), these offenses are encapsulated in the crime of 'violence to life and person' (ICRC, 1949). At the ICTY, deprivation of water, food, and healthcare to prisoners in detention centers has been brought as cases of willfully causing great suffering, cruel treatment, and inhumane acts (OCHR, 2011.).

Furthermore, starvation is a war crime under the Rome Statute in IACs and now NIACs. It also constitutes a war crime under both IACs and NIACs under CIL. The ICC definition of starvation, according to Article 8(2)(b)(xxv) of the Rome Statute, includes "willfully impeding relief supplies" for which military necessity is not a defense (1998).

The cutting of power, and the blockade on gas, water, food, health supplies, and humanitarian aid could also be considered a crime against humanity, if the knowing perpetration of any of the aforementioned acts is « part of a widespread or systematic attack directed against any civilian population » (ICC, 1998). The civilian population is considered a target if it is its 'primary object', which requires taking into consideration factors like the means and method of attack, the combatant status, the number of victims, and the precautionary measures taken by the aggressor. A crime against humanity implies crimes of a collective nature as opposed to crimes targeting a limited and randomly selected group of people. For it to be 'widespread' the attack must be directed at more than one victim and systematic - against a whole area or city for example (ICC, 2021).

Acts that may qualify as crimes against humanity in cases involving the obstruction of humanitarian aid include: (1) murder and extermination, the latter explicitly encompassing actions such as depriving access to food and medicine; (2) torture, particularly if the affected population is under the control of the offending party; (3) persecution, which according to the ICTY, can extend to depriving individuals of food and shelter; (4) deportation, defined as forced displacement through coercive means; and (5) other inhumane acts, which the ICTY has interpreted to include restrictions on access to food or healthcare (ICC, 2011).

#### ***4.2.2. The Daily telegraph***

When addressing the legal dimensions of the siege on Gaza and the prohibition of starvation as method of warfare a Daily Telegraph comment piece claims « the point of a siege is cutting supplies to enemy forces. How can that be achieved and civilians protected at the same time? ». (Levi, 2023) This has been written by the Israeli ministry of Foreign affairs and functions as a way of justifying the war crimes committed by Israel in the Strip.



Then a few news piece that mentions this event highlight that the cutting of electricity and the fuel shortage have dire consequences for Gaza residents. These range from preventing them in charging there phones which entails being « cut off from news of each other and from events » to being « unable to pump water into rooftop tanks» thus impacting the basic needs of people in the Strip (Oliphant, 2023; Barton et al., 2023). These statements accurately depict some of the consequences of this war crime, but fail to use a legal qualification to define these actions taken by the Israeli state. Another article describes how « Gaza has been placed under complete siege (...) with a vow to cut off all supplies of food, water and electricity in a bid to starve out Hamas » without however contextualizing or legally qualifying the practice.

Finally a news piece breaks from this by placing this war crime in the continuity of the blockade in Gaza by claiming that « civilians have long dealt with a dire humanitarian situation that is only due to worsen with Israel's full siege of the territory» (Cheeseman, 2023). Even though, once again, the legal qualification is absent, it does place this practice in context and warns of the potentially worsening humanitarian situation in Gaza.

Only one of the Daily Telegraph articles exposes testimonies from Gaza residents that claim that « There are power cuts 24/7, and this results in water cuts as well » and that as a consequence people « are boiling contaminated water and drinking it » despite the dangers that it entails. Aid workers have described the limited aid entering Rafah as a mere « drop in the ocean » compared to the overwhelming humanitarian crisis (Rothwell and Shamalakh, 2023). People struggle to find « bread, water, all basics of life » and this has been the case since the cutting of electricity, as explained by a resident « Our fridge was empty on day three simply because of cuts to electricity, everything inside got completely rotten and spoiled. So, right now it's one meal a day » (Rothwell and Shamalakh, 2023).

Following a news article exposing a statement made by the Irish prime minister that Israel's assault on the strip resembled revenge against Gaza's residents (Barnes, 2023), an opinion piece vehemently stipulates that characterizing what Israel is carrying out in Gaza as collective punishment is « wrong in law and dangerous in practice » (Taub, 2023). This article claims that the actions of Israel are forward looking rather than backward looking; it stipulates that the sole goal of Israel's assault on Gaza is to prevent the 7th of October from happening again, rather than a form of revenge for the Hamas attack.

#### **4.2.3. *The Sun***

A news article exposes the Gaza energy authority's claim that the full blockade has led to the « station stopped running at 2pm local time on Wednesday » which has dire consequences on the healthcare system as it is leaving « doctors unable to use surgical equipment » and it has warned that the «lives of hundreds of children are now at risk as electricity supplies diminish ». Essentially,

without electricity, it will be impossible to provide « all basic life services » which leads to a « humanitarian crisis for all residents in the Strip » (Davis, 2023).

In other articles they quote the International Committee of the Red Cross that warns that « the lack of electricity could cripple hospitals » and then go on to describe the real life consequences that this could and will have « As Gaza loses power, hospitals lose power, putting newborns in incubators and elderly patients on oxygen at risk. ». They report on Yoav Gallant's claim that « Not a single electricity switch will be flipped on, not a single faucet will be turned on, and not a single fuel truck will enter until the Israeli hostages are returned home » but do not qualify it as a vengeful act against the population of Gaza as a whole, legally, an act of collective punishment.

In some articles, we witness statements such as « Israel halted fuel, food and medicine entering the blockaded territory after Hamas terrorists stormed across the border and killed hundreds in a bloody massacre » (Davis, 2023b). Often, these statements will be followed by a description of all the atrocities that have been committed during the Hamas attack on the 7th of October.

Later on, there is mention of aid coming into Gaza through the Rafah crossing to « begin relief efforts » which is a « lifeline for those suffering » (Hooper & Hussey, 2023). This does not come with the context of the aid and vital supplies being blocked for over 2 weeks or the dire humanitarian situation in the Strip prior to October the 7th. Subsequently, Israel is presented as a benevolent leader that « delayed the tanks » « allowed civilians to flee northern Gaza » and permitted « humanitarian aid to trickle in » (Hooper & Hussey, 2023).

#### **4.2.4. *The Guardian***

The first news article released by the Guardian on this event describes the toll that the siege is taking on civilians and aid workers as well reiterating the fact that the tightening of the siege has been declared a war crime by the UN (McKernan, 2023).

A subsequent article claims that « Hamas's barbarism does not justify the collective punishment of Palestinians » (Malik, 2023) which highlights the principle of reciprocity enshrined in CIL.

The same piece also uses the claim made by Daniel Levy to a BBC presenter « can someone credibly tell me that (...) cutting off food, electricity water, all supplies, to an entire civilian population, that they're targeting militants? »; This highlights the illegal nature of this action and the absurdity of arguing otherwise. Other articles directly quote a spokesperson for the Israeli human rights group B'Tselem « We are talking about war crimes and collective punishment that Israel is implementing » (Michaelson, 2023). These claims are preceded by a description of the « 16-year blockade of Gaza »

and its consequences in order to contextualize such a practice by the Israeli state. It also quotes the secretary general of the UN, Antonio Guterres, who called for lifesaving supplies like food and water to be allowed into the strip (Michaelson, 2023).

Another article reports on the bombing of the sole crossing between Egypt and Gaza by Israel, thus preventing people from leaving and aid from coming in. It delves into the dire situation regarding aid, food, water, and electricity in the Gaza Strip. According to UNRWA, 63% of Gaza's population relied on international aid even before the 'conflict'. This context highlights the severity of the humanitarian crisis caused by the complete siege on aid following the Hamas attack (Yerushalmy, 2023).

In terms of food security, over 60% of Gaza's population faced food insecurity even under « normal times »— a term that is misleading given that living under blockade is far from normal. Gaza's significant dependence on external products and food produced outside the Strip suggests that this insecurity will be further exacerbated under the tightened blockade in recent days.

The cutting of water supplies has left the entire Gaza Strip reliant on an aquifer contaminated by sewage, chemicals, and seawater for over 2 million people. As early as October 17th, reports indicated that people, especially in Northern Gaza, were beginning to dehydrate to death as clean water supplies dwindled (McKernan, 2023b). The article emphasizes that access to water is a basic human right, and the deliberate denial of water violates IHL and the Geneva Conventions, constituting a war crime according to UN experts (Mehta and Alan, 2023).

On the 25th of October, a news article claims humanitarian aid and relief efforts in Gaza would be forced to stop as fuel does not reach the besieged territory (Rory & Balousha, 2023). They describe Oxfam's claim that Israel is using starvation as a weapon of war against the civilians in Gaza, as the strip is receiving only 2% of its usual supply of food. Even after it was allowed to get in -drop by drop- the aid being permitted into Gaza will not even « scratch the surface of what is needed » (Holloway, 2023).

When the blackout was enacted by Israel in Gaza, the Guardian covered it and deployed Human Rights Watch's argument that it was potentially used to cover for human rights violations. From a journalistic point of view this has serious consequences as it allows the spread of misinformation on a great scale. The 36 hour near total communications blackout orchestrated by Israel is described as a serious violation of Palestinian digital rights, which is exacerbated in the current context where « you can't report if there has been a bombing or to contact aid groups » (Rory, 2023; Farah, 2023).

### **4.3. 12/13 of October : The Forced evacuation of Palestinians from the North to south Gaza**

#### ***4.3.1. Legal Qualification***

On October the 13th, Israel told residents of Gaza City, which account for almost half of the Gaza population -1.1 million people-, to evacuate to the south. In the weeks that followed, Israel will push for an evacuation of the entire north and hundreds of thousands of people will leave their homes, which will mark the beginning of a process where almost the entirety of the residents of the Gaza Strip will be uprooted, with families often forced to flee several times as the Israeli forces advance (Human Rights Watch, 2023a).

Israel's order to 1.1 million people to leave the North of Gaza within 24 hours has been characterized by several UN experts as a crime against humanity and a blatant violation of IHL. Indeed, the Special Rapporteur on the human rights of internally displaced persons has insisted on the fact that the forcible transfer of a population, alongside collective punishment, are forbidden in IHL, as enshrined in article Article 7(1)(d) of the Rome Statute (ICC, 1998). Other independent NGOs such as Amnesty International have highlighted that the actions of Israel, consisting of the forced displacement of a civilian population, amounts to a violation of IHL, despite Israel's claim that it has given 'effective warning' (2023b). This is especially true considering 24 hours to evacuate a whole civilian population is unfeasible. The demand to evacuate a population this size, that has been deprived of essential goods and basic services is not achievable and pushing it further may have devastating humanitarian consequences. Many people will not have been able to evacuate, including patients in medical facilities (Human Rights Watch, 2023c).

Regardless of the timeframe, Israel cannot treat the whole of northern Gaza as an open-fire zone solely based on issuing this order. Israel still retains an obligation to distinguish between civilian and combatant. The Fourth Geneva Convention (GC IV), in its Article 49, prohibits individual or mass forcible transfers and obliges an occupying power to provide civilians with proper safe conditions. The exception within this rule allows for evacuation, which is provisional and undertaken in the interests of the protected persons themselves. Assuming that this is an evacuation ensured for the safety of North Gaza residents and imperative military considerations, there are important safeguards. The occupying power has an obligation to provide the evacuees with suitable accommodation AND the evacuees should be able to return to their homes when the hostilities end - given that there are homes to return to and that they have not all been carpet bombed (ICRC, 1949).

Secondly, as enshrined in article 27 of the 4th Geneva Convention, the occupying power has to ensure the satisfactory conditions of hygiene, health, safety, and nutrition, and that members of the same family are not separated (ICRC, 1949). In the context of the Gaza Strip, the lack of adequate accommodation and satisfactory conditions in the 'safe designated areas' already shows a breach of the rightful conditions for evacuation; According to the OCHA, Israel has actively prevented humanitarian supplies from being delivered to overcrowded and precarious areas leading to a dire food, water, and sanitation situation (Human Rights Watch, 2023f). Then, there are no safe routes to reach these supposed 'safe places' since Israel has repeatedly bombed these humanitarian corridors (Human Rights Watch, 2023b). In terms of warning, the Israeli military has dropped leaflets to order northern Gaza residents to evacuate to supposed safe locations, without providing them with the

means to do so. This is showcased by the fact that most of these leaflets have QR codes, which entails a presumption that all Gaza residents have smartphones, which are charged and in working order, with internet. This is contentious considering Israel has disconnected Gaza from the internet, attacked communication infrastructure, and cut off the electricity supply. Thus these leaflets cannot be considered to fulfill the purpose of effective warning (Human Rights Watch, 2023b).

Finally, the evacuation of the civilian population must be undertaken within the occupied territory. Since Israel is recognized as the occupying power in Palestine -the West Bank, Gaza, and East Jerusalem (UNGA, 2022)-, if Israel were to follow the conditions for evacuation, Gaza residents would be relocated to the West Bank or East Jerusalem, or even within Israel proper rather than to the Egyptian Sinai peninsula - which has repeatedly been suggested by Israel, even though lies outside the occupied territory (Akande, 2023). This is especially worrying considering the systematic denial by Israel of the right to return to the Palestinians following their displacement during the 1948 Nakba and the 1967 war (Erakat, 2019).

Since Israel has not given effective warning, created any safe humanitarian corridors, safe places for evacuation, or the satisfactory conditions for evacuation, the current situation cannot be considered to meet the legal requirements within the meaning of Article 49 of the 4th Geneva Convention vis-a-vis the treatment of civilians in times of war and can only be seen as a mass forcible transfer of civilians, an act prohibited under that very same article (ICRC, 1949). The term « forcible transfer » describes the forced relocation of civilian populations and it is a crime against humanity punishable by the International Criminal Court (ICC) (Office of the High Commissioner for Human Rights, 2023a; Akande, 2023).

#### ***4.3.2. The Daily Telegraph***

The first article published by the Daily Telegraph mentions Israel's forced evacuation of 1.1 million Palestinians in 24 hours. They highlight the Israeli government's claim that «Palestinian civilians would only be able to return when another announcement was made. »(Bowman, 2023) It does highlight that the UN urged Israel to rescind the order as it would be « impossible for such a movement to take place without devastating humanitarian consequences ». This is followed by a statement that «A ground invasion of Gaza poses a serious risk due to the number of Israelis held hostage by Hamas » (Bowman, 2023) which is a clear indication of who's lives are deemed valuable in this context. In a following piece, in relation to the evacuation order, we witness language that describes the existential threat that Israel is undergoing; « fighting for its future » « war on the existence of Israel » (Vasilyeva, 2023) which places this action as a legitimate response to the real threat pending on Israel.

We see mentions of a lot of NGO's and IO's reactions to the forced evacuation of Gaza residents, describing how the « UN and other organizations have condemned Israel's 24 hour ultimatum in Gaza » whereas the UN organization for Palestinian refugees said that « Gaza was on the brink of

collapse », UNRWA claimed that the « unfolding humanitarian crisis is bone chilling », the WHO said that this order would be a « death sentence » especially for the wounded. Revealing these statements is a positive step, as it implies that the opposition of legitimate organizations to Israel's actions indicates their illegality, though it still lacks explicit references to international law (Vasilyeva, 2023).

The article exposes Isaac Herzog's claim that « it is an entire nation that is responsible » and that « civilians could have risen up and fought against the evil regime ». These statements are not analyzed as language that erases the notion of combatants by placing the responsibility for the 7th of October on the entire population -collective punishment- and could even amount to genocidal intent. They make the claim that the « Israeli planes were dropping flyers on Gaza City, telling residents they had to flee ». The article fails in mentioning the limits of such a practice, especially in the context of a blockaded enclave where residents cannot get out. Moreover, providing people with effective warning does not allow Israel to subsequently target civilians in an indiscriminate manner.

In the only piece that spreads the voice of Gaza residents we witness a way more exhaustive approach; It describes the lived reality of Gaza residents by actually collecting their testimonies on the situation. The Israeli strike on people fleeing Gaza city through the safe routes is mentioned, even though the claim is attenuated by mentioning that Hamas is responsible for it as the « terrorist organization that runs the enclave » (Shamalakh, 2023). The absurdity of the evacuation order is underlined by the mention of the highly dense population of Gaza which is « no bigger than the isle of white » but « is home to about 2.4 million Palestinians ». This is further highlighted with the rhetorical question posed by UN aid chief Martin Griffiths « How are 1.1 million people supposed to move across a densely populated warzone in less than 24 hours? » (Shamalakh, 2023). There is mention of previous historical events, with testimonies stating that this was like « re-living the Nakba all over again » and then go on to define it and describe its consequences, mostly that it « caused a permanent displacement of a majority of the Palestinian Arabs. ». This account is very exhaustive in setting the context and describing the humanitarian crisis, but it still does not mention International legal frameworks.

In the Telegraph view, it is argued that Rafah should be opened as a « a way out for Gaza residents and their families » thus suggesting that all Gaza residents should leave Palestine and go into the Sinai to be safe. It even goes on to suggest that for this mass forced displacement and ethnic cleansing there « could be international monitoring and funding to facilitate such movement. ». Then, when « Hamas are finally removed the people could return to Gaza, this time with financial backing to rebuild the infrastructure, which oil rich Arab states could provide » (Telegraph View, 2023).

#### **4.3.3. *The Sun***

The first article that mentions the forced evacuation ordered by Israel is on the 13th of October; « Israel warned 1.1 million people living in the north of the Gaza Strip to flee their homes ahead of an "imminent attack ». It goes on to describe how Iran described this forcible transfer as a war crime, a claim that is backed by the « resistance movements » composed of Hezbollah, militant groups in Yemen, Iraq and Syria (Parker et al., 2023). By placing those groups as the defenders of IL rather than crediting prominent IO's and NGO's, this article effectively discredits IL.

Then, the terms « bloody war » and « war torn » country are used to reference the position of Israel in this 'conflict', and as a justification for the evacuation of 1.1 million Palestinians (Parker et al., 2023). This article describes how « Leaflets were dropped in Gaza warning of an "imminent attack » and goes on to say that this is « for your (Gaza residents) own safety ». This is supplemented by the declaration « Hamas militants are hiding inside a matrix of tunnels underneath the city and inside buildings where citizens live » (Parker et al., 2023). These statements, when they are joined together, constitute a legal argument for the indiscriminate targeting of civilians. Essentially, since there was a warning and that the Hamas militants are hiding amongst them, then the forced evacuation is legitimate, and since it is impossible to dissociate civilians from combatants, the discrimination principle of international law does not apply. When this is supplemented by formulations like “evacuation warning” (Parker et al., 2023) rather than “evacuation order” it makes it look like Israel is not the one carrying out this attack, thus lessening its responsibility for its consequence.

As exposed in a subsequent piece, these leaflets are «informing citizens that they would be identified as a partner in a terrorist organization if they didn't move south in Gaza »(Hooper & Hussey, 2023) but does not legally contextualize this practice. This warning does not allow the Israeli military to deflect from its duty to discriminate between combatants and civilians, especially in the context of such a large scale forced evacuation of 1.1 million civilians within an already densely populated strip.

There are a couple of references to the UN Palestinian refugee agency's statement that« This is chaos, no one understands what to do » which exposes how this war crime is experienced by Gaza residents. There is also a description of the bombing of what had been coined as 'safe routes' by Israel and shows the footage of a car exploding along «Salah al-Din Road after Israel's evacuation order to 1.1million Gazans. » (Radnedge, 2023). Once again, none of these descriptions come with any form of legal qualification

#### ***4.3.4. The Guardian***

An article published on the 12th of October refers to evacuation orders for residents before the announcement of the mass evacuation of 1.1 Gaza residents to the South. In this article they relate Palestinian journalists claim that « [Israel] bombed a building where people who had been evacuated from their homes had gone to shelter » and that there was « no warning or anything » (Beaumont , 2023). This is based on testimonies, but the bombing of civilian infrastructure without any form of warning means that the attack is indiscriminate and amounts to a war crime;

these actions are not defined as such in the article. Then on the 13th, the Guardian article described the situation prior -the siege, humanitarian issues- to the forced evacuation announcement and quotes the UN's claim that such a movement is impossible «without devastating humanitarian consequences » and turning a «a tragedy into a calamitous situation. ».

This article directly historicizes the situation by highlighting that « everyone in Gaza is a refugee from one of 200 Arab village (...) that were destroyed in 1948 » thus placing this evacuation order in the continuity of Palestinian experiences. It argues that the warning and 'evacuation' for the sake of civilians safety is just a way of «immunising Israel against accusations of war crimes » (Helm, 2023). It goes on to describe how UN resolution 194 granted all the displaced Palestinians with a right to Return, which, since then, has been denied by the Israeli state. Seemingly, the only way out is Egypt, who is « strongly opposed to accepting refugees, knowing it would be collaborating in permanent ethnic cleansing » because if Gaza residents «flood over into the Sinai, they may not be allowed back. ». This article qualifies the evacuation order, or the overall policy of Israel, as ethnic cleansing.

Then, a following news piece describes the bombing of «vehicles carrying fleeing civilians in Gaza » on one of the two roads that Israel army had declared a « safe route ». This is not legally qualified by the article but the acute description based on forensic architecture analysis suggests that this amounted to a violation of international law. (McKernan and Taha, 2023). Then the article claims that the warning might not have been as effective as hailed by Israel as there is no data on « how many people have received the messages, as electricity has been cut and communication lines have been shaky since Israel began bombing the strip ». A subsequent opinion piece shows how the 'safe routes' or 'evacuation corridors' were «manifestations of colonial fantasy: two long arrows pointing southward, away from Palestine towards the Egyptian border » (Kouddous, 2023). This introduces the notion of power and the use of postcolonial theory which places the Palestinian question in a wider conversation.

Finally, the Guardian editorial explicits international law by claiming that the « temporary removal of civilians in war zones can be lawful »and goes on to highlight that Egypt is being « offered a debt write-off if it accepts refugees » which could amount to complicity for the forcible transfer of Palestinians (Editorial, 2023).

#### **4.4. Throughout October : The Bombing of Hospitals, the assault on the healthcare system AND the indiscriminate bombing of civilian infrastructure**

##### ***4.4.1. Legal Qualification***

All the aforementioned war crimes and crimes against humanity are intertwined and feed into each other so dissecting them serves as a way of evaluating whether the UK media coverage addresses the different events/elements in a holistic and exhaustive way. Within the first 4 weeks of the Israel-



Gaza 'war', the Israeli military's assaults on medical facilities, personnel, and transport are participating in the annihilation of Gaza's healthcare system which should be investigated as war crimes. This is especially true considering minor damage can have life or death implications for patients in medical facilities, thus rendering the risk of 'disproportionality' greater. These attacks, carried out alongside Israel's cutting off of access to electricity and water and blocking of humanitarian aid, have severely impacted the healthcare system (Human Rights Watch, 2023b).

As of November 12th, the WHO has reported that at least 521 people, including 16 medical workers, have been killed in 137 assaults on "health care" in Gaza. According to the UN, this has resulted in 2/3rds of primary care facilities and half of hospitals in Gaza not functioning at a time when medical personnel are dealing with unprecedented numbers of injured patients (World Health Organization, 2023).

Human Rights Watch has systematically investigated these attacks; Israeli forces struck the Indonesian Hospital multiple times between October 7 and October 28, killing at least two civilians. The International Eye Care Center was struck repeatedly and completely destroyed after a strike on October 10 or 11. Strikes hit the compound and vicinity of the Turkish-Palestinian Friendship Hospital on October 30 and 31. Damage to the hospital as well as a lack of fuel for hospital generators resulted in its closure on November 1. Repeated Israeli strikes damaged the al-Quds Hospital and injured a man and child out front. Israeli forces on several occasions struck well-marked ambulances, killing and wounding at least a dozen people in one incident on November 3, including children, outside al-Shifa hospital (Human Rights Watch, 2023b).

Under Article 19 of the 4th Geneva Convention, hospitals and other medical facilities are civilian objects that possess special protections under IHL. They can lose their immunity if they are used to commit acts harmful to the enemy and after an effective warning with a reasonable time limit. Moreover, ordering patients, medical staff, and others to evacuate a hospital should only be used as a last resort (ICRC, 1949).

Then, the warring parties must take constant precaution and minimize the harm to civilians. Attacks on a hospital that has been declared a legitimate military target are still deemed unlawful if they are carried out in a disproportionate and indiscriminate manner. The use of explosive weapons in densely populated areas invariably increases the risk of it being deemed indiscriminate and when the anticipated civilian loss of life and infrastructure is deemed excessive in relation to the direct military gains, then the assault is considered disproportionate (ICRC, 2005.).

On October 27th, Israel's military claimed that Hamas was using hospitals as terror infrastructures by, inter alia, publishing footage alleging that al-Shifa hospital was an operating center for Hamas and that the Indonesian hospital was a control center that had deployed a rocket launchpad 80 meters from the hospital. These claims have not been corroborated by Human Rights Watch, making the attack on these Gaza hospitals potentially not legitimate as there was no sufficient evidence allowing Israel to claim that their protected status could be rescinded. Israel has often

claimed that these assaults have been based on intelligence which it has refused to share, and even if these claims are accurate, they have not demonstrated a willingness to ensure that these attacks were proportionate (Human Rights Watch, 2023b).

Finally, as aforementioned, the evacuation order issued on October 13th in Northern Gaza was not an effective warning since it did not take into account the specific requirements for hospitals, meaning ensuring safety for patients and medical personnel, as enshrined in article 18 of the 4th Geneva Convention (ICRC, 1949)

#### ***4.4.2. The Daily Telegraph***

A recent news article highlights the severe crisis faced by hospitals in the densely populated Gaza Strip, exacerbated by Israeli airstrikes that have damaged healthcare facilities (Oliphant, 2023). The article reports that the Anglican-run Ahli Hospital was hit by rocket fire, injuring four staff members and putting patients in grave danger, particularly due to the ongoing siege that has depleted medical supplies. This situation is further compounded by the unreasonable evacuation orders issued to hospitals; for example, a Médecins Sans Frontières doctor noted that the Israeli army gave only two hours' notice before targeting Al-Awda Hospital (Rothwell and Shamalakh, 2023). These articles connect the war crimes committed by the Israeli government and demonstrate how these actions exacerbate the humanitarian crisis. However, they do not address the protected status of hospitals under IHL or explain how such actions constitute war crimes under IHL.

Another news article argues that «due to a lack of aid arriving into Gaza, and amid intense Israeli airstrikes which have crippled the Strip's already fragile health infrastructure." the lives of many newborn babies and mothers are at risk. This highlights how this health care crisis is disproportionately affecting women and children yet again it does not mention IHL (Sebouai, 2023). A subsequent news report covered the bombing of an ambulance in Gaza City, which was based on the unverified Israeli military claim that the vehicle was carrying Hamas terrorists. It displays a statement made by the director of the WHO, who has expressed his shock that ambulances evacuating hospitals could be attacked as «patients, health workers and medical facilities must be protected » (Staff, 2023). Displaying this statement seems to suggest a reference to IHL but it is not subsequently delved in.

Then, an opinion article argues that all figures on Palestinian casualties are terrorist propaganda and should be treated as such. This is related to the Al Ahli blast where prominent newsrooms across the world, including the BBC, were quick to assign the blame to an Israeli strike. He argues that « «the repercussions of this terrible journalism have been world-historical in their nature » referring to a cancelled meeting between Biden and Arab leaders, and protests erupting across the world, especially in front of American embassies (Schorr, 2023). The journalist then goes on to cite newspapers announcing the number of Palestinian deaths like « Al Jazeera (...) is

reporting that the death toll outstrips 4,000 according to a “health ministry” » and argues that these are not news reports but rather « terrorist propaganda » conveyed by « anti semites and ignoramuses ». Not only does this article fail in mentioning international law, it also discredits any type of coverage relating to Palestinian casualties.

#### **4.4.3. *The Sun***

The Sun’s first article that mentions the situation in hospitals is on the 12th of October, quoting the ICRC’s regional director claiming the siege on Gaza would « cripple hospitals » as they would lose power which would put « newborns in incubators and elderly patients on oxygen at risk. » Another piece, through satellite footage and other pictures, reports on the mass destruction of the Strip. It displays Israeli officials, most notably Gallant’s -Israeli ministry of defense- statements « we are fighting human-animals » and that they are going to « wipe Gaza off face of the earth » (Starkey & Hooper, 2023). These statements are not denounced as conflating civilians with militants which could be considered intent for war crimes -collective punishment- and potentially genocidal rhetoric

In a 'news piece' they write the following sentence « Hamas is known to use the suffering residents of the tiny region as human shields - with more than 4,100 dying since strikes began on Gaza » which both uses the passive voice -Palestinians die- and takes away from Israel’s responsibility (Hooper & Hussey, 2023). The use of passive voice in describing Palestinian casualties becomes even more apparent in the following sentence: « In the two weeks of chaos, more than 1,400 people in Israel have been killed and more than 4,100 people have died in Gaza. » This highlights a double standard in the newspaper's language; the choice of « killed » for Israeli casualties and « died » for Palestinian casualties implies a difference in agency or responsibility. "Killed" suggests a deliberate action, whereas « died » is more passive and neutral, indicating a bias towards attributing agency or culpability to one side over the other (Hooper & Hussey, 2023).

In a subsequent news piece, the Israeli attacks and operations in Al-Shifa hospitals and other healthcare centers in northern Gaza are presented as an absolute military necessity. The only time international law is used is to describe the Hamas using medical facilities to conduct military operations which represents a «terrible breach of IHL. ». (Malley, 2023).

Then another article describes the bombing of Gaza and refer to it as « the terrorist’s lair battered from land, sea and air » (Perrie, 2023). It is unclear on whether they are referring to the bombing of a Hamas headquarter or the Strip in general but this elusiveness could help construct the idea that the whole of Gaza is a ‘terrorist’s lair’. This entails that either no one is innocent -which has been declared by some Israeli politicians- or that any civilian death is a ‘collateral damage’ and an acceptable casualty. Then, it mentions that the « airstrikes targeted the Jabalia refugee camp in the north-eastern part of the Strip » (Perrie, 2023) without delving further into it, or qualifying such an action as a potential indiscriminate targeting of civilians and a war crime under IHL.

A following news article zeroes in into the Israeli airstrike in the Jabalia refugee camp aimed at Ibrahim Biari -one of the Hamas leaders that orchestrated the 7th of October attack-which killed around 50 civilians. They they claim that these airstrikes are part of the « terrible nature of the conflict in the Middle east » and when the question of international law is raised the answer is that « this is the reality of the conflict with an organization like Hamas »(Kraterou et al., 2023). Then, they go on the reiterate what happened on the 7th of October describing it as « murder in cold blood » and « innocent » which are both descriptors which are never used to describe the Palestinian civilian deaths caused by Israeli airstrikes.

Finally, the article addressing the Israeli airstrike on an ambulance opens with, « Israeli forces have destroyed an ambulance said to have been filled with ‘Hamas fanatics », relying solely on IDF claims that they « have information which demonstrates that Hamas' method of operation is to transfer terror operatives and weapons in ambulances » (Rogers, 2023). This formulation suggests absolute certainty and fails to address international law and the protected status of ambulances. The article further argues that « this area is a battle zone, » which legitimizes the targeting of civilians and protected entities under international law.

#### ***4.4.4. The Guardian***

The Guardian’s editorial links the forced evacuation of Palestinians form northern Gaza to Israel’s assault on health care in the Strip. It does so by relating the WHO’s statement the forced evacuation it is a « death sentence » especially since most hospitals in the Strip are located in the north (Editorial, 2023). They also disclaim the narrative whereby Israel has systematically warned civilian populations before carrying out airstrikes. Quoting UN bodies as well as international NGO’s they stipulate that the indiscriminate bombing corresponds to a « criminal policy of revenge » (Editorial, 2023).

This opinion article concurs this through the example of evacuation leaflets, which hold that those remaining are « accomplice in a terrorist organization ». This means that non combatants are « fair game » which constitutes a « public confession of what could amount to future war crimes » (Jones, 2023).

This Guardian news article reiterates basic premises of International law such as hospitals being specially protected facilities under IHL and that « no patient should ever be killed while lying in a hospital bed. No doctors, nurses or any medical professionals should ever die in a fiery explosion while working to save lives » (Borger, 2023). Another piece taking on a purely legal perspective, uses quotes by NGO’s such as Amnesty’s reports « that document unlawful Israeli attacks, including indiscriminate attacks, which caused mass civilian casualties and must be investigated as war crimes » (McGreal, 2023).

Other pieces address the breakdown of the healthcare system in Gaza as « More than a third of Gaza's hospitals are no longer functioning, putting remaining facilities under massive pressure » especially due to the number of injuries and casualties resulting from incessant Israeli airstrikes. Doctors and other aid workers have described feeling very alone and abandoned by the international community as this « humanitarian tragedy » unfolds (Burke, 2023). The healthcare crisis is rendered obvious by the fact that « 30 healthcare staff had been killed, and 15 hospitals were now out of service along with 32 healthcare centers. » (Belam and Chao-Fong, 2023)

Then, the blockade is put in link with the health crisis; over 95% of Gazans drink contaminated water thus creating risks of further accentuating the health crisis. Kids have been suffering from «stomach flu with symptoms including abdominal cramps, vomiting and diarrhea » as a consequence of the scarcity of basic resources. This issue is linked back to the lack of fuel which prevent « desalination plants from operating at full capacity, and limits the ability to pump water to homes and transport it on trucks » . Effectively, even though it does not legally qualify this, the article highlights how all the actions -war crimes- carried out by Israel are reinforcing and mutually constituting a catastrophic humanitarian crisis (Ahmed, 2023).

The article cites Hamas's claim that « at least 27 people were killed in a blast near a UN school in the Jabalia camp on Thursday, » reflecting a broader trend reported by UNRWA, which noted that « four of its schools in Gaza used as shelters have been damaged in less than 24 hours » (Chao-Fong and Yerushalmy, 2023). Regarding indiscriminate bombing in the Jabalia refugee camp, a professor of IHL and human rights at Leiden University interviewed by the Guardian explained that the use of JDAMs (a munition with delayed detonation that burrows through the ground, causing buildings to collapse from the resulting earthquake-like phenomenon) requires Israel to have a very strong military justification given the high concentration of civilians. Another professor stated that « it would be very difficult for Israel to justify this as a proportionate attack, » potentially classifying it as a war crime (Graham-Harrison et al., 2023).

## 5. Discussion

### 5.1. Table

	<b>The Guardian</b>	<b>The Daily Telegraph</b>	<b>The Sun</b>
<b>The 7th of October terror attack</b>	<b>Yes</b> , repeatedly describes the killing of civilians and the taking of hostages as war crimes and potentially crimes against humanity	<b>Yes</b> , but not the main lens	<b>Not clearly</b> , but it does suggest that it was indiscriminate killings
<b>The tightening siege on Gaza</b>	<b>Yes</b> , qualifies it as collective punishment and a war crime	<b>Not clearly</b> , two articles qualify it as potentially problematic and most of them argue that it is not	<b>No</b>
<b>The forced evacuation</b>	<b>Yes</b> , argues that this constitutes forcible transfer, collective punishment	<b>No</b> , even though there is a partial recognition that this is a humanitarian crisis	<b>No</b> , and the claim that mass deportation is a war crime is undermined by associating this type of argument with that of illiberal regimes and terrorist organizations  In another article, international law is argued to be irrelevant in this context
<b>The wanton bombings and assault on the healthcare system</b>	<b>Yes</b> , it does qualify indiscriminate bombing as war crimes and mentions the protected status of civilian infrastructure and health care facilities	<b>No</b> , there are a few terms deployed that could suggest it but no clear reference to international law	<b>No</b> , and the only time the Sun explicitly refers to IHL is by arguing that Hamas breached it

### 5.2. Legal Discussion

In relation to the 7th of October and the Israeli response to the Hamas Attack -characterized by the enactment of multiple war crimes-, we see differences between newspapers, not just founded on how these actions are legally qualified but also on the frameworks that are mobilized to discuss them.

### **5.2.1. *The Daily Telegraph***

The Daily Telegraph is ambiguous in its coverage, particularly because there is a distinction between its news articles and opinion pieces. While some of its news articles do address the humanitarian crisis in Gaza and touch on issues of international law, this exploration is often superficial and fails to actually legally qualify certain actions. For instance, these articles might report that an international organization has stated that «medical facilities must be protected » (Staff, 2023) but it does not go further to argue that Israel's actions against these institutions might constitute a war crime. This stems from an almost systematic tendency -across different types of articles- for the Daily Telegraph to defend or at least not hold Israel accountable for the actions it is carrying out in the Strip. The fact that these are never explicitly stated -in comparison to crimes committed by the Hamas- does highlight a form of doubt standard.

Across the Daily telegraph's news articles, the humanitarian crisis is recognized, but it is almost systematically presented as entirely the responsibility of the Hamas. On the other hand, opinion pieces and editorials -which for the Daily Telegraph reflect the same ideology- barely recognize the plight fo Palestinians and very rarely mention international law bar to defend Israel and its actions. Regarding the different legal qualifications, across the Daily Telegraph's coverage, the indisputable and undebatable right to self defense of Israel against the Hamas is reiterated. They do not only fail in addressing the legal debate that surround Israel's right to self defense in the current context, but go further by effectively subordinating jus in bello to jus ad bellum. There is an invalidation of IHL in the discourse of the Daily Telegraph which holds that respect of IHL is a « PR difficulty » (Kemp, 2023) that should not constrain the use of overwhelming violence to respond to the 7th of October attack.

The Daily Telegraph does mention IHL, especially in relation to hostage taking and intentionally harming civilians -actions taken against Israel-, but it is not the main prism through which it analyzes the situation, which is more veered towards strategic or militaristic arguments. The 7th of October and the actions of the Hamas are clearly defined as a war crime, but the following siege of Gaza by Israel is described ambiguously. One article argues that the use of starvation is legally grounded if the population under siege refuses to evacuate. Then, it is argued that « Laying siege to Gaza and cutting off water and electricity is problematic under international law » yet goes on to claim that Israel has said it would interrupt the siege if the 150 Hamas held hostages are released (The Telegraph View, 2023), thus shifting the burden of responsibility. This coverage goes on to formulate a question; « Why are those condemning Israel not calling for the hostages to be freed? »(The Telegraph View, 2023). This deflects from the principle of non-reciprocity in CIL, as it justifies Israel's war crime and presents it as a legitimate answer to the war crime committed by Hamas (The Telegraph View, 2023).This logic permeates the discourse that we find in the Daily Telegraph's articles, which tends to make the case that Israel's practices have to be understood as reactive and necessary.

There is a form of legal positioning, since the Daily Telegraph articles do not just fail to mention the war crimes committed by Israel, they actively claim that the siege on Gaza is not an act of collective punishment, and yet again, shift the blame entirely on Hamas rather than recognizing that both political actors involved in the conflict should be held accountable for their actions. Then, regarding the forced evacuation of Gaza residents and the assault on civilian infrastructures there is a recognition of the humanitarian crisis triggered by these actions, but we see that the military-strategic framing often prevails and overrides legal qualifications.

### **5.2.2. *The Sun***

The Sun's coverage shows a notable lack of reference to international law in its legal qualifications. While some 'world news' pieces accurately depict the humanitarian crisis in Gaza and detail how various Israeli policies contribute to it, both opinion pieces and news articles exhibit similar narratives and a consistent failure to engage with international law. Consequently, no clear distinction can be made in their analysis. In terms of *jus ad bellum*, Israel's right to self defense is proclaimed as unambiguous and inherent, and the proportionality requirement is subordinated to the incommensurable crimes committed on the 7th of October. Relating to *jus in bello*, despite extensive coverage, the Sun barely qualifies the Hamas attacks as a war crime and potential crime against humanity. The subsequent siege on Gaza, forced evacuation, and indiscriminate bombing of civilian infrastructure are not designated as violation of IHL and potential war crimes either. One of the only time IHL is mobilized is to describe the Hamas's use of civilian infrastructure as a military base, which is qualified as a war crime. This does show a form of bias, as contrary to the Guardian, which starts a conversation as to whether the Israeli targeting of these infrastructures is legitimate or not, the Sun solely condemns one side.

Overall, the Sun articles do not just fail to address the legal aspect of the 'conflict', they actively discredit this framework. In different pieces- whether news or opinion-, they highlight its useless nature when addressing conflicts with non state actors and how irrelevant it is as a lens to observe the Israel-Gaza 'war'. One article goes even further by associating international law with illiberal regimes like Iran and terrorist organizations such as the Hamas or Hezbollah; By only referring to international law as something that comes out of the mouth of the leaders of these political entities, the Sun discredits international law and annihilates its relevance as a framework to analyze this 'war'.

The propensity by these two newspapers -The Sun and the Daily telegraph- to either discredit international law or consider that it should solely be applicable to defend the legal subject -Israel- reflects political positions that are dangerous, as they justify Israel's actions even when they are blatantly illegal.

### **5.2.3. *The Guardian***

On the other hand, the Guardian addresses international legal systems at every level of its analysis of the situation. First and foremost, in its qualification of the massacres committed by Hamas on the



7th of October as a war crime and potential crime against humanity. Several articles, whether news, editorials or opinion pieces, highlight the principle of non-reciprocity in CIL, thus circumventing the claim that the Hamas attack was justifiable in light of previous war crimes committed by Israel or that the Israeli state has 'carte blanche' in how it responds to this assault. By insisting on the principle of non-reciprocity and the importance of civilian protection, it places the legal boundaries of Israel's response.

Then, when addressing Israel's right to self defense, most articles recognize it but they also share alternative voices that legally challenge Israel's use of military violence in occupied territories. Essentially, this right is discussed in light of the particular circumstances and the ambiguous legal context. The Guardian systematically refers back to international law when addressing the siege on Gaza and the forced evacuation of Palestinians, as expressed by numerous news and opinion articles. They are both qualified as war crimes and potential crimes against humanity, including by editorials which reflect the position on the newspaper (Editorial, 2023). The Guardian articles also deploy a legal framework to define prior violations of International law committed by the Israeli regime in the West Bank, Gaza and East Jerusalem. The situation prior the 7th of October is described by the Guardian's editorial as not « sustainable nor containable » thus grounding these events in historical and legal context.

Our first finding reveals that The Guardian employs international law across various types of articles to analyze the Israel-Palestine 'conflict', while The Daily Telegraph invokes international law primarily to defend Israel, either by qualifying crimes committed against it or by dismissing claims of war crimes in Gaza. This finding is tempered by the fact that news pieces of the Daily Telegraph fail to condemn Israel -whilst they condemn Hamas- but do not display overt bias whether editorials and opinion pieces have a very pro Israel, pro security stance. In contrast, The Sun rarely addresses international law and often undermines its relevance in analyzing the 'conflict'. Firstly, the fact that the tabloid newspaper barely refers to international law compared to broadsheet newspapers is a rather intuitive finding. Then, this discourse analysis suggests a potential correlation between the political leanings of newspapers and their deployment of international law. Specifically, it appears that progressive, left-leaning newspapers are more likely to use international law as a framework for examining the conflict, whereas right-leaning newspapers tend to adopt alternative frames and narratives. This is of course nuanced by the partial mobilization of international law by the Daily Telegraph, but since it is not exhaustive and only applied to certain subjects -in this case the legal western one- then it is not systematic and cannot be considered to be accurately deployed.

Despite the mobilization of international law being virtually absent and/or partial in these two newspapers, their positions can be 'legally rationalized'. This is especially true considering the circumstantial evidence -context- that they provide and the rhetoric that they deploy. If we draw from theory relating to framing and narrative construction we can extract legal meaning from these 'non-legal lenses'. Essentially, they reflect certain socio-ideological narratives that can be translated into legal 'arguments'.

## 5.3. Socio Ideological Narratives

### 5.3.1. *The Daily telegraph*

Through this Critical Discourse Analysis of media discourse, one can witness the narratives that underpin the Daily Telegraph's coverage. These transpire mostly in its opinion articles and in its editorials -The Telegraph View- which are characterized by blatantly selective contextualization and biased language. These narratives collectively work to justify Israeli military actions, dehumanize Palestinians, and frame the 'conflict' in a way that garners sympathy and support for Israel while minimizing or dismissing the plight of Palestinians. Numerous articles participate in this orientalist narrative that mobilizes the terrorist and military prowess frames to justify the disproportionate and indiscriminate use of violence on Palestinians. Even though it fails to exhaustively mobilize international law, the Daily Telegraph, at least in its news section, does cover the destruction caused by the Israeli offensive in Gaza, its effects on the health care system and the living conditions of civilians in the Strip.

#### a) **Orientalist narrative and terrorist frame**

As aforementioned, it does use international law to describe the war crimes committed on the 7th of October, but the rhetoric is more veered towards emotional language with terms like « barbaric » « evil » « savagery » and « hostile strangers » (The Telegraph View, 2023 : Cohen, 2023).

The portrayal of the Hamas -and Palestinians at large- as savage, backwards and unable to partake in diplomatic solutions clears Israel from its duty to respects IHL and confirms the idea that the 'terrorist' cannot be dealt with in any other way than brute force, as exemplified by the lexicon of necessity ; « has to » « crucial » « for its survival » (Cohen, 2023).

This orientalist reading of the 'conflict' and the deployment of the terrorist frame reminds the reader that Israel is the western, moral subject that is combating the 'other', the barbaric, the Arab. This serves two purposes; firstly it renders palatable, and necessary, the use of violence on Palestinian bodies, and then it ensures the unconditional support of reader for the civilized western subject -Israel. The clash of the civilizations paradigm is emphasized by the claims that « terrible actors in the Middle East » are seeking to « destroy our allies » the « US » and « NATO » (Kemp, 2023). This manichean narrative is reflected in the demands for unconditional Western support for Israel, asserting that such backing is needed « now more than ever » (Kemp, 2023). This inherent support is invoked by another journalists using expressions like « continue to back Israel » and « remain loyal in the dark days ahead » (Cohen, 2023). Finally, this is reiterated in the Telegraph view, which presents Israel as an ally that deserves the west's full and unconditional support (2023a). In the game of alliances, Israel is the Western, legal, democratic state in an unstable and uncivilized region making it almost untouchable. This inscribes itself in a discourse where Middle East is described as quite volatile and prone to conflict yet the context or some of the causes are loudly silent.

#### b) **Selective contextualization**

The selective contextualization of both the Daily Telegraph's editorials and opinion pieces reflects the ideological positioning of the newspaper and serves the narratives that they seek to spread.

In the editorial, the only event prior to the Hamas attack that is mentioned is the Yom Kippur attack of 1973, as if during the 50 years in between, history had been suspended (The Telegraph View, 2023). We see claims that the «West Bank is a powder keg smoldering fiercely and ready to explode » (Kemp, 2023) but a failure to mention the expansion of settlements, settler violence, house demolitions or the suffocating restrictions on movements across the Occupied West Bank.

When discussing the forcible transfer of 1.1 million Palestinians from the North to the South of Gaza, this editorial proposes displacing Gaza residents even further; into the Sinai Peninsula in Egypt. This suggestion blatantly disregards the historical experiences of the Palestinian people, the previous practice of the Israeli state, and the broader implications of such displacement (Telegraph View, 2023). The proposal fails to connect this potential exodus to the 1948 Nakba, during which 750,000 Palestinians were expelled from their homeland as a result of the conflict (Khalidi, 2006). By advocating that Palestinians seek 'temporary refuge' in the Sinai, the article ignores this historical context and the ongoing denial of Palestinian rights, as the right of return for 1948 refugees remains enshrined in UN General Assembly Resolution 194 (UNGA, 1948). This account starkly with an opinion piece by the Guardian that actively qualifies Israel's policy in Gaza as a manner of getting rid of Palestinians through the pretext of temporarily removal (Kouddous, 2023)

Then, there is no historical account of the situation, nor explanation of the humanitarian crises in Gaza prior the attack, the expansion of settlements in the West Bank or any form of structural violence carried out by the Israeli government. By placing the Hamas attack in a historical and legal void, the Daily telegraph creates a zero sum framework in which Israel holds no responsibility for any of its actions and the existential threat posed by Hamas justifies any level of violence against Gaza residents and Palestinians at large.

This failure to mention crimes committed by Israel reignites a discourse whereby arabs and the middle east are inherently violent and cannot be dealt with bar through the use of « overwhelming force » as it is « ultimately de escalatory ». Claims such as « Overwhelming force is not always a clean process, there will be narrative and PR difficulties » is profoundly shocking as it reduces IHL to a mere inconvenience -a 'PR difficulty' - that stands in the way on the only manner of resolving this 'conflict' -disproportionate violence. Essentially, because this enemy is an ahistorical, acontextual, evil entity, the only option is to « stop it in any way that it can » with « whatever force it can bear » by « crushing it » (Kemp, 2023).

### **c)Military-strategic narrative : Subordinating the lives of Palestinians to the military goals of Israel**

In the Daily Telegraph's coverage we witness the 'it is the way it is' trope that presents atrocities as inherently linked to the nature of war, which takes away from Israel's responsibility for present and future war crimes. Essentially, these statements that stipulate that war is always « messy », « ugly » and « plans go wrong » (Cohen, 2023) work as a way of preemptively justifying the

disproportionate assault that is going to be carried out by Israel across the Gaza Strip. This discourse is extremely dangerous because not holding Israel accountable for its response and the manner in which it is conducted opens the door to all sorts of human rights abuses.

This ‘military-realist’ discourse presents the complete siege of Gaza as a necessary measure to cripple the Hamas. This is a clear example of when the military prowess meso frame invisibilizes the human interests one, thus rendering the lives of Palestinian civilians subservient to Israel’s military interests. The justification for Israel’s siege on Gaza founded on « starving out Hamas » denies that such practice could amount to a violation of IHL and a war crime, and it effectively invisibilises the overwhelming majority of the 2.2 Gazans living in the strip (Sabur, 2023)

Similarly, In an article concerning the forced evacuation of 1.1 million Palestinians, they mention the danger posed for Israeli hostages (Bowman, 2023) but fail to address the Palestinian civilian casualties that would result from such an operation.

Once again, whether presenting an operation as a risk to Israeli hostages or justifying it as a way of protecting Israelis from an existential threat, this discourse constructs one sole victim and downplays the plight of Palestinians. These two examples showcase an unapologetic double standard regarding whose lives are deemed valuable in this ‘conflict’.

This is further exemplified by the juxtaposition of the « true massacres » committed by the Hamas with the « unintentional deaths of Palestinians caught in the cross-fire of Israel’s legitimate fight for security » (Levi, 2023) reiterates the idea Palestinian civilian deaths are not in vain, but enacted in order to reach the greater aim of Israeli security.

The manner for the Daily telegraph to justify this hierarchization of lives is by arguing that collective punishment is being carried out by Hamas, who subjects its population to these living conditions. This reinforces essentialist narratives whereby responsibility can only fall on one side in this battle that opposes the good against the evil (Taub, 2023). Arguing that committing inhumane actions against an actor that is ‘less humane than us’ makes our actions sound is legally and morally incoherent.

#### **d)Discrediting Palestinians voices and their support**

Moreover, it discredits Palestinian voices and presents support for them as inherently antisemitic. Basing itself on the claim that the number of deaths and injuries in Gaza are unreliable as they are provided by the « Hamas run Ministry of Health », a Daily telegraph article claims that spreading them is antisemitic terrorist propaganda (Schorr, 2023). Since there is no access for foreign journalists in the strip, this entails that Palestinian deaths are effectively uncoverable and unprovable. The scale of what is deemed important in this article is preoccupying; a cancelled meeting between Biden and Arab leaders is seen as a tragedy whilst Palestinian deaths -since they cannot be accurately covered- are made redundant (Schorr, 2023).

In a subsequent opinion piece, the author discredits Amnesty international’s claim that Israel should avoid violence in the West Bank and East Jerusalem and claims that this stance vis a vis Israel is that of « Hamas-Hitler loving sadists fueled by an orgiastic love of violence and a psychotic hatred of Jews » (Strimpel, 2023). Once again, by associating concern for the human

rights of Palestinian with anti semitism, this article is rendering all criticism of Israel impossible, even when it is carried out by respected human rights organizations and institutions.

He goes on making the statement « we have ironclad faith in the ability of the IDF to combat the forces of evil that are thirsting for the blood of our men, women, children, grand-parents and great-grand-parents »(Levi, 2023). The juxtaposition of the word faith -associated with the IDF- and blood thirsty evil forces -which do not explicitly refer to the Hamas so could also refer to all Palestinians- reiterates a religious binary between the forces of good and evil. This clear dichotomy annihilates the possibility of ever questioning the actions of the IDF or the legality of the actions it carries out.

### **5.3.2. *The Sun***

The narrative that underpin the Sun's depiction of this 'war' are more simplistic than the Daily Telegraph as the binary opposition between Israeli and Palestinians mobilizes all the classic colonial tropes of good vs bad, civilized vs uncivilized and so on. The selective contextualization and selective humanization means that the reader is encouraged to identify, empathize and grieve for Israelis while Palestinian suffering is made invisible -or necessary.

#### **a)Language**

The Sun's use of language mobilizes similar narratives to that of the Daily Telegraph, but in a more essentialist manner that recreates certain binaries between good and evil reflected in the deployment of hell and heaven like metaphors. We see a strong mobilization of almost religious discourse that pits all things related to hell and the devil -Hamas and Gaza in general- with innocence, purity and a heaven like place on the other side. Gaza, as a place, is referred to as « the devil's playground » (Braddick, 2023) or a « hellish wasteland »; this is dangerous because describing it in this way both suggests that there is nothing beautiful or valuable in it, and it renders its inhabitants either corrupt souls or wandering survivors whose lives is devoid of value.

This is supplemented by a systematic and 'coherent' animalization of Palestinians most notably through referencing the Gaza Strip as a « Nest » or a « rat hole » (Kavanagh, 2023). Hamas are often referred to through animalistic analogies as mentioned in the results section, where they are qualified as subhuman, rats, insects ect.. This is done in a manner that does not clearly distinguish Hamas and Gaza residents at large, thus reflecting the genocidal rhetoric held by many Israeli right wing officials.

#### **b)Coverage**

In terms of coverage and contextualization, we witness very gruesome descriptions of the 7th of October and the massacres that were carried out that day (Braddick and Doughty, 2023), which are extensively covered through the systematic deployment of portraits of Israeli victims, survivors and family members. There is an in depth humanization of Israelis whilst Palestinian suffering is made

invisible or redundant. Bar several articles that describe the reality of the bombings and the forced evacuation, we see very little experiences from Gaza residents being shared.

In its coverage, mention of the siege on Gaza is systematically followed by a recap of all the atrocities that have been committed during the Hamas attack on the 7th of October. The relation of causality placed between these two events, even though it is valid, works as a justification in which being the victim of a war crime entitles the victim with the right to commit a war crime in response. (Hooper & Hussey, 2023). Yet again, by always portraying every crime committed by Israel a reactionary, they completely annihilate the share of responsibility held by the extreme right wing Israeli government in the violence that is unfolding in the region.

### **c) Selective contextualization**

This is reinforced by selective contextualization as, the situation is continuously grounded in the historical persecution of Jewish people with multiple references to « pogroms » and equating the Hamas with the « Nazis » (Braddick and Doughty, 2023). Simultaneously, the situation in the West bank, East Jerusalem or within the Strip prior the 7th of October is barely mentioned across articles covering the first month of the ‘war’.

This transpires in the coverage of the siege on Gaza, where they mention aid coming in without describing the contextual reality whereby Gaza is heavily dependent on outside aid due to a suffocating blockade that has lasted for 16 years. Hence, the aid coming -qualified by NGO’s and IO’s as a « drop in the ocean »- is no solution to the dire humanitarian situation in the strip. Subsequent Sun article present Israel as a benevolent leader that is actively protecting Palestinian civilians from the evilness of the Hamas (Hooper & Hussey, 2023). Again, the construction of the moral subject fighting against the barbaric other completely overshadows the active role the Israeli government in playing in starving and suffocating Palestinians in the Strip. Essentially, the silences -and yet again the absence of legal qualification- creates a partial and incomplete narrative (Davis, 2023b)

### **d) Clear double standard justified by ‘military necessity’**

The Sun’s narrative transpires in what Sirhan had described as the active/ passive voice to describe deaths in the Israel-Palestine ‘conflict’. Palestinians are referred to as dying while Israelis get killed; this highlights a stark bias in whose lives is deemed valuable and who is held accountable (Hooper & Hussey, 2023). This is reflected in other articles by the Sun referring to the Strip as a « terrorist lair » (Perrie, 2023) which essentializes and securitizes the whole of Gaza and its residents. Its deployment of the terrorist frame -that blurs the boundaries between militants and civilian entails that everybody in the strip can legitimately be subjected to violence.

The fact that on of the two times the Sun refers to international law being broken is to describe the Hamas’s use of hospitals as military bases speaks volumes; Only the terrorist can commit a crime whilst the legal subjects violence is never a violation of IHL, as its use of ‘force’ is always necessary.

Relating to the bombing of the Jabalia refugee camp that resulted in over fifty civilian deaths, the a Sun article claims that these airstrikes are part of the « terrible nature of the conflict in the Middle east » and when the question of international law is raised the answer is that « this is the reality of the conflict with an organization like Hamas ». Even if these « deaths » and « collateral damage » (Perrie, 2023) are the product of bombs dropped by the Israeli government, they can only be attributed to the terrible nature of war or the Hamas, never the Israeli government. Whereas Israeli civilians were « innocent » and « murdered in cold blood » (Kraterou et al., 2023), Palestinian civilians are potential threats and killed out of necessity.

Then, statements made by the IDF are taken at face value, whereby the bombing of an ambulance is fair game since « they have information which demonstrates that (this corresponds to) Hamas' method of operation » (Rogers, 2023). The unconditional belief in claims made by the IDF reinforces a the systematic impunity of Israel.

The Sun After effectively discrediting international law by associating it with violent and undemocratic regimes, can legitimately spread a narrative unbounded by the constraints of legal discourse. Effectively, its simplistic framing of the situation justifies the recourse to indiscriminate violence. The display of emotional rhetoric -to describe the suffering of one side- implicitly encourages bias and emotion rather than the deployment of a framework that allows us to define and legally qualify actions committed by both sides. We do witness mentions of the bombing of the safe routes or description of the chaos in the strip, which veer off from the purely pro Israel discourse that permeates the newspaper's coverage.

### **5.3.3. *The Guardian***

The Guardian's coverage of the Israel-Palestine 'conflict' provides a balanced and contextual approach that contrasts sharply with the narratives presented by The Daily Telegraph and The Sun. Unlike these other newspapers, The Guardian provides a platform for both Israeli victims and Gaza residents, ensuring that Palestinian voices are heard and their experiences acknowledged. This is a significant departure from the coverage by The Daily Telegraph and The Sun, which give little to no voice to Palestinians.

The Guardian places the attack within a detailed legal and historical context. This approach is essential for assessing the legal implications of the event and preventing the emergence of essentialist discourses that might justify unchecked violence against Gaza. The Guardian asserts that Israel's military response must remain within the bounds of IHL, highlighting that any form of excessive retaliation would be legally and morally unacceptable (Roth, 2023).

### **Political contextualization**

In addition to addressing the legal aspects, The Guardian delves into the political realities surrounding the conflict. They place the Hamas attack in a certain context, namely the expansion of settlements and Netanyahu's extreme right wing government's policies (Baram, 2023; Noy, 2023: Editorial, 2023). This challenges the narrative that the Hamas attack was entirely unprovoked, or unraveled in a void, a claim made by the White House and other international actors (AbdulKarim, 2023; Erakat, 2023). By doing so, The Guardian challenges the simplistic good-versus-evil dichotomies that often absolve Israel and the international community, especially the US, of their roles and responsibilities in the 'conflict'. Palestinian voices are prominently featured, with articles arguing that condemning Palestinian violence without addressing its root causes is the laziest form of response (Erakat, 2023).

### **Humanizing both sides : Emotions and law are compatible**

When discussing the siege, we see that the Guardian does not take on a purely legal perspective as its coverage also humanizes Palestinians and does not shy away from using emotional language. The sentence « Hamas's barbarism does not justify the collective punishment of Palestinians » (Malik, 2023) is interesting because we see emotional language exemplified by the word barbarism yet we are brought back to a principle of international law. This shows that we can reconcile using emotional language and legal rationales (Malik, 2023). Rather than being a narrative that creates a zero sum account for the situation where, in light of the inherent evilness of one side, the other has carte blanche, we see a framing that both recognizes the suffering of civilians and the importance of respecting international law.

### **Postcolonial reading and incorporating the notion of power**

Furthermore, The Guardian tackles the issue of power dynamics within the conflict. It engages in critical discourse by using terms such as « colonialism » and « apartheid » which are conspicuously absent in the other newspapers' narratives (Baram, 2023; Ross, 2023). This critical perspective underscores the structural and historical injustices faced by Palestinians, which gives a more nuanced and comprehensive account of the 'conflict' to the readers.

They place themselves in opposition to the Daily telegraph's view by deconstructing the notion of « safe routes » (Kouddous, 2023) and placing the evacuation orders in the continuity of a colonial imaginary whereby colonial powers can subject a civilian population to immense levels of suffering by deploying securitized language and the rhetoric of the benevolent leader. By situating Israel's action within settler colonial studies, this opinion article introduces the concept of power and the reality of its asymmetry in the current context. This serves as a way of discrediting narratives spread by the Sun and the Daily telegraph, namely that Israel has no choice in the actions it is undertaking in the Strip. By employing critical theories and international law, the Guardian's coverage often frames the conversation within a legal framework that recognizes the inherent value of all human beings, challenging securitized colonial discourses that justify excessive violence by depicting the colonized as an existential threat. Some critics have argued despite the Guardian's extensive contextualization, there may be selective emphasis on certain aspects of the 'conflict'. For instance,



it might focus more on the negative impacts of Israeli actions than on the internal dynamics of Palestinian politics or the actions of Hamas.

The Guardian, through its use of sound legal sources and interviews with legal scholars, provides an in depth and comprehensive account of the situation. The analysis both legally qualifies and links various actions taken by the Israeli government—such as the blockade, forced evacuations, and the indiscriminate bombing of hospitals—to demonstrate the systematic nature of Israel's assault on the Gaza Strip and to challenge narratives that suggest symmetry between both sides and the absolute military necessity of these actions. Essentially, throughout its coverage since the 7th of October, the Guardian has effectively humanized both sides through contextualization, fair coverage, accurate legal qualifications and crucially, the acknowledgment that power plays a role in how we assess a situation

#### **5.4. Strategic Narratives and the law**

This section argues that The Daily Telegraph and The Sun, which do not primarily use international law to cover the Israel-Gaza 'conflict', create alternative legalities through their framing. Ultimately, it contends that the strategic narratives propagated by these media outlets can legitimize unbounded violence against Palestinians, effectively undermining international law by continually asserting the legitimacy of Israel's actions.

Although The Daily Telegraph references international law, it is not the primary framework it uses. Instead, international law is invoked selectively to defend the interests of the Western nation-state. This has colonial undertones as the one that is not protected by the status of the nation state -due to enactment of the state of exception by at first the British imperial power and then by the newly found state of Israel- is not entitled by the protection of international law. Israel's right to security and self-defense as a sovereign nation-state is affirmed, legitimizing its use of force, while violence by non-state actors is deemed illegitimate. This framing implies that Palestinians can rightfully and legally be subjected to "force" while Israelis cannot, reinforcing the Palestinians' status as a colonized subject. This double standard is evident as crimes against Palestinians in Gaza are downplayed, whereas those committed by Hamas are unequivocally labeled as war crimes and depicted as inhumane.

Framing and legal qualifications intersect, mutually reinforcing each other to generate a narrative that perpetually justifies Israel's actions. The selective humanization, coverage, and contextualization, alongside the prevalence of military-strategic discourse and simplistic oriental binaries, support a narrative defending Israel's right to unrestricted violence under the guise of self-defense. Legally, these discourses suggest that Israel, as an occupier, retains an inherent right to self-defense over those it controls, creating a "hyper-legalized" colonial subject that can be subjected to both the violence of occupation and military violence.

This legitimacy is often grounded in claims such as the enormity of the crime on October 7, the threat posed by Hamas, the impossibility of negotiating with the uncivilized, or the necessity of violence. These narratives perpetuate Israel's status as the sole victim and Hamas as the sole perpetrator, making Israel's right to self-defense unquestionable.

This echoes Argren's analysis of the media's use of international law in Iraq, where the inherent justness of the war could override concerns relating to the unlawful nature of certain actions. Such narratives argue that *jus ad bellum* (the reasons for going to war) justifies *jus in bello* (the conduct of war), making Israel's response, however disproportionate, justifiable in light of the atrocities committed on October 7. The framing of Hamas as « barbarous » « savage » « evil » « Nazis » « subhuman » or even « animal » serves to perpetuate this justification.

The differentiation between legitimate and illegitimate violence aligns with Heathquote's conceptualization of the difference between force and violence in international law. Article 51's disregard for the notion of power favors the narrative of the rational legal subject (Israel) reacting with force to the irrational and barbarous violence of the other (Palestinians).

The inherent right to self defense of the Israeli state results in the construction a spectator narrative whereby newspapers like the Sun and the Daily telegraph only humanize members of the 'legal subject' -Israeli citizens- whilst rendering Palestinian victims peripheral to the conversation. In the context of the ongoing assault on Gaza, by appealing to the terrorist frame, the western viewer is encouraged to identify with the moral subject, in opposition to the other, the oriental, the terrorist.

This war becomes an ideological conflict between two sides, the West and the Orient, and as readers of these newspapers we only have one choice but to side with the one that resembles us. This is obvious in the Daily telegraph and the Sun's multiple injunctions that the West's support should be steadfast and unconditional.

From the perspective of these newspapers, Israel, like western states, is the legal subject, who can be wronged and has an inherent right to self defense. On the other hand the Hamas -but really Palestinians at large- are the other, who do not have the right to use violence but can legitimately be subjected to it. This is rendered obvious by formulations held by the Sun; the use of passive and active voices to describe respectively Palestinian and Israeli deaths. This is also prevalent in many Daily telegraph articles where Palestinian deaths are systematically tempered by being placed in a chain of causality that starts on the 7th of October; This contextual dishonesty relativizes almost every statement about the suffering of Palestinian civilians making their well being conditional, subordinate to other factors, and ultimately negating their humanity. By solely emphasizing the rights of the legal subject, these discourses subordinate the lives of Palestinians to the security of Israelis and legitimizes the means that are pursued to attain this goal.

Therefore, the strategic narratives employed by The Daily Telegraph and The Sun effectively undermine the principles of international law by creating alternative legalities that justify Israel's

actions in the Israel-Gaza ‘conflict’. These narratives, which downplay the significance of international law and frame the ‘conflict’ through a lens of self-defense and security for Israel, perpetuate a double standard. They humanize Israeli actions while dehumanizing Palestinians, reinforcing colonial power dynamics and legitimizing unbounded violence against the Palestinian population. Consequently, these media representations support and justify actions that might otherwise be deemed illegal under international law. This reveals a significant intersection between media framing, political ideologies, and the application (or misapplication) of international legal principles in ‘conflict’ situations.

## 5.5. Further Implications

These narratives contribute to creating an environment where the laws of war are applied selectively, and where the legitimacy of violent responses is judged more by perceived existential threats than by adherence to legal standards. This ambiguity exists irrespective of media and the distinction between force and violence comprised in the present definition of self defense reflects the limitations of international law. Erakat pinpoints this propensity for international law to be « made by being broken » (2019 : 12) and the influence of state practice on the constitution of international norms. This idea that international law is made through warfare invariably benefits the most powerful actor, as their superior position enables them to justify their recourse to violence by constructing legitimizing narratives. This corresponds to what Erakat describes as ‘legal work’, or the ability to transform legal frameworks by subordinating them to narratives -often military and political in this context. This porosity of law challenges claims that it is an objective framework that is set in stone, and requires us to be vigilant. This entails basing ourselves on actual international law -represented by international courts, the UN and its different bodies and trustworthy NGO’s- rather than the ‘norms’ produced by securitized narratives. If we acknowledge both the malleability of law to narratives, and the power of media in potentially influencing practice and norms in conflict, then these seemingly absurd implicit legal justifications perpetrated by media do yield power, which is extremely worrying.

Furthermore, considering the Sun and the Daily Telegraph reflect the position of British political establishment -right wing-, this raises the question of whether actual international law, in the context of Gaza, is a counter narrative. It was not the aim of this dissertation to establish this, but across Europe, most notably in France and Germany, there has been a criminalization and a crackdown on medias and political figures that support the Palestinian solidarity movement (Feneke, 2024). Either through defamation -calling solidarity with Gaza a form of anti semitism- or legal measures - banning Palestinian solidarity protests and accusing those voices of ‘apology of terrorism’ - , discourses that defend the right of Palestinians have been targeted (Plenel, 2024: Revolution Permanent, 2024). This is worrying considering most of these discourses are informed

by international legal frameworks, which for Palestine, have systematically been mobilized in an attempt to reframe the conversation and escape the strategic, military and security framing.

This reflects Dunsky's theorizing of the 'Washington consensus' that frames the conversation of Israel/Palestine in such a narrow manner that it generates a mainstream discourse that exclude international law. This raises important questions and could be an area of further research which would require delving further into the positions of political power and how they transpires in media narratives.

Finally, some of the unexpected findings of this research stem from accidentally putting myself as a test subject to the influence of media narratives. Whilst carrying out my discourse analysis and plunging myself into these newspapers coverage, I believed that I was extracting narratives form this process but this content and the manner in which it was framed were also influencing me. In particular, the narratives of the Sun and the Daily telegraph, through selective contextualization and the perpetual reiteration of Israeli suffering juxtaposed to the dehumanization of Palestinians, profoundly -but temporarily- impacted my perceptions of the situation (*See Annex*). These manichean and essentialist narratives shifted my position to neutrality, or even to consider that the actions that Israel is carrying out in Gaza are legitimate, which is quite astounding considering how educated I am on this topic. This subjective experience has confronted me to the power of these medias and the narratives they propagate, especially when these encapsulate emotions.

In terms of further research, these findings suggests several avenues within the context of the Israel-Palestine situation but also relating to broader considerations.

**-Media and Political Power:** Investigating the relationship between media narratives and political power to understand how mainstream narratives are constructed and disseminated in society.

**-International Law as a Counter-Narrative:** Exploring whether international law functions as a counter-narrative in various contexts, not just the Israel-Gaza 'conflict'.

**-Emotive Power of Media:** Conducting inductive research on the subjective emotions triggered by different media framings to analyze their impact on political beliefs and narrative propagation.

## Conclusion

To conclude, this critical discourse analysis of British medias coverage of the Israel-Gaza ‘war’ found that the deployment of international law is linked to the political leaning of the newspaper, and those that do not use international law as a main lens -right wing newspapers- actually create ‘alternative legalities’ through the use of strategic narratives.

Firstly, through an assessment of the legal qualification used by these three selected media sources on the different events and processes that unraveled during the first month of the ‘war’, this dissertation found that international law is not mobilized in the same way across these newspapers. The Guardian uses it as its main lens to decrypt what unravels in this ‘war’ whereas the Daily Telegraph only deploys international law when it is to describe crimes committed against the legal subject -Israel- or to defend its actions. Finally, the Sun barely mentions international law throughout the first month of the ‘conflict’ and tends to undermine it when it mobilizes it. These findings could contribute to establishing a correlation between the political leanings of newspapers and their deployment of international law, especially in the context of the Israel-Palestine ‘conflict’. That is to say that progressive, more left leaning newspaper are more likely to use international law as a lens to observe the ‘conflict’ whereas right wing newspapers tend to favor other frames and narratives.

This leads this thesis to its second objective, assessing what other socio-ideological narratives are deployed by these newspapers and how these intersect with legal discourse. The Daily telegraph, generally frames the Israel-Gaza ‘war’ through a military-strategic perspective that effectively subordinate Palestinian lives to Israel’s military goals. This is enabled by the deployment of orientalist and terrorist frames that reignite a clash of the civilizations paradigm that opposes the Western civilized state to the oriental barbaric other. This is juxtaposed to a selective contextualization that effectively erases Palestinian history, discredits Palestinian voices and associates their resistance with anti semitism. We find a similar but more simplistic narrative in the Sun’s coverage which deploys a lot of binary oppositions, with the Good vs Evil paradigm that is constructed through religious metaphors. We also witness a selective humanization, a selective contextualization and a double standard in the description of violence -depending on who it is directed against - which effectively invisibilizes Palestinian suffering and their very identity -as humans and as a political entity. Finally, the Guardian, as aforementioned, undertakes a comprehensive legal analysis supplemented by balanced humanization. It grounds the situation in historical, legal and political contexts and criticizes previous and current Israeli policies. By highlighting the asymmetry of power and placing the situation in settler colonial studies, the Guardian challenges securitized colonial discourse. This coverage that relates back to critical theories has been accused by right wing voices of not emphasizing enough the role fo the Hamas in this ‘war’.

The narratives that permeate the Sun and the Daily telegraph's coverage can be considered a way of creating alternative legalities and legitimizing the unleashing of unbounded violence. The evidence -context- that they provide and the rhetoric that they deploy pertains to a strategic narratives that seeks to perpetually justify Israel's military actions in the Strip.

By constantly reiterating the justness of this 'war' -grounded in the horror of the 7th of October- Israel's right to self defense is rendered unquestionable and unrestricted. Effectively, the *jus ad bellum* ends up overriding the *jus in bello*, meaning that Israel's status as a victim and its need for security override concerns relating to the unlawful nature of individual actions taken in Gaza. Using Heathquote's analysis, this paper has shun light on how the legal argument of self defense allows for the construction of a spectator narrative that leads to the humanization of the legal subject and renders the one actually undergoing the present violence -Palestinians- peripheral to the conversation. In this context, we are encouraged to identify with the moral western subject -Israel- whilst the oriental Palestinian are placed outside the scope of law -or subjected to this new order of legal exceptionalism. Essentially, the malleability of the law entails it can be subordinated to narratives, meaning the perceived existential threat to Israel precedes adherence to legal standards, thus rendering violence against Palestinians legitimate.

Further questions raised by these finding relate to the place of actual international law in the ideological debate surrounding Israel/Palestine. Based on previous studies and on observations of the current situation, there is a claim to be made that international law is a counter narrative in the context of the Israel Gaza 'War'. This raises broader questions vis a vis the link between political power and medias and its implications for international norms in conflict. If representations hold power in shaping what is deemed acceptable in conflict, then our defining of what is illegal in war is linked to the way they are addressed in media.

Finally, veering off from scientific considerations and in an attempt to free myself from my academic gaze, this dissertation, because of the research process it entailed, resulted in the researcher -me- becoming a test subject to the power of media narratives. The manner in which I got influenced by these strategic narratives poses real questions relating to the power of media. These questions are all the more pressing in the context of conflict and war, where the positioning of western powers tend to be informed by specific interests and problematic ideological positions.

Therefore, the strategic narratives of certain mainstream media outlets -shaped by political power- can significantly influence individual and public perception, potentially undermining the principles of international law and legitimizing actions that might otherwise be considered illegal. This underscores the need for critical engagement with media narratives and a vigilant defense of established international legal standards.

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## *Annex*

### **The subjective experience of research as valuable knowledge on the power of the narratives that are spread by media ?**

Whilst carrying out my discourse analysis and plunging myself into these newspapers coverage I believed that I was extracting narratives form this process but this content and the manner in which it was framed were also influencing me.

I started off the discourse analysis with the Daily Telegraph's articles. During this time, I was systematically exposed to a certain ideological position; The opinion pieces especially where imbued with orientalist clash of the civilizations world-views, and the solution provided was one governed by utmost military necessity. Violence is the only tool that works in the Middle East to stop the barbaric 'other' -the Arab- who is both evil and dangerous. The existential threat posed by the Hamas was presented as a systematic justification for the deployment of violence against Palestinian civilians, creating a narrative whereby war and destruction was the only solution.

Then, For 4 days, reading through all of the Sun's article -with its very emotional language and a framing that systematically portrayed the suffering of Israelis- had a significant impact on me. Because the atrocities committed on the 7th of October were reiterated in every article, the faces of the victims displayed, their sobbing families filmed and interviewed, I felt their suffering and it took an emotional toll on me. Whilst going through the coverage of the Sun, I was barely confronted to any Palestinian voices, nor pictures of Gazan victims, so their suffering was distant, almost invisible, inconsequential.

In the span of a few days, this framing and the narratives conveyed, despite being highly educated on the topic and knowing what type of newspaper the Sun was, shifted my positioning to neutrality, or even resulted in me thinking that the assault being carried out on Gaza was both necessary -as the only possible option- and somewhat legitimate in light of the un imaginable suffering of the Israelis, and the Jewish people as whole.

Then, I went on to carry out my 'objective' legal discourse analysis, focusing on the Guardian's coverage. During the five days during which I was immersed into the articles and narratives of the Guardian, I was reminded that Palestinians were human beings; This seems like an exaggeration but again, I am not attempting to formulate a general truth, just my experience when being confronted to these narratives. Reading the Guardian reminded me of history, the existence of the West Bank and East Jerusalem, of the 16 year blockade on Gaza, of the experiences of Palestinians in the strip but also across the OPT and within Israel. This humanizing of Palestinians was not accompanied by an invisibilisation or a dehumanization of Israelis. This account was mainly accompanied by a legal framing of the situation, which grounded the situation in a certain framework that qualifies the violations of both side in a systematic manner.

On top of that, the discourse of the Guardian is imbued with critical theories, which mobilize the notion of power to analyze a situation, often through theoretical frameworks like postcolonialism or critical race theory, but also by effectively contextualizing the issue

This does not prevent the Guardian from then addressing the Hamas attack on the 7th of October, the sheer violence that was unleashed that day, the trauma it induced amongst Israelis and Jewish people and how this event resonates with a broader history of persecution. Moreover, the Guardian's coverage does not subsequently legitimize the suffering of Gazans, undermine their voices or the disproportionate, if not genocidal response by Israel's far right government.

Essentially, what I have found is that the legal lens to cover the first month of the Israel/ Gaza war is not used by more right leaning newspapers; This is even more exacerbated in the context of tabloids. The Guardian is the only one that systematically refers back to international law whilst the Daily Telegraph and the Sun barely mobilize it. Is that enough to establish bias though? Could I argue that not using international law -or sometimes in a sporadic, inconsistent and non exhaustive way- is a form of bias? That seems a bit far fetched and hard to argue. I did have that feeling that since these three newspapers differ in political stance, target audience and journalistic values, the results might be ambiguous, hard to interpret; ultimately it would be almost impossible to extract an 'objective' finding from this stochastic data.

Whilst carrying out my research, experimenting it changed by perspectives, as in this case founding a judgment on 'fact-finding' and preconceived ideas about justice and truth can lead the listener to annihilate the story. As the witness, I experienced being confronted to these stories and the narratives they encapsulated. I entered them, and tried as much as I could to let them influence and shape me. Obviously I had knowledge, a pre established belief system and opinions on the matter, yet even I got influenced by the framing of these newspapers, which I believe, is a testimony to the fact that these media yield power.

By being the test subject and experimenting the research process, my interest veered away from measuring bias in British media's coverage of the Israel-Gaza war through an 'objective' measure, that of international law. It shifted to looking at how these different newspapers frame the issue and propagate their narratives, including the international law lens that is one among different socio-legal narratives.

This dissertation aims was to uncover the narratives that underscore the coverage of British newspapers of the Israel Gaza war -including the position of international law, the framing of violence. However, the way in which I have experienced the research process could be interesting for 'further research' on what these narratives imply. This is because what renders this piece of work important, in the context of media studies and international politics, is the power of media narratives in shaping the perceptions for the reader. These media -The Sun and the Daily Telegraph- do not account for international law and spread profoundly orientalist ideas on who

can legitimately undergo violence and whose life is valuable. In light of the message that is being spread by these right wing media, if these narratives do -in the way that i felt when i researched- considerably shape the readers perceptions -then we have a real human rights issue. In a way, the media's appeal to our emotions, through coverage -and silences- , selective contextualization and language, reflect certain narratives and political positions. This could lead to an inductive research process whereby based on the subjective emotions triggered by different media framing one could analyze the power of media in shaping political beliefs and propagating certain narratives.

This could go further, and explore the link between medias and political power in order to assess what are the mainstream narratives being spread into society, and potentially assess whether international law is a counter narrative, both in the context of the Israel Gaza war but also in general.