

Yes, it's a Genocide

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Of dragging a corpse up two steps leading out of a concentration camp hut: “The man with the corpse approached the steps. Wearily he dragged himself up. Then the body: first the feet, then the trunk, and finally - with an uncanny rattling noise - the head of the corpse bumped up the two steps.” One of the most vivid images that has stayed with me from Dr. Viktor Frankl’s enduring success, *Man’s Search for Meaning*, is this description. Years later, I still occasionally reflect on this solemn portrayal and the teeth-gritting chills it gave me upon first reading. Frankl’s account, though often insinuating a longer martyrdom in Auschwitz than he endured (Frankl spent much [more time](#) at Theresienstadt and Kaufering III), is nonetheless laudable for its poignant and dour account of day-to-day life in Nazi forced labor camps. Appending this description of the camps lies an introduction to Frankl’s branch of psychology: Logotherapy. A humanistic and existentialist approach to understanding the human mind; Logotherapy stresses the importance of meaning to human well-being and mental health: “He who has a why to live can bear almost any how.” With this quotation in mind, perhaps Logotherapy could hold some explanatory power for the situation in Gaza today. When viewing images of Palestinian men digging through concrete and rebar-laden rubble, oft with their bare hands in exhaustive efforts to uncover survivors and corpses alike—quite likely starved of food and water—one can’t help but wonder: what keeps them going?

Genocide is a very serious accusation, perhaps most especially when being directed towards the world’s only Jewish state. Perhaps even more seriously still, as we now find ourselves three months removed from the worst antisemitic massacre committed since the great wars. Indeed, if such an act were in response to precisely this massacre, Hamas’ invasion of South Israel on October 7th, 2023, the allegation of genocide must be coupled with a great deal of evidence. As the much-celebrated scientific educator Carl Sagan used to say: “Extraordinary claims require extraordinary evidence.” Let us first establish the threshold upon which crimes become genocidal, and then judge for ourselves whether the evidence supporting an Israeli overstepping this limit is extraordinary or not.

The official, internationally accepted definition of genocide is provided in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948. This

convention defines genocide as: "... any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ..." Notably, all 153 signatories of this convention must prevent and punish genocide. It [criminalizes](#) not just the administration of genocide but also attempted genocide and complicity towards genocide. Simply put, [two elements](#) must be present to prove genocide: intent on the part of the organization or actor, and the methods reproduced above employed towards the fulfillment of said intent. Two important caveats must be known when considering this charge: one, the crimes must be committed generally upon the group itself, not individuals within that group, and two, the crimes cannot be the byproducts of some other goal, like waging a war.

Naturally, intent tends to be the most difficult aspect of any crime to prove. The same might be true here if it were not for the many religiously extreme, dehumanizing, and frankly bloodthirsty pronouncements made by members of the Israeli government. For example, in response to October 7th, Ariel Kallner, a member of Israel's ruling far-right Likud party, stated "Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 1948." Meanwhile, member of the Knesset and former Likud Minister of Information, Galit Distel-Atbaryan, called for Gaza to be "erased from the face of the earth." Similarly, Likud lawmaker Tally Gotliv recommended Israel shouldn't just "flatten a neighborhood" but rather should start "crushing and flattening Gaza without mercy."

Moving to the working cabinet, Minister of National Security Itamar Ben-Gvir posted that "as long as Hamas does not release the hostages in its hands - the only thing that needs to enter Gaza is hundreds of tons of explosives from the Air Force, not an ounce of humanitarian aid." In parallel to Ben-Gvir's comments, Israel's Minister of Defense Yoav Gallant ordered a "complete siege" of the Gaza Strip, with "no electricity, no food, no fuel, everything is closed." Stressing the necessity of such medieval measures, he expounded, "We are fighting human animals, and we are acting accordingly." To be fair, it's plausible Mr. Gallant was speaking of Hamas, and not innocent Palestinian civilians - however, he didn't say so at the time, and the siege didn't discriminate - it collectively punished a population with 63% already suffering [from food insecurity](#). Indeed, Israel's President Isaac Herzog rebuked this very distinction, saying: "It's an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it's absolutely not true. They could've risen up, they could have fought against that evil regime." Striking a similarly absolutist note, the Israeli Defence Force (IDF) issued a [statement](#): "You either stand with Israel or you stand with terrorism". Consider where this leaves Palestinians - where do they have left to stand? If you were in Gaza, enduring a 16 year blockade, witnessing your city's unemployment rate rise to 45%, and watching 80% of your compatriots left to rely on international aid, where would it leave you?

It should be noted that such statements have not come with impunity. Israeli Heritage Minister Amihay Eliyahu was [suspended indefinitely](#) from cabinet meetings for voicing openness to a nuclear strike on Gaza - a comment he later defended as "metaphorical." However, Eliyahu saw fit to add later, "A strong and disproportionate response to terrorism is definitely required..." On Eliyahu's suspension, Israeli Prime Minister Benjamin Netanyahu's office wrote: "Eliyahu's statements are not based in reality. Israel and the IDF are operating in accordance with the highest standards of international law..." It would be easier to applaud the Prime Minister's stance here, had it not been for his own comments regarding the "second stage" of Israel's war on Gaza. Referring to the operation as a "holy mission," Netanyahu said, "you must remember what Amalek has done to you..." - referring to the biblical passage where God commands Saul: "Now go and smite Amalek, and utterly destroy all that they have and spare them not; but slay both man and women, infant and suckling, ox and sheep, camel and ass" (Old Testament in 1 Samuel 15:3).

If one does not find the quotations thus expressed sufficient for proof of intent, there is evidence

upon which they could base their opposition. Many of the statements cited above were made immediately after the events of October 7th, and perhaps could be attributed to the strong emotions such an event certainly evoked. Indeed, on many other occasions Israel has stated that their campaign is solely against Hamas militants, and emphasized the importance it places upon civilian safety and protection. Factors such as these contribute to making criminal intent such a high burden of proof: for, how is one to distinguish objectively between statements that genuinely reflect personal convictions and organizational intent, versus those made for other reasons, political and otherwise? Concerning this matter, *CNN* reported that according to sources familiar with their planning, the initial intent of the IDF was to “level” the entirety of the Gaza Strip. This intention, purportedly in place until sometime after October 7th, has since been scaled back and stymied: influenced in part by American pressure stemming from an international community increasingly sympathetic to Palestinian suffering. The significance of such an admission lies in its revelation of intent not only as presented to the public but as communicated within internal strategic discourse.

If still unconvinced, one should know that in the case of genocide, intent does not have to be explicit but can be inferred, as determined in [adjudication](#) conducted by the International Criminal Tribunal for Rwanda: they write that intent can be derived “from the general context of the perpetration of other culpable act systematically directed against that same group.” Continuing, they state “Other factors, such as the scale of atrocities committed, their general nature, ... deliberately and systematically targeting victims on account of their membership of a particular group ...can enable the Chamber to infer the genocidal intent of a particular act.”

Switching now from intent to the methodologies of genocide, we’ll start with killings. The number of Palestinians killed in the IDF’s retaliatory invasion is estimated to be somewhere between 21,000 to 30,000, depending on if the victims likely to be buried under debris are counted. What proportion of these deaths are civilian is difficult to determine, as the Gaza Health Ministry (often discredited as Hamas-run: a bias dismissed by organizations like the [Human Rights Watch](#) and World Health Organization) doesn’t release such data, but if one only counts women and children, it would put the [figure](#) somewhere around 71%. It should be noted that the humanitarian, non-profit organization Euro-Med Monitor has [estimated](#) the civilian death toll to be as high as 90%. For point of reference, [according](#) to professor of Law and former military officer William Eckhardt, generally about 50% of war deaths are civilians.

Regarding “Killing masses of civilians,” historian Dirk Moses [writes](#) that it’s “not illegal if motivated by military goals: victory not destruction.” One should wonder if such a loophole could exonerate an IDF that openly places [emphasis](#) “on damage and not on accuracy” in their operations. On this point, genocide scholar Omar Bartov notes: “you have a clear disproportionality between the military goals as they are articulated by the Israeli military and the number of civilians that are being killed.” Correspondingly, he adds that “it’s not clear that Israel has really managed to dismantle Hamas as a fighting organization.” Indeed, one is left to wonder how thoughtful a large-scale bombing campaign is, if the purported targets of said bombs are precisely the ones hiding in underground bunkers.

Examples of causing serious bodily or mental harm as an act of genocide include torture, inhumane or degrading treatment, and interrogations combined with beatings – all of which have been [documented](#) at length as methods employed by Israeli forces for [decades](#), largely with impunity. Specifically regarding the Israeli offensive in Gaza: deportation, threats of death, and knowledge of impending death have all been [used](#) to establish evidence of *actus reus* (meaning criminal act) for genocide. In the International Criminal Tribunal for the Former Yugoslavia, the trial judgment for Prosecutor v. Blagojevic and Jokic expounded upon this point: “... the sense of utter helplessness and extreme fear for their family and friends’ safety, are traumatic experiences from which one will not quickly – if ever – recover.” The threat of death in Gaza is ubiquitous, leaving civilians with [nowhere safe](#) to seek refuge amid relentless bombing. It is difficult to fathom the grief,

stress, and trauma now being inflicted on virtually the entire Gazan population, exacerbated by the devastating and illegal use of white phosphorus over urban and residential areas.

Particularly relevant to the ongoing situation in Gaza is the last remaining method of genocide: deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. In the month following October 7th, Israel dropped more than 25,000 tonnes of explosives on 12,000 targets in the Gaza Strip. Contextualizing this, *NBC writes* “In the first week of the conflict, which began after Hamas’ Oct. 7 terrorist attack killed more than 1,200 Israelis, the IDF dropped 6,000 bombs in Gaza. In 2019, the U.S. dropped 7,400 bombs in Afghanistan over the course of an entire year.” This is all the more shocking when one considers the fact that the Gaza Strip is 1787th the size of Afghanistan in land area. In North Gaza, where Gaza City sits and where the majority of Gazans resided before the conflict, airstrikes have inflicted the most severe damage, affecting 52%-65% of all structures by late November.

In their joint statement in November, entitled “Palestine: Preventing a Genocide in Gaza and a New Nakba,” over twenty independent UN experts note: “the destruction of housing units, as well as hospitals, schools, mosques, bakeries, water pipes, sewage, and electricity networks, threaten to make the continuation of Palestinian life in Gaza impossible.” About 90% of Gaza’s population, 2.3 million people, have now been internally displaced, mostly packed within the increasingly constrictive, and over-crowded Southern regions of Rafah, and Khan Younis. Expanding on this, Bartov notes, “they’re living under dire conditions and lacking all sufficient infrastructure for long-term survival. With the approach of winter now, things are going to get much, much worse quickly.” It’s crucial to highlight that even before this mass exodus southward, the Gaza Strip was among the world’s most densely populated places. Compounding the severity of the situation, evacuations orders for large areas of Khan Younis have been ordered in wake of an expanding ground offensive. Of course, this isn’t to infer that Israeli military operations have been confined to definite zones, providing civilians safe asylum elsewhere: Israeli bombs have often been dropped on so-called safe areas.

Accusing Israel of genocide has had some opposition. This opposition tends to, so far as I can tell, come in one of a couple forms. First, some highlight Israel’s capability to destroy all of Palestine, using nuclear weapons or otherwise. For, if Israel is so genocidal why don’t they simply kill all Palestinians tomorrow – they’ve had the means to do so for a long time? One might have thought such an argument too crass and reductive to utter in public – but the logic has been employed by various public figures with large followings, including Andrew Sullivan and Sam Harris. If one were to assume a purely self-interested, sociopathic, and indeed, genocidal intent on the part of the Israeli regime, one could argue that the political, strategic, and optical ramifications alone could dissuade from perpetrating such a terse, blatant, and nightmare-scenario attack. However, we need not even argue on this point. As has been established already, genocides do not need to be absolute, quick, or even murderous to qualify. As Raphael Lemkin, the Polish-Jewish lawyer credited for coining the term genocide explains, the act of genocide can entail “a coordinated plan aimed at destruction of the essential foundations of the life of national groups so that these groups ... wither and die like plants that have suffered a blight ... It may be accomplished by wiping out all basis of personal security, liberty, health and dignity.”

Others who defend Israel’s policy as non-genocidal use the omnipresent platitude that Israel has “a right to defend itself”. The crimes committed during Hamas’ invasion of Southern Israel on October 7th and the following days, horrific as they undoubtedly were, warrant a substantial military response, or more specifically, to do whatever is necessary to eradicate Hamas and ensure such a catastrophe never happens again. Such arguments often retort that Hamas is genocidal themselves, frequently citing the group’s 1988 founding charter, or one of the many violent and antisemitic things Hamas officials have done or said over the years. Again, it’s worth digressing that

indefensible as Hamas is, the Israeli regime played a crucial role in them assuming power, attempting to establish useful counterweights against Yassar Arafat's Palestinian Liberation Organization – an act of divide and conquer now [admitted](#) to have been a critical oversight by former Israeli officials. Regardless, no matter the nature of Hamas the point is legally irrelevant, self-defence does not negate and cannot be used to justify a genocide. [According](#) to international law: “no state or individual can ever be permitted to justify genocide in the name of self-defence.”

Alternatively, many who dismiss the idea of an Israeli-perpetrated genocide may point to some of the ways Israel protects Palestinian civilians in times of conflict. For instance, the American Jewish Committee [highlights](#) warnings of impending airstrikes to Gazans and the establishment of humanitarian corridors for the evacuation of North Gaza. First, it must be known that both measures have been neglected and ignored repeatedly by the IDF: strikes have been conducted in civilian areas [without warning](#), and Palestinians have been [targeted and killed](#) while traveling down the corpse-laden humanitarian corridors. Second, such measures, sporadically abided by, would constitute a more persuasive counterargument – if only these internally displaced Gazans weren't funnelled into a completely predictable, and increasingly untenable humanitarian disaster: due largely in part to the often impeded, and wholly insufficient humanitarian aid.

Continuing, the American Jewish Committee also argued that Hamas is largely responsible for civilian deaths in Gaza, due to their operations, like firing rockets from and amid civilian areas and infrastructure like hospitals and schools – thus, turning them into legitimate military targets. This claim corresponds to a more general, often repeated accusation that Hamas uses human shields, despite [reporting](#) suggesting that independent evidence in support of this claim is often, if not at best, “anecdotal”. As Hanan Ashrawi, executive member of the Palestinian Liberation Organization explains: “Hamas is a political party after all, not just a military wing ... Hamas has day-care centers, has schools, has hospitals ...” Correspondently, he continues “Hamas ... belongs to a very pluralistic system. It has in Gaza many services, offices and so on. And therefore if you are going to destroy everything related to Hamas as a party, as a movement, it means that you're going to go on the rampage against families, homes, hospitals, schools and social services,”

Making the matter more complicated, Hamas is facing a far superior military foe. Any conventional military engagement would spell certain defeat, thus necessitating the use of covert, guerrilla tactics. Any distinguishable and isolated military compound would surely have been targeted and destroyed during one of the many Israel-Hamas conflicts since their rise to power in 2006. But unlike other guerrilla fighters, terroristic and otherwise, Gaza has no vast expanses of rainforest or mountain ranges in which to retreat and hide. They act instead, like the rest of Gaza, trapped within an “open-air prison” and necessarily must operate within the borders of this densely populated enclave. Obviously, this isn't to free Hamas of responsibility, especially in relation to the purported use of hospitals, schools, and places of worship, which if proven correct is an obvious and damnable war crime. Indeed, Hamas officials have clearly encouraged citizens [to act as martyrs on multiple occasions](#), and in this respect are deserving of strong condemnation.

Following the 2009 Israeli Operation Cast Lead, resulting in approximately 1400 Palestinians deaths, including around 350 children, Amnesty International found that Hamas “launched rockets and located military equipment and positions near civilian homes”, though not necessarily when civilians were present. They later added that Hamas was “endangering the lives of the inhabitants by exposing them to the risk of Israeli attacks.”. However, this does not constitute shielding under international law. Later Amnesty stated that “Contrary to repeated allegations by Israeli officials”, they found no evidence that Hamas or other Palestinian fighters directed the movement of civilians to shield military objects. Nor did they find fighters prevented residents from leaving buildings or areas commandeered by militants. Similarly, a Human Rights Watch report found “no evidence that the civilian victims were used by Palestinian fighters as human shields.” While *The Independent* and

The Guardian concluded it was a “myth” that Hamas forced civilians to stay in areas under attack against their will and many refugees told them they refused to heed the IDF’s warnings because even areas Israel had declared safe for refugees had been shelled by its forces.

Even if Hamas sometimes intentionally hid and operated among civilian targets, it would hardly allot Israel post hoc justification for every civilian casualty. As Save the Children notes, more children have been killed in Gaza over a three week period than in all global conflicts combined annually since 2019. Attempts to summarily absolve the IDF for such shocking statistics constitute an insultingly insufficient excuse and should be viewed with serious skepticism, especially when sprouting from an IDF caught repeatedly in ridiculous, and bold-faced lies.

As United States Secretary of State Antony Blinken [said](#), “Israel has one of the most sophisticated militaries in the world,”, adding “It is capable of neutralizing the threat posed by Hamas, while minimizing harm to innocent men, women and children.”. In a [speech](#) recently given in Dubai, Vice President Kamala Harris said: “Too many innocent Palestinians have been killed”, and “Frankly, the scale of civilian suffering and the images and videos coming from Gaza are devastating.” These statements represent a notable rhetorical shift from Israel’s longtime ally - introducing caveat, and condition to what was earlier near categorical support for the Israeli military campaign, and could constitute implicit, and inferred recognition of the Israeli military’s failure in preventing civilian casualties. This shift came to a climax when U.S. President Biden, during a fundraising event, asserted that Israel was losing international support due to their “indiscriminate bombing” in Gaza.

Human shields or not, the IDF is still obligated by international law to take all feasible precautions to minimize harm to civilians and civilian objects. Deliberate or reckless targeting of civilian infrastructure, as exemplified by the recent [destruction of the Maghazi water tower](#), cannot be justified under international law. This devastating act has contributed to 95% of Gazans having [no access to clean drinking water](#) by early November. Furthermore, the region has witnessed hundreds of attacks on crucial, life-saving medical infrastructure. Punctuating this note, the United Nations recently held moment of silence to honour the more than 100 aid workers who’ve been killed, marking a tragic toll surpassing any other conflict in their history.

In concluding on the unfolding tragedy in Gaza, one must confront the disquieting question: is the term “genocide” applicable, or are we mired in a matter of mere semantics? The international legal definition of genocide, as articulated by the United Nations, demands both intent and methodical actions that target a specific group. The statements made by some Israeli officials following the events of October 7th raise legitimate concerns about intent, which when coupled with the devastation in Gaza - amount to what I believe is a compelling legal case for genocide.

As asked in a [recent piece](#) from *The Nation*, “does one have to wait for a genocide to be completed to name it?” The ongoing suffering, displacement, and destruction in Gaza invoke a sense of urgency in labeling the situation for what it is, and for prompt investigation and adjudication, rather than waiting for a tragic culmination. The international community faces a moral imperative to act in the face of potential genocide, recognizing that early intervention may prevent further atrocities. The fact that the initial intent of the IDF to “level” the Gaza Strip has been scaled back, underscores the role of global pressure in shaping on-going strategic decisions.

The juxtaposition of the comparatively swift [characterization](#) of the Russian invasion of Ukraine as a genocide by President Biden, as well as the prompt conviction of Vladimir Putin as a war criminal, introduces an uncomfortable element of moral hypocrisy. The differential treatment in labeling conflicts, and pursuing justice underscores the challenges and biases inherent in Western epistemological approaches, as well as within international institutions. The urgency with which certain situations are deemed genocidal while others undergo prolonged scrutiny raises pertinent

questions about the consistency of global moral judgments. The people of Gaza endure unimaginable hardships, and their plight demands a collective response that transcends pettifogging linguistic debates. Instead, it should spur a mounted response, bringing relief and justice to a region and people long starved for both.