

## **Richard Falk\***

The United States cast a negative vote on December 8 calling for a ceasefire in Gaza that was supported by a vote of 13-1, isolating itself. It is notable that even the three other NATO members in the Security Council, France and Germany voting for the resolution and the UK abstaining. The effect of the US vote in such circumstances was for its sole vote to act as a veto, disregarding the overwhelming weight of opinion of governments and peoples throughout the world, including even in the US where 76% of the citizenry support a ceasefire.

The irony of Washington's stand, a disturbing sign of continuing complicity in Israel's genocide at the cost of its own world reputation and status, is that its effort to shield Israel from UN authority, occurred the night before the 75<sup>th</sup> anniversary of the signing of the [Genocide Convention](#). On the home front a strong battle is being waged by Zionist stalwarts to prohibit condemnations of Israel's behavior in Gaza as amounting to genocide to be made by protesting students, faculty, and administrators supposedly because it fans the flames of antisemitism that threaten the comfort zone of Jewish students, as if the militant pro-Israeli denunciations of Hamas terrorism posed no threat to those of Arab or Islamic descent.

This assault on academic freedom and free speech in a matter of urgent concern, as the wanton killing of children and women goes on day after day in Gaza is tantamount to suppressing citizen engagement in relation to foreign policy of the government in which society is polarized. Can we even imagine shutting down criticism of German and Japanese to Nazi genocide or the Japanese attack on Pearl Harbor because it might make these ethnic minorities uncomfortable? Indeed, the wartime internment of Japanese residents, including US citizens, went to shameful other extreme. When the US Government and compliant influential media refuse to call a spade a spade free speech and rights of assembly are more important than ever in exposing Washington's material involvement in the most serious of international crimes.

Missing in the debate both in the US and other national settings where governments in *Global White Empire* side with Israel is the issue as to whether the evidence supports the allegation of genocide or it is an irresponsible charge that can be

legitimately prohibited or at least censured as 'hate speech.' It is my view that there has never been stronger grounds for drawing the conclusion that a competent and objective judicial tribunal would conclude that the evidence overwhelmingly satisfies both elements of genocide as crime: clear intent to destroy a people in whole or part; abundant display that the behavior of Israel supplies overwhelming evidence of the substance of the crime. [[International Convention for the Prevention and Punishment of the Crime of Genocide](#) (1948)]

It seems worth mentioning a few of many vivid examples of genocidal intent as expressed by Israel's most relevant officials. Shortly after launching the attack on Gaza, Yoav Gallant, Israel's Minister of Defense, publicly announced the issuance of a decree that cut the entire 2.3 million Gazan off from food, fuel, and electricity. The tactic was given a further malignant twist by Gallant when he justified the decree by referring to the Gazans as 'human animals' and as such would be treated accordingly.

Prime Minister Benjamin Netanyahu has frequently affirmed the extremity of Israel's war aims, and authorized tactics that completely defy international humanitarian law as written into the Fourth Geneva Convention on Belligerent Occupation. His most explicit embrace of a genocidal approach was his dramatic association of the Israeli campaign in Gaza with the Biblical verse about the victory over the Amalekites that called **for the extermination of every man, woman and child, and their livestock, belonging to this ancient enemy of the Jewish people**. To conflate such statements as compatible with the flimsy argument that Israel has the right to defend itself, and this is acting within the scope of 'self-defense' as understood in international law, borders on the grotesque.

Acting in self-defense does not confer an exemption from the obligation to respect the strictures of international criminal law. Beyond this, Israel as an Occupying Power of Palestinians Territories occupied in the 1967 war is acting under international authority, with the right to take reasonable steps to maintain the security of the Occupier, but with a mindfulness of its fundamental and unconditional duty to protect the civilian population, as explicitly underlined in the Fourth Geneva Convention with respect to access to food and medical facilities.

See many provisions of the treaty, especially Articles 55, 56, 33. In other words, Israel has no right of self-defense against resistance mounted in reaction to an oppressive

and overlong occupation that has been convincingly criticized and depicted by Human Rights Watch, Amnesty International, the widely respected Israeli NGO, B'Tselem, and others as guilty of the crime of apartheid. [As defined in Article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid] It is notable that despite the civil society consensus on Israel as guilty of apartheid that the government in Washington and big media have responded to such a damaging indictment of Israeli treatment of Palestinians subject to its authority with a self-incriminating silence.

In recent days the Deputy Mayor of Jerusalem, Aryeh Yitzhak King, actually advocated burying alive detained Palestinians because they are worse than human animals, they are 'subhuman.' The grisly vision of appropriate treatment is specified by King in these words:

*"If it were up to me, I would dispatch D-9 bulldozers and put them behind mounds of dirt and would have given the order to cover all these hundreds of ants while they're still alive."*

King has no relevant authority for the conduct of military operations but the tolerance of such statements by any Israeli public official is indicative of a genocidal atmosphere. [as reported by the editorial staff of Middle East Eye, December 8, 2023] Likewise, the forced resignation of the President of the University of Pennsylvania because she allowed a pro-Palestinian cultural festival (Palestine Writes) to take place, and resisted, even if only half-heartedly donor pressures and a Zionist campaign based on the allegation that anti-Semites, such as Roger Waters, were on the program is illustrative of how pro-Israel biases are being weaponized in Western democracies, designed to blacklist admittedly militant pro-Palestinian activists by dishonest and false accusations of antisemitism if correctly understood as hatred of Jews or hostility to Judaism as a religion.

To prohibit accusations of genocide given such abhorrent language and congruent behavior is a flagrant denial of free speech and public dissent. Surely the security of all minorities at risk because of political developments are the primary responsibility of governance at all levels of societal interaction. When such war measures as the destruction of vast residential neighborhoods, the repeated bombing of hospitals and UN buildings being used to shelter many thousand Palestinians, and massive forced evacuation from North Gaza to homelessness in South Gaza, shockingly aggravated

by then extending the combat zone to the South causing death and injury among Palestinians who heeded the evacuation orders, often to make their families as safe as possible while the carnage continued.

There are two important considerations that help explain Israeli recourse to genocide when they had superior intelligence and weapons capabilities to engage and defeat Hamas in a normal focused military manner if that was the true central objective of the Gaza attack. What was undertaken by Israel under the pretext provided by the October 7<sup>th</sup> attack seemed other than a counterterrorist effort, a view reinforced by increasing suspicions that parts of the Israeli government had detailed advance knowledge of the attack and failed for five hours to respond to the presence on Israeli territory of Hamas military personnel carrying out their own violent plan. What seems to be behind the Israeli genocide is the long held resolve of Zionist maximalists to give effect to the ultimatum contained in the Bezelel Smotrich's 'Decisive Plan,' which now has become the openly avowed majority position of the powerful settler faction in the current governance of Israel—'emigration or annihilation,' which has also been expressed even more brazenly during the last few weeks in settler rampages in the West Bank—'leave or we will kill you.'

In effect, the violence unleashed since October 8 is only partially directed at Hamas, although for credibility reasons within Israel and internationally, this is what Israeli spokespersons emphasize and receives most of the attention, underlying the inappropriate claim that Israel is entitled to defend itself. Such a claim is itself more of a rationalization even aside from the points made above that legally such a line of argument is inapplicable in Occupied Palestine. There would be far less destructive and more effective ways for restoring Israeli security in the aftermath of the extraordinary lapse that allowed the 'impossible to happen,' thereby avoiding the significant and potentially damaging reputational costs of resorting to genocide, not only outraging and terrorizing surviving Palestinians, but people of conscience worldwide.

Additionally, the Israel campaign seems to be covertly responsive to the agenda of settlers, the Religious Zionism coalition partners of Netanyahu that long before Oct 7 advocated ethnic cleansing as a preferred option for resolving 'the Palestinian Problem.' Despite the present all-out attack being carried out in Gaza and upsurge of

violence in the West Bank, the ethnic cleansing path seems blocked, stymied Palestinian steadfastness (sumud) by the Egyptian refusal to accept Palestinian refugees from Gaza in large numbers for relocation in the Sinai under woeful conditions of a quasi-desert environment.

From the Palestinian side, and a plausible basis for believing the Hamas resistance attack was as it appeared at the outset, it seemed timed to respond to the September Netanyahu UN address in which he held up a map of the new Middle East, with no sign of Palestine and in light of rumors of normalization with Saudi Arabia, which would enhance Israel's freedom of action with respect to the Palestinians as a whole. Actually, there is nothing incompatible between Israel seizing the occasion to pursue its wider goals and the Hamas violent refusal to accept this attempted subtle erasure of Palestine. The brazenness of the Israeli campaign is partly a result of the failure of relatively soft methods of completing the Zionist Project of maximum extension of Israel territorial sovereignty in defiance of the 1967 rare unanimous Security Council Resolution 242 mandating a full withdrawal of Israeli forces to the pre-war borders.

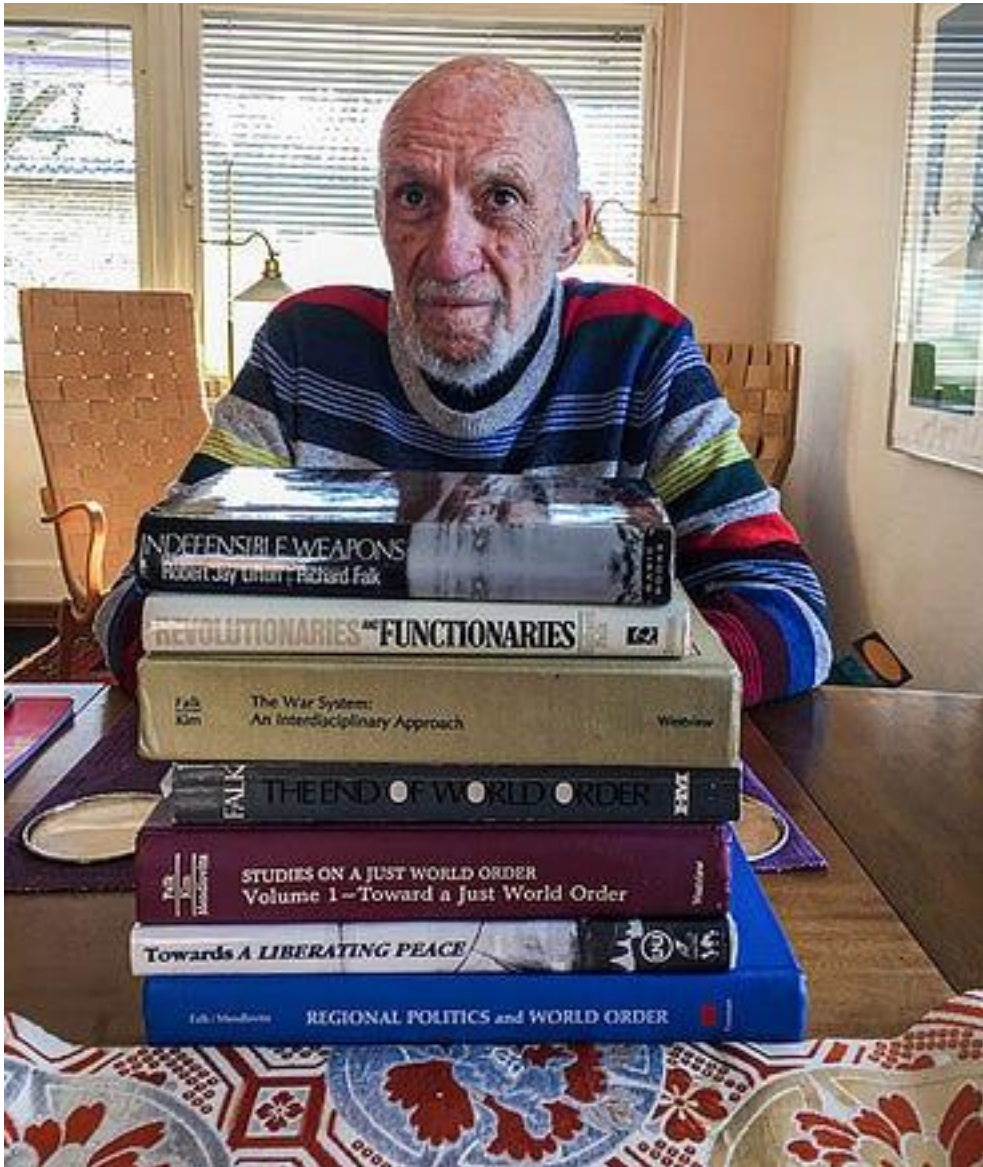
This Israeli effort to win what it hoped would turn out to be the endgame in the century long struggle between the forces of settler colonialism and the indigenous peoples of Palestine, including the small Jewish minority of under 10% that has lived as Jewish Palestinians since ancient times. It is also a phase of this struggle that represents 'the moment of truth' for the settler colonial project—either it destroys the indigenous resistance, by dispossessing and exterminating the native population or the project is defeated as in Algeria and South Africa. The White Empire, the core reality of the Global West, is composed of those settler undertakings that sufficiently marginalized native opposition to establish and maintain stable governance of their own.

There is one further dimension that is lurks just beneath the surface of the responses to Israeli genocide, which can be summarized as the 'second coming' of the 'clash of civilization' first articulated by Samuel Huntington in a 1993 article about conflicts after the Cold War being on the fault lines between the West and Islam. [Huntington, "The Clash of Civilizations," *Foreign Affairs* 72: 22-49 (1993)] It is notable that the support for Israel comes almost exclusively from the white Christian Global West and for the Palestinians from Muslim countries and non-state actors (Hezbollah, Houthis). This source of further tension is just below the surface of political consciousness.

In the end, we are left with the imperative of protecting free speech, especially in calling genocide *genocide*, and with a challenge to take all responsible action to end this scourge by actions that go beyond words of lament and condemnation, and consider what forms of boycott, divestment, and sanctions can be brought to bear to stop genocide in Gaza and initiate a journey toward peace and justice that substitutes the UN for the US as a neutral intermediary and enables the Palestinians to represent themselves in devising a solution to the conflict, obliging the Palestinian side to create a unity interim government for the conduct of international negotiations and to put forward their own proposals for the future.

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