

# When Law Fails: Family, Fear, and the Roots of October 7

As of July 9, 2025, the Israeli-Palestinian conflict stands as a grim testament to the consequences of state impunity and international paralysis. In this vacuum of accountability, acts of desperation have emerged—acts driven not by ideology alone, but by the primal instinct to protect family. Israel's widespread use of administrative detention, marked by documented torture and child abuse, continues in direct violation of international law. Yet, the international community has done little to stop it. This essay argues that the abductions of October 7, 2023—when 251 individuals were taken into Gaza—were not random atrocities, but a foreseeable outcome of systemic injustice. They emerged from a psychological and political reality in which law offered no shield, and desperation became a weapon.

While these extralegal actions are not condoned, understanding their roots requires examining the complete context: a legal system designed to crush, an international community unwilling to intervene, and a universal parental instinct triggered by mass captivity and abuse. As dramatized in the 1997 film *Executive Target*, where a man is forced into a terrorist plot to save his wife, the threat to loved ones overrides conventional morality. When institutional justice fails, this instinct becomes both explanation and warning.

## Israel's Legal Violations: Detention as Collective Punishment

For decades, Israel has maintained a regime of administrative detention, allowing the imprisonment of Palestinians without charge or trial, often for indefinite periods and based on secret evidence. These practices, in place since 1967, are clear violations of the Fourth Geneva Convention (Articles 64–66) and the International Covenant on Civil and Political Rights (Articles 9 and 14).

By mid-2024, over 9,500 Palestinians were in Israeli custody, with at least 53 reported deaths in detention since October 2023—many linked to torture, according to Amnesty International. Children as young as 14 have been subjected to sexual humiliation, beatings, and psychological abuse. These are not isolated excesses; they are features of a systematic apparatus that weaponizes detention against an entire population.

This strategy of coercion, suppression, and control resembles hostage-taking as defined in the 1979 International Convention Against the Taking of Hostages. With a 99.7% conviction rate in military courts, legal recourse is a fiction. In this context, Palestinian families are not protected by law—they are persecuted by it. The legal framework itself has become a

mechanism of domination, echoing historical instances where state law was used to justify atrocity until challenged by external force.

## **International Complicity: A Failure to Protect**

Despite extensive documentation from UN bodies, human rights organizations, and international observers, the world has failed to act. No meaningful sanctions, international prosecutions, or diplomatic measures have been taken to hold Israel accountable for its detention regime. The Responsibility to Protect (R2P), affirmed at the 2005 UN World Summit, obliges the international community to intervene when states fail to prevent crimes against humanity. Yet in this case, enforcement has been absent.

The ceasefire-mediated prisoner exchanges between 2023 and 2025—most notably the release of 135 detainees—show that political will can shift outcomes. But these moments have been rare exceptions to a norm of indifference. As reaffirmed in the UN General Assembly's 2025 debates, the world is failing in its duty to uphold R2P. Meanwhile, the ICC's slow-moving investigations have yielded no enforceable actions. Palestinians remain trapped between a punitive occupying force and an international community that looks away.

This silence enables abuse. It recalls the international community's past failures—from Rwanda to Bosnia—where legal norms were clear but the will to uphold them was absent. Like those tragedies, the impunity granted to Israel's detention system demands a reckoning.

## **The Instinct to Protect: Lawless Systems and Psychological Triggers**

When law collapses, instinct takes over. The drive to protect one's children is among the most powerful human impulses, hardwired by evolution. As research published in *Nature Reviews Psychology* (2024) shows, parental investment is biologically linked to survival strategies across species. Threats to children activate deep neurological responses—fear, aggression, desperation—especially when those threats are constant and unresolved.

A 2023 study in the *Journal of Traumatic Stress* further underscores this link, revealing how collective trauma and helplessness amplify reactive aggression. The HubPages article "Instinct—Are We Born With a Protective Instinct?" (updated 2024) likens this to a "mamma bear" reflex, a universal phenomenon that overrides social and legal norms when loved ones are endangered.

This reality is dramatized in *Executive Target* (1997), in which a stunt driver is coerced into a kidnapping plot after his wife is taken hostage. The threat to a family member forces him into actions he otherwise would never consider. This narrative, while fictional, mirrors the lived reality of many Palestinian families. With over 9,500 individuals detained—including children—Palestinian communities live under the constant fear of loss, abuse, and death.

In such an environment, the urge to retaliate, to trade hostages for hostages, becomes not only rational but inevitable. The 2011 prisoner exchange—1,027 Palestinians for one Israeli captive—demonstrated that extralegal pressure yields results. In the absence of justice, desperation becomes strategy. October 7, 2023, must be understood in this light: a desperate act shaped by systematic detention, international abandonment, and the overwhelming instinct to protect one's own.

## **The Hypocrisy of Selective Outrage**

Condemnation of extralegal responses without confronting the abuses that provoke them is not only hypocritical—it is dangerous. It sustains a moral double standard in which state violence is legal and invisible, while reactive violence is criminal and condemned. This imbalance erodes the legitimacy of international law itself.

The logic is simple: if institutions tasked with upholding justice fail to act, people will find other means. Just as the protagonist in *Executive Target* chooses illegal action when no one else will save his wife, so too do oppressed communities act when their families are targeted and no avenue for redress remains. This is not a justification—it is a diagnosis of cause.

History teaches that real accountability targets systems, not symptoms. The Nuremberg Trials did not begin by blaming desperate German citizens; they dismantled the structures of impunity. To end the cycle of violence in Palestine, the international community must address the root: the systemic violations by Israel and its military-legal apparatus.

## **Conclusion: End the Abuse, or Expect the Desperate**

Israel's administrative detention system, built on legal pretense and sustained through violence, represents a gross violation of international law. The global community's continued failure to enforce its own human rights standards—through R2P or ICC mandates—has created a vacuum in which the instinct to protect family becomes a political weapon.

October 7 was not inevitable, but it was predictable. When legal systems collapse, the most ancient instincts remain. Rather than condemning the desperate while shielding the powerful, the world must confront the structural injustices at the heart of this conflict.

Ending Israel's detention regime, enforcing international accountability, and restoring trust in law are not just legal necessities—they are the only path to preventing future desperation. Until that happens, the cycle of impunity and reactive violence will persist, driven by fear, trauma, and the enduring instinct to protect what matters most.