

BRET STEPHENS

The Genocide Charge Against Israel Is a Moral Obscenity

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By Bret Stephens
Opinion Columnist

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In recent decades, as many as three million people perished in a famine in North Korea that was mainly government-induced. Hundreds of thousands of Syrians were gassed, bombed, starved or tortured to death by the Assad regime, and an estimated 14 million were forced to flee their homes. China has put more than a million Uyghurs through gulag-like re-education camps in a thinly veiled attempt to suppress and erase their religious and cultural identity.

But North Korea, Syria and China have never been charged with genocide at the International Court of Justice. Israel has. How curious. And how obscene.

It's obscene because it politicizes our understanding of genocide, fatally eroding the moral power of the term. The war between Israel and Hamas is terrible — as is every war. But if this is genocide, what word do we have for the killing fields in Cambodia, Stalin's Holodomor in Ukraine, the Holocaust itself?

Words that come to mean much more than originally intended eventually come to mean almost nothing at all — a victory for future génocidaires who'd like the world to think there's no moral or legal difference between one kind of killing and another.

It's obscene because it perverts the definition of genocide, which is precise: "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Notice two key features of this definition: It speaks of *acts* whereas part of the genocide case against Israel involves the misinterpretation of quotes from Israeli officials who have vowed Hamas's elimination, not the elimination of Palestinians. And it uses the term *as such* — meaning the acts are genocidal only if they are directed at Palestinians *as* Palestinians, not as members of Hamas or, heartbreakingly, as collateral deaths in attempts to destroy Hamas.

If Israel were trying to commit genocide, it wouldn't be putting its soldiers at risk or allowing humanitarian relief to arrive from Egypt or withdrawing many of its forces from Gaza. It would simply be killing Palestinians everywhere, in vastly greater numbers, as Germans killed Jews or Hutus killed Tutsis.

It's obscene because it puts the wrong party in the dock. Hamas is a genocidal organization by conviction and design. Its founding charter calls for Israel to be "obliterated" and for Muslims to kill Jews as they "hide behind stones and trees." On Oct. 7, Hamas murdered, mutilated, tortured, incinerated, raped or kidnapped everyone it could. Had it not been stopped it would not have stopped. One of its leaders has since vowed to do it "a second, a third, a fourth" time.

It's Hamas, not Israel, that started the war, keeps it going, and would resume it the moment it has the arsenal and the opportunity.

It's obscene because it validates Hamas's illegal and barbaric strategy of hiding between, behind and beneath Palestinian civilians. From the beginning of the war, Hamas has had a double aim: to kill as many Jews as possible, and to incur Palestinian fatalities to gain international sympathy and diplomatic leverage.

What is happening now at The Hague will never be a victory for ordinary Gazans, no matter the I.C.J.'s verdict. Their victory will come only when they have a government interested in building a peaceful and prosperous state, rather than destroying a neighbor. But it will serve Hamas as an unparalleled propaganda triumph — quite a turn for a group that only months ago proudly filmed itself murdering children.

It's obscene because it's historically hypocritical. The United States, Britain and other allied nations killed a staggering number of German and Japanese civilians on the path to defeating the regimes that had started World War II — often known as the Good War. Events such as the bombings of Dresden or Tokyo, to say nothing of Hiroshima and Nagasaki, were tragic and far more indiscriminate than anything Israel stands accused of doing. But no serious person holds Franklin Roosevelt to be on a moral par with Adolf Hitler. What the Allies did were acts of war in the service of a lasting peace, not genocide in the service of a fanatical aim.

The difference? In war, the killing ends when one side stops fighting. In a genocide, that's when the killing begins.

It's obscene because of its strange selectivity. Reasonable people can argue that Israel has been excessive in its use of force, or deficient in its concern for Palestinian civilians, or unwise in thinking through the endgame. I disagree, but fine.

But how curious that the discussion has turned to genocide (and did so from almost the first day of the war) because it's the behavior of the *Jewish* state that's in question. And how telling that the accusation is the same one that rabid bigots have been making for years: that the Jews are, and have long been, the real Nazis — guilty of humanity's worst crimes and deserving of its worst punishments. A verdict against Israel at the I.C.J. would signal that another international institution, and the people cheering it, has adopted the moral outlook of antisemites.

It's been nearly 50 years since Daniel Patrick Moynihan condemned the U.N.'s "Zionism is racism" resolution as "this infamous act."

"The abomination of antisemitism," he warned, "has been given the appearance of international sanction." Maybe the I.C.J. will make a similar mistake. If so, the shame and disgrace will rest with the accusers, not the accused.

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Bret Stephens is an Opinion columnist for The Times, writing about foreign policy, domestic politics and cultural issues. [Facebook](#)

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