

US-Israeli attack on Iran: German politics and media abandon international law

Justus Leicht
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There is hardly any war that violates international law as flagrantly as the US-Israeli attack on Iran in June of this year. On this, virtually all reputable international law experts agree. Nevertheless, the government and significant sections of Germany's leading media have openly supported the war.

The very same voices that day in, day out denounce the Ukraine war as a "Russian war of aggression in violation of international law" do not bother to gloss over the clear breach of international law by Israel and the US. Instead, they rely on the arguments of Nazi jurists like Carl Schmitt to assert that a war can be "legitimate" even when it violates legality.

This open disregard for international law, which currently manifests itself as grovelling before the Trump administration, can be understood only against the backdrop of German rearmament and Berlin's ambition to become "the strongest military power in Europe." In preparation for future wars of aggression, Germany's ruling class is abandoning international law.

Iran, a historically oppressed country, was attacked out of the blue for 12 days with bombs and missiles, first by the nuclear power Israel on 13 June, and then also by the US, the most powerful military country in the world.

The attack began unexpectedly, just after Iran had been invited by the US to a new round of negotiations and had accepted the invitation. Hundreds of people—scientists, other civilians, and high-ranking military personnel, as well as their relatives—were killed by the attackers, while residential buildings and civilian and military infrastructure were destroyed.

On 22 June, the US bombed Iranian nuclear facilities with the most powerful non-nuclear bombs ever used in combat. President Trump did not even claim to be acting in self-defence. Numerous legal experts have since confirmed that this was a clear breach of international law.

Despite this, the German government affirmed its explicit support for the US-Israeli aggression from the very beginning.

Foreign Minister Johann Wadephul (Christian Democratic Union, CDU) reacted by condemning the Iranian counter-attack "in the strongest possible terms," while stressing in relation to the Israeli attack: "They have told us that from their perspective, this is necessary. And we must accept that as it is."

Chancellor Friedrich Merz (CDU) praised Israel for doing "the dirty work for all of us" with its attack on Iran. Defence Minister Boris Pistorius (Social Democratic Party, SPD) declared that one must not forget that "Israel is surrounded by enemies and its security is permanently threatened." Israel, he said, had a "right to self-defence," and the Americans had "taken on responsibility in the region."

On 28 June, Interior Minister Alexander Dobrindt (Christian Social Union, CSU) traveled to Israel as the first international state guest after the war of aggression, meeting there with Prime Minister Benjamin Netanyahu, Foreign Minister Gideon Sa'ar, Defence Minister Israel Katz and Minister for Strategic Affairs Ron Dermer. Netanyahu, with whom

Dobrindt posed for photos shaking hands, is the subject of an arrest warrant for war crimes issued by the International Criminal Court. In Germany, Dobrindt's political office would legally oblige him to arrest Netanyahu.

The official aim of the trip was to "show solidarity with Israel and to be informed about the security situation as well as civil defence and disaster control." Dobrindt explicitly supported the Israeli aggression as a "significant contribution to the security of Israel and to the security of Europe."

The dishonest official propaganda against Russia is thus completely discredited. Whom Germany supports in a war of aggression does not depend on the legality of the war under international law, but solely on who is waging it and how German economic interests are affected.

A war in violation of international law

Representatives of the German government make no serious attempt to construct a legal justification under international law for Israel's supposed "self-defence."

Article 2(4) of the Charter of the United Nations prohibits the use or threat of force in international relations. Exceptions exist only for measures of collective security by the UN Security Council (e.g., Article 42 UN Charter) or the right to self-defence (Art. 51 UN Charter).

The definition of aggression was established in 1974 in Resolution 3314 of the UN General Assembly. It describes aggression as the use of armed force by one state against another state in contradiction to the UN Charter.

Article 8 of the Rome Statute of the International Criminal Court defines the "crime of aggression" as "the planning, preparation, initiation or execution of an act of aggression, which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations." Germany has ratified this statute (though the US and Israel have not), and in 2017 incorporated the "crime of aggression" into the German Criminal Code, where it is punishable by life imprisonment, the maximum penalty in Germany.

No one has claimed that the attack on Iran was justified as a measure of collective security by the UN Security Council. There was no resolution that came even close to suggesting this.

The report by the International Atomic Energy Agency (IAEA) of 12 June 2025, often cited by Israel, the US, and their supporters, does not claim that Iran possesses or is in the immediate process of building nuclear bombs. On the contrary, IAEA Director General Rafael Grossi emphasised in an interview with *Al Jazeera* on 19 June that Iran's alleged violations of its commitments had not led his agency to conclude that Tehran was building bombs:

We have not seen any elements that would allow us, as inspectors, to confirm that a nuclear weapon has been manufactured or produced anywhere in Iran.

Iran has been a member of the Non-Proliferation Treaty (NPT) since 1968, and, under this treaty, has the right to use nuclear energy for peaceful purposes and also to enrich uranium. Violations of this do not trigger a “right to self-defence,” especially not for Israel, which possesses hundreds of nuclear weapons but is not a member of the NPT and—unlike Iran—has never allowed inspections of its nuclear facilities.

Conversely, Israel has carried out repeated attacks on countries to destroy their nuclear facilities. In 1981, for example, it used the start of the war between Iraq and Iran to bomb the Iraqi nuclear facility at Osirak, which was operated under the NPT. This was unanimously condemned by the UN Security Council, which called on Israel—unsuccessfully—to place its own nuclear facilities under IAEA supervision.

Exactly 20 years ago, the German Federal Administrative Court explained in relation to the US war against Iraq that, according to Art. 2(4) of the UN Charter, “every” threat or use of military force against another state is an act of aggression, in violation of international law. It stated there were only two exceptions: a formal decision by the UN Security Council and a case of self-defence. Neither were applicable in the case of Iraq. This also applied in cases of lack of cooperation with UN inspectors, such as the then-head of the IAEA, Mohamed El-Baradei.

A paper by the Bundestag (parliamentary) research service from 2 January 2003 also concluded at the time that an attack on Iraq was not legitimised by international law. Nevertheless, Friedrich Merz supported the attack in 2003, as did the then-CDU chairwoman and later chancellor Angela Merkel.

On his X account, El-Baradei responded directly to Foreign Minister Waidephul shortly after Israel’s attack on Iran:

Has anyone told you that “targeted strikes against nuclear facilities” are prohibited under Article 56 of the Additional Protocol to the Geneva Conventions, to which Germany is a party, and that the use of force in international relations is generally prohibited under Article 2(4) of the @UN-Charter, with the exception of the right of self-defence in the event of an armed attack or on the authorisation of the Security Council in the case of collective security measures? Perhaps you should familiarise yourself with the basic principles of international law...

Virtually all prominent international law experts in Germany have also stated that the assault by Israel and the US on Iran constitutes a war of aggression in violation of international law by any definition. In the leading bourgeois media, even some who support the war admit this.

Borrowing from the “crown jurist of the Third Reich”

For example, Carlo Masala, professor of international politics at the University of the Bundeswehr (Armed Forces) in Munich and a welcome guest on countless talk shows, writes in *Die Zeit* under the headline “Legal, legitimate, does it matter?”:

As far as the question of proportionality under international law

is concerned, there is broad agreement that the Israeli attack violates international law.

For him, however, this does not end the debate, but merely opens it:

The insight that not everything that is legal must be legitimate—and conversely, that not everything that is illegal must be illegitimate—has not yet reached Germany.

As proof that the Israeli war of aggression, in contrast to the Russian war against Ukraine, was “legitimate,” he points to long-standing anti-Zionist and anti-Israeli rhetoric in Iran—there were no concrete threats or preparations by the Iranian regime to attack Israel militarily—and to unspecified, supposedly “terrorist attacks orchestrated from Tehran” and the “direction and financing of terrorist organisations in the region that have been attacking Israel for more than 45 years.”

Masala remains slyly silent on terrorist attacks by the Israeli secret service Mossad on Iranian scientists in Iran, just as he avoids naming the “terrorist organisations.” Presumably, this refers to Iranian-backed groups such as the Palestinian Hamas and the Lebanese Hezbollah.

However, these nationalist and Islamist organisations arose from the brutal and illegal Israeli occupation and are not mere “proxies” and obedient order-takers of Tehran, as the political science professor knows very well.

Despite all its propaganda, Israel has always avoided suing Iran before the International Court of Justice (ICJ) for its alleged proxies. In 1986, based on a (largely legally successful) lawsuit by Nicaragua against the US concerning, among other things, control over the right-wing Contras, the ICJ established criteria for attributing responsibility for non-state groups to foreign states, which Israel would have to prove. Israel has wisely not even attempted this.

This means nothing for Masala. He believes one could “ask the question whether, although illegal under international law, it might not be legitimate to take away from the power in the Middle and Near East, which has been responsible for terror and destabilisation in the region for decades, the capabilities to continue or even to intensify this policy in the coming years.” He concludes by discussing the “political opportunities and risks” of the Israeli aggression, including the prospects of success and the pros and cons of regime-change and civil war in Iran.

It is no coincidence that the headline of Masala’s essay in *Die Zeit* references “Legalität und Legitimität” (“Legality and Legitimacy”), a major work by the right-wing constitutional lawyer and “crown jurist of the Third Reich” Carl Schmitt, which rails against “value-free” legality. Masala thereby addresses the “German foreign policy elite,” which, as he complains, is in large parts “still not fit for the world stage.”

Defence Minister Boris Pistorius (SPD) has also made it unmistakably clear that he shares Masala’s and Schmitt’s concept, according to which the only thing that matters is whether Germany considers a war “legitimate,” not whether it is legal. “Legitimate or legal is a subtle but important difference,” he declared on state broadcaster ARD in June. He would not “presume” to make a legal assessment of the US-Israeli bombs on Tehran, but he explicitly supported them.

As early as 13 June, Jochen Bittner, a lawyer and long-time journalist for *Die Zeit*, called for Germany’s direct entry into the war on the side of the Israeli aggressor on his X account:

The best time to offer Israel every conceivable help in defending against retaliatory strikes from Iran would have been a few hours

ago, @bundeskanzler. The second-best time is now.

In another post on X from 16 June, Bittner drew on the theories of Carl Schmitt:

The sad fact is that at least the *jus ad bellum* [just cause for war] has been ignored by so many sides in recent years (Kosovo, Iraq, Ukraine I, Ukraine II) that it can no longer serve as a moral argument for any side.

So if no one abides by the rules—whose side should one take?

This is also an allusion to “Legality and Legitimacy,” where Schmitt places “substantive value-based decisions” (legitimacy) above “mere, value-free” legality with its “equal opportunities,” but also to another of Schmitt’s major works: “Der Begriff des Politischen” (“The Concept of the Political”) 1932.

According to Schmitt, this consisted of the “distinction between friend and foe” and is central to his theories. According to him, a state has significance only if it is willing and able to define an enemy and, if necessary, to fight it with all necessary means. The sole authority to decide on friend and foe and to declare war (*jus belli*) lies with the state. The state is “the decisive entity that has the monopoly on the final decision.” Only the definition of an enemy by the state makes it possible to create an internal political identity and unity.

According to Schmitt, an enemy is not a competitor or an opponent, but anyone who is defined as such and can then be fought to the death. In Schmitt’s convoluted words:

This is not about fictions and norms, (...) The enemy is only an at least potentially, i.e., according to real possibility, fighting collective of people which stands opposed to a similar collective.

This also applies, and above all domestically. Democratic fundamental rights and debates, independent political stirrings from below, from the population, are incompatible with this. Anyone who actually or allegedly “sides with the enemy” is treated like an enemy himself or is declared one from the outset.

That this is not an abstract theory was shown after Hitler came to power. Carl Schmitt enthusiastically celebrated the *Ermächtigungsgesetz* (Enabling Act), which transferred governmental and legislative power to Hitler, giving him dictatorial authority, as the “provisional constitutional law of the new Germany.” Two years later, he effusively welcomed the racist and antisemitic Nuremberg Race Laws of 1935 as the “constitution of freedom.”

Jochen Bittner, who in another post on X openly celebrates Israel’s genocide in Gaza, terror in Lebanon and war of aggression against Iran as “strategic elegance” in the hope of “regime change,” is an important figure in the return of German militarism and imperialism. He is well-connected with various think tanks and lobby organisations and co-authored the key 2013 strategy paper “New Power, New Responsibility.”

Hubert Wetzel, foreign correspondent for EU/Brussels, argues similarly to Bittner in the *Süddeutsche Zeitung* of 17 June. The headline of his commentary, “The law of the strongest is the reality we live in,” summarises its essential content. Even if Russia’s war against Ukraine and Israel’s war against Iran are wars of aggression that are illegal under international law, such an assessment would be absurd because the “moral and political differences” between Russia and Israel are “fundamental.”

Wetzel does not mention the genocide of the Palestinians.

Like Bittner and Masala, Wetzel argues that “legal norms, which states like Russia, China or Iran do not adhere to anyway and whose enforcement no one can compel, are perhaps not necessarily the most suitable guidelines for one’s own actions.”

In a 25 June commentary, the Middle East correspondent of the *Süddeutsche Zeitung* Thomas Avenarius accuses Trump of not having gone far enough when he entered the Israeli war of aggression:

It might have been better if the Americans and Israelis had bombed the nuclear programme for longer and shown Iran its limits even more clearly. Yes, Benjamin Netanyahu is unscrupulous. The weaker Iran is, the better for Israel—even if it means chaos. But Israel’s fears of Tehran are as justified as those throughout the region.

Even the reprehensible Greater Israel fantasies of Israel’s right-wing extremists do not change this—keyword Gaza and the expulsion of the Palestinians.

Reinhard Müller, editor of the “Current Affairs” and “State and Law” sections of the *Frankfurter Allgemeine Zeitung*, defends Israel’s attack on Iran as self-defence under the headline “International law is what states make of it,” because Iran supported Hamas, Hezbollah and the Houthis. He describes a regime change in Iran forced from the outside as a “legitimate goal.”

The chief foreign correspondent of the Springer paper *Die Welt*, Clemens Wergin, declares the “legal hair-splitting” about the legality of the Israeli attack to be “entirely irrelevant” and invents a “covert war” by Iran against Israel because Iran supported Hamas, Hezbollah and the Houthis.

In another commentary titled “Now is the chance to topple the Mullahs,” Wergin does not even bother to attempt a legal justification under international law, but openly and with undisguised malice admits that it is not about Israel’s self-defence, but about its hegemony in the region, and that its aggression is directed against a regime whose policies run counter to Western interests:

The Mullah regime is now being presented with the bill for decades of destabilisation policy in the region, for foreign policy adventurism and its reaching for the atomic bomb.

The “reaching for the atomic bomb” is not supported by any evidence and, even if it were true, would not justify the war of aggression.

The most direct and vulgar comments come from Herfried Münkler, emeritus professor at Berlin’s Humboldt University. He declares that we have “transitioned from a rules-based to a power-based order,” and praises the Israeli genocide in Gaza and Israel’s terror campaign in Lebanon, saying Israel had thereby “shattered the ring of encirclement by Iran’s proxy powers.”

To the question, “So has international law had its day?”, Münkler answers unequivocally, yes:

In our media debates, international law is always very gladly invoked to categorise political processes. In principle, this has led to the rule-breakers being the winners of the game—as the brilliant rule-breaker Putin has demonstrated to us often enough. In principle, it is therefore rather uninteresting what international law

says—as long as there is no one to enforce it.

Münkler overlooks the “rule-breaking” by the US, Israel, and NATO in the Middle East and the Balkans even before Putin. His only concern is to invoke a “power-based order” in which only the law of the strongest applies in practice.

A new quality

The open contempt for legality and international law has attained a new quality. Even during the brutal imperialist wars against Yugoslavia and Iraq, the Western powers still tried to maintain the appearance that they were adhering to international law and that the wars were being conducted not by a few great powers but by an “international community,” however obvious it was that this was a lie.

Here, too, memories of “international law” debates in Nazi Germany are awakened. In 1937/1938, Carl Schmitt philosophised about a “non-discriminatory concept of war.” A declaration of enmity and war by legitimate states should not be discriminated against. (Aggressive) war was a lawful act of state and not a crime.

As early as 1933 Germany withdrew from the League of Nations, the forerunner of the United Nations. In 1936, Hitler initiated a Four-Year Plan to massively rearm Germany, make it fit for war and self-sufficient. In 1938, Germany marched into Czechoslovakia, and in 1939 it began the Second World War with the attack on Poland.

Carl Schmitt developed his theories in parallel and in 1941 published his work on “International Greater Territorial Order” (Völkerrechtliche Großraumordnung). He declared that the decision to wage and end war was within the legitimate discretion of legitimate states (he did not count colonial countries or the Soviet Union among them), and it followed from this law of the strongest that they should then assume leadership of “greater territories”—like the US in America under the Monroe Doctrine of 1823, and Nazi Germany in Europe.

At the time of the attack on the Soviet Union, Nazi jurists from the SS, such as Werner Best and Reinhard Höhn, took Schmitt's social Darwinism in international law to its logical conclusion: it was not formally equal states, but racially defined “peoples” (Völker) that fought out their interests. “Superior” peoples were allowed to subjugate or expel and annihilate the others:

According to historical experience, the annihilation and displacement of foreign peoples does not contradict the laws of life, if it is done completely. (Best, 1942)

This is not a distant past. The “crushing of the Iran proxies” praised by today's ideologues like Masala, Münkler and Bittner is nothing other than subjugation and annihilation based on the “right” of the strongest, on its “legitimate reasons for war.”

The justification of the war against Iran with “terror, destabilisation and existential threat” is not new either. The invasion of the Soviet Union on 22 June 1941 was justified by the Nazi regime in a similar way.

In his official declaration of war, German Foreign Minister Ribbentrop accused the Soviet Union of “subversive activities directed against Germany and Europe.” It had “developed its foreign policy in an increasingly anti-German direction” and “kept its entire armed forces on the German border at the ready.” Bolshevik Moscow, he claimed, was

“about to stab National Socialist [Nazi] Germany in the back in its struggle for existence.”

There are also columnists who express themselves more cautiously and reject the aggression of the US and Israel as a violation of international law. The background to these differences is that where the law of the strongest prevails, Germany cannot yet have a say. It can only grovel before the stronger powers in the vague hope of being heard—as the federal government is currently demonstrating vividly with its ingratiation of Trump and Netanyahu.

Woe betide when Germany is indeed once again the “strongest military power in Europe,” as it currently aspires to be, and itself once again does the “dirty work” against “legitimate targets,” and all that counts is whose side you are on, instead of the law. That will mean world war, genocide and dictatorship are once again the order of the day.



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