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## Gaza: Moral Matters in Hard Times

An Essay\*\*

## غزة: قضايا أخلاقية في أزمئة صعبة

**Abstract:** This essay explores the moral dilemmas posed by the atrocities committed in Gaza and the stifling of any moral judgment of these crimes. It argues that morals are not limited to transcendent principles from which precepts are derived by analogy and rational judgment but that they stem from innate human dispositions. These dispositions, though not moral principles per se, constitute a seed from which morals emerge, forming the human potential for universal human values. These moral precepts are not rendered inoperative during wartime. The essay contends that Israel and its allies' claim of self-defence to justify their genocidal actions in Gaza and to marginalize moral judgements is a blatant lie. Occupying states do not have a right of self-defence before they end territorial occupation. The (conditional) right of self-defence rests with resistance to the occupation, also subject to moral standards. The claim that the Palestinian resistance in Gaza represents "absolute evil" is less a moral judgment than it is a strategy to deflect attention from the context of resistance operations. The essay also engages in a discussion of Jürgen Habermas and Seyla Benhabib's positions on the war on Gaza, criticizing their bias toward Israel, and exposing the moral deficiencies of these positions.

**Keywords:** Moral Values; Self-Defence; Gaza; Israel Genocide; Jürgen Habermas.

**ملخص:** تبحث هذه المقالة المعضلات الأخلاقية التي تُثيرها الأعمال الوحشية التي تُرتكب في حرب غزة، ومساعي قمع أي حكم أخلاقي على هذه الجرائم. وتجادل بأن الأخلاق لا تقتصر على مبادئ فوقية تُشتق منها الأحكام بالقياس والمحاكمة العقلية، بل إنها تعود إلى طبائع فطرية في البشر ليست في حد ذاتها مبادئ أخلاقية، بل تشكّل أساساً لنشوء الأخلاق، ونواةً لقيم إنسانية كونية. ولا يجوز أن تُحيد الأخلاق في زمن الحروب. تجادل المقالة أيضاً بأن إسرائيل وحلفاءها يكذبون في تذرّعهم بالدفاع عن النفس، لتبرير أعمال الإبادة في غزة وتهميش الأحكام الأخلاقية؛ فليس لدول الاحتلال حق الدفاع عن النفس إلى حين إنهاؤها الاحتلال، بل إن حق الدفاع عن النفس (وهو حق مشروط) المتمثل في مقاومة الاحتلال يخضع أيضاً لمعايير أخلاقية. أمّا وصف المقاومة الفلسطينية في غزة بأنها "شر مطلق"، فليس حكماً أخلاقياً بقدر ما هو استراتيجية تهدف إلى صرف الانتباه عن سياق عمليات المقاومة وخلفياتها. وتُجري المقالة أيضاً نقاشاً حول مواقف يورغن هابرماس وشيلا بن حبيب من الحرب على غزة، وتنتقد انحيازهما إلى إسرائيل، وتكشف المغالطات الأخلاقية التي وقعا فيها.

**كلمات مفتاحية:** القيم الأخلاقية؛ الدفاع عن النفس؛ غزة؛ الإبادة الإسرائيلية؛ يورغن هابرماس.

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## Introduction

Beside political and ideological conflicts, the savagery of war and mass killing inspires several existential reflections. There seems to be little space for moral discussion, trapped as it is between a ruthless aggression that sets the annihilation of the war enemy as a self-justifying objective beyond good and evil, even permitting the bombing of hospitals and schools, and the survivors clinging to bare life among their dead and amidst total, unthinkable loss. Nevertheless, this article discerns and addresses the moral issues raised by the Israeli war on the Palestinian people in the Gaza Strip at a time when the blurring of moral boundaries makes it difficult to discern any morality in the thick of political polarization in wartime. These are the moral dilemmas that confront humanity as a result of the atrocities committed during the aggression and the means employed that allow the suspension of any moral judgment of the crimes committed.

It is crucial to remember that while individuals and groups may observe or flout moral standards in wartime, moral values do not drive human action, in wartime or otherwise, except in two cases:

1. If these values, in which one believes or with which they were inculcated, touch one's emotional, affective constitution, such that they spur them to act or refrain them from acting, or cause feelings of guilt if they do not act in accordance with them.
2. If these values have been articulated as norms that can be inculcated or have become customs or laws, such that an individual respects them for their own sake or out of a sense of duty, and not in fear of punishment. These norms are absolute in the sense that adherence to them is a duty when faced with other options. But they may also be weighed against one another in terms of precedence.

Generally speaking, human action is driven not by moral values but by other incentives, including avoidance of physical or psychological harm, incapacity to endure, rejection of humiliation, desire for liberation from certain constraints, desire for recognition and appreciation from others, love of control, habit and custom, lust, possessiveness, pleasure, envy, love, and hate. Individual and/or socially prevalent moral values often reinforce and encourage acts motivated by these myriad incentives, or they may constrain, regulate, or deter them, or justify them after the fact. But none of these motives are moral motives, nor are the actions they inspire. Nevertheless, the means used in human action are subject to moral judgment, while the ends themselves may be transformed into values and norms. For example, the pursuit of happiness, though not a moral value per se, is conducted by means that are subject to moral judgment. But an articulation of the pursuit of happiness as one's right to pursue their own happiness without harming others turns it into a moral value. The same is true of the values of life, human dignity, and freedom. Freedom from restrictions on mobility or on expression may propel one to act if they are not overwhelmed by the survival instinct or fear, but it becomes a moral value to defend it if it is transformed into a recognition of the right to freedom. Such morals can become universal due to human beings' natural predispositions.

Values often intersect with core human emotions. Dignity, for example intersects with a powerful aversion to humiliation that may push one to rise up against those who seek to humiliate them. Similarly, it intersects with discontent and internal anguish when one is unable to protest or protect themselves from humiliation. It may also inspire feelings of guilt when humiliating others.

There are basic natural human incentives in the form of instincts, falling "beyond" (actually prior to) the distinction between good and evil. However, the heedless impulse to satisfy them is treated by human society as evil or potentially evil. Such drivers include possessiveness, envy and jealousy, and angry reactions that fuel the quest for vengeance and unconstrained lust. If morality is based on distinguishing good from evil in human action and in judging the behaviour of individuals and groups, whether the distinction is based on the values of virtue or a judgment of outcomes, it is only possible in the context

of human society. An entire stream of thought, from Rousseau to Freud, holds that moral life is possible because human society is based on the taming of instincts. This is reflected in the ways that societies and individuals deal with instincts, resulting in various social norms and individual psychological constructs. Societies deal with these natural instincts based on countless variables, and as our understanding of morals has been evolving over time.

Natural facts of life are neither moral nor immoral. At the same time, however, there is something other than instincts that must not be tamed in order to enable social life – some innate human traits constitute natural predispositions for the emergence of morals. While morality does not arise from some predetermined moral law, as Kant held, not every natural human disposition is an instinct that must be tamed or suppressed to enable the realization of human society. There are natural human impulses that conflict with social life and others that foster it.

These predispositions do not mean that human beings are good or evil by nature. Our nature is neither good nor evil. Rather, these postulated innate dispositions constitute a foundation for the emergence of morals and of universal human values as they interact with each other, through human sentiments and consciousness, and through the interaction among human beings in social life. Five of these dispositions come to mind:

1. The devotion to life driven by survival instinct. Life itself is simply a given fact. The fact that life is valuable for the individual doesn't make it a moral value. The moral value in this case is not life per se, but the right to live, including other people's right, and the prohibition of ending the life of others.

2. An aversion to causing pain to the human body. This may be a projection of the aversion to pain one feels when inflicting physical pain on other humans, or it may be an instinctual aversion to seeing a human body being harmed. One may suppress this aversion when engaging in violence and live with the outcomes. The recognition of the right not to be tortured and solidarity with victims of torture is the foundation for various moral obligations. Groups and societies may overcome this aversion by privileging the right of self-defence, or through penal systems, or the demonization of the other. If one is numb toward violence because they practice it or have been repeatedly exposed to it, the values of sympathy and solidarity are no longer drivers because their link to one's emotional constitution is eroded.

3. Birth into and belonging to a kinship group. A community of solidarity and sympathy can expand to encompass others, just as hostility can extend to people an individual has never personally met. With the rise of the individual – one who is aware that their individuality transcends belonging in a given group – imagined groups are formed based on common affiliations, not on blood ties. This affiliation – or its negation and a desire to be liberated from or replace it – becomes the basis for new values such as loyalty and sincerity, and also possibly for conflict between these and other values. The group also becomes the framework for the potency of values, which become norms inside the group. These values are more potent among the collective “we” (real or imagined) or in a relationship with someone who is like “us”. Some of them may evolve into norms within relationships between group members, or, conversely, they may allow certain behaviour that is normally impermissible within the group when it is a matter of people who are not like “us”. Moral norms could be neutralized and, in extreme cases, even inverted when dealing with members of other groups.

4. The aspiration for recognition and admiration. It is difficult to determine whether this trait is innate or not, but it is closely related to the development of the human self. Acknowledgement and admiration inspire a sense of satisfaction, which is a fundamental driver of moral behaviour. If recognition becomes a goal in itself, it could become a drive for immoral behaviour.

5. The emergence of the self and self-awareness gives rise to a sense of dignity and feelings of distress at humiliation and insult. This is linked to a one's consciousness of their self-identity, which includes affiliation to a group (as aforementioned in item 3.).

These natural predispositions continue to interact with certain socially dominant moral norms after their emergence, as well as with one's awareness and social conditions, thus giving rise to individual morality. One's strong moral constitution may derive the self-satisfaction associated with authenticity – meaning an alignment between one's expressive and practical behaviour and their values, as Charles Taylor may put it. This is the pinnacle of individual identity.

Human actions are subject to moral judgment even if their motives are not moral. These moral judgments, whether based on individual morals or socially dominant moral values, are a prerequisite for the formation of social relations. The widespread assumption that the actions of states – through their governing authorities and institutions – are typically not driven by morality, but by power and by interests real or perceived, is rarely called into question. Nevertheless, people judge the policies and actions of states not only by the degree to which their interests, however defined, are achieved and harm averted, but also by moral standards. Without this inclination to judge morally, there can be no human civilization.

Morals evolve in tandem with the development of self-awareness, reciprocal relationships, and the evolution of culture, combined with the innate human dispositions discussed above. But, in the case of social institutions and states, such natural inclinations do not exist. How, then, do the moral values that govern their conduct evolve? Collective morals develop within groups and states as frames of reference for any given “we”, ones that are capable of enacting laws and cultivating a sense of belonging. Nevertheless, states and institutions, being made up of individuals, or active subjects within a system, do not develop their own morals, for they have no natural predispositions, instinctual drives, or individual subjectivity. What they do have is institutional memory, cumulative experience, and imperatives arising from balances of power. Mechanisms are established that transform conclusions drawn from their experiences – reciprocal relationships (e.g., trade), rivalries, wars, etc. – into agreed-upon norms articulated in the language of morals and positive laws. None of them are binding absent a body to enforce them. More importantly, agreed-upon norms have been formulated among states not only regarding their rights and duties, but the rights of humans as humans. These apply to the citizens and populations of these states that create charters outlining all rights, with their protection being dependent on the state's respect for them. These rights or charters, too, have been couched in moral terms, and they are a summation of conclusions derived from the interaction of wars, trade, economic crises, and states' interests in the discourse of law and ethics in the modern era.

As a result of this interaction, the forcible occupation of others' land and the imposition of an occupation on another people, in the modern global order that recognizes territorially defined states, and people aspiring to become nations organized in a state, are considered by so-called international norms or international law an injustice because they preclude the collective practice of the right to self-determination.<sup>1</sup> Maintaining an occupation requires violence, including limiting people's freedom, subjecting them to humiliation, execution, and torture, and imposing collective punishment. Resisting occupation is a right not only because occupation prevents the exercise of the right to self-determination, but also because it is self-defence against these acts.

The moral debate about international conflicts, including occupation, is not about virtue. It is about the applicability of agreed-upon norms to acts committed by states and the inability to enforce them due to the conduct of states considered great powers, whose behaviour is governed not by norms, but by various

<sup>1</sup> The right of self-determination is a core principle in the UN Charter and in UN General Assembly Resolution 1514 of 14 December 1960, titled “Declaration on the Granting of Independence to Colonial Countries and Peoples”. “Declaration on the Granting of Independence to Colonial Countries and Peoples,” *United Nations Human Rights Office of the High Commissioner*, accessed on 12/11/2023, at: <https://tinyurl.com/43t3ftxc>

biases, alignments, and strategic interests. Before “exposing” the hypocrisy of the international order – the double standards applied to friend and foe at every turn, and not only during the war on Gaza – it would be useful to look at the breadth of the global public that insists on judging events through the lens of morals, not ideologies or international alignments.

The public that protests in defence of black lives and of the Rohingya people facing genocide, for refugee rights, and the future of humanity in the face of environmental degradation are often the very same people who oppose the Israeli occupation and show solidarity with the Palestinian people facing genocide in Gaza, regardless of their feelings about the ideology of Hamas. By dint of what they are and their reality, states will never be guided by this universal moral approach. It is nevertheless vital to draw attention to standards that ostensibly apply to all of humanity and for human solidarity, as well as for pressuring states to amend their policies.

This essay proceeds from the assumption that moral judgment may be passed on institutions, including states. There is grounds for this. First, they are comprised of individual human beings with reason and will, who can distinguish good from evil. Moreover, the object of their actions, or at least those impacted by them, are human beings, both individuals and groups. Second, their goals and methods and the outcomes of their actions are subject to individual moral judgment based on values as well as agreed-upon moral norms, enshrined in conventions and treaties that constitute the chief element of international law.

When one commits an act of murder, robbery, or fraud within the state, they not only break the law, but also commit an immoral act. When states violate international law through a war of aggression or genocide, they are committing immoral acts while also violating conventions they have signed and committed themselves to. This does not apply to the individual citizen, who did not sign the law that criminalizes their action. Rather, they are assumed to be morally committed to the value embodied by the law, or they comply with it because of their knowledge of the consequences and possible punishment. In the case of the state, there is no accountability or punishment for violating the law unless there is another state or group of states capable of imposing the law on it and has an interest in doing so. This fact makes moral judgment of its conduct even more important, as this judgment is a significant element of political action to confront a state’s crimes.

War crimes, crimes against humanity, and genocides committed after the Cold War (for example, in Rwanda and the Balkans) spurred the establishment of the International Criminal Court (ICC), whose founding charter, the Rome Statute, has been signed by 123 states since July 1998. The court exists to hold the perpetrators of such crimes responsible as individuals, whether they are leaders of states, commanders of armies, or officers. In other words, the official nature of their conduct does not absolve them of individual moral responsibility. But since the court’s founding, it has proved unable to punish those who are officials or officers from the great powers, or individuals from states that emerged victorious from the war. Once states are involved, other considerations wholly unrelated to morals are brought to bear. For all practical purposes, the ICC is dedicated to punishing the defeated.

Truth is not, as often claimed, the first casualty of war; it is morality. This is justified by separating *raison d’état* from morals on the grounds of interests, and the emergence of a mood of forgiveness toward warriors who absolve themselves from moral commandments in dealing with enemy population. It is also argued that the state is forced to commit immoral acts in service of ends that warrant it, like war itself. In encouraging the killing of the enemy and adopting two distinct moral standards for allies and enemies, war permits the violation of the premier value: the right to life. What, then, will be the fate of other, lesser values? When the campaigns of propaganda and lies commence, morals have already been thrust aside. They are asked to fall mute, and the voices that speak on behalf of them are silenced. The thin line between life and



death cannot tolerate the urgency of their appeal. It is specifically at this moment that raising the question of morals becomes urgent for the victims. The duty extends beyond the need to discuss the “justice” of the war: is it a just war, meaning a war of liberation or self-defence? A war fought after the exhaustion of all non-violent means? Or an unjust war of aggression? Humans are moral beings. Alignments in wartime may be one of the greatest challenges to their moral fibre.

## **Morals and Identity in the Present Context**

Moral standards are formed and expressed in daily life in the context of belonging to a reference group. An individual’s position and status within the group are inseparable from the expectations of them and their expectations of themselves. Within the framework of closely knit groups, such as the extended family, the tribe, and the traditional small neighbourhood, it is difficult to distinguish between private and public morals, and the moral rules and binding norms that apply outside the group differ from those that apply within it.

As affiliation groups expand, individual morality grows increasingly distinct from customs and traditions. This expansion is not that of a state’s or empire’s territory which can happen even as individuals continue to belong to their small, closely knit group. It is rather the expansion of the affiliation group, whether it is coterminous with the state or not. This is the case with the individual cognizant of their individuality in a national or citizenship-based group, or in identity groups, which constitute at certain levels an alternative to the traditional, closely knit group.

However, individuation and the individual’s perception of their own individuality, through the distinction between individual and public morality, and the awareness for the potential for individual moral decisions, do not diminish the importance of the imagined identity-based community. In the event of the outbreak of hostility, especially war, the bonds within the imagined community become more tightly knit; that is, its “tribalism” becomes more pronounced. As a result, the gap between morals that apply inside and outside the group widens, reaching the point of total contradiction in the event of war. This is the political reality enthusiastically described by Carl Schmitt in his various writings, which consider politics to be the art of distinguishing friend from foe.

Hence, the moral treatment of individuals within the imagined community does not apply to individuals belonging to the enemy. In this context specifically, two elements are important. The first is the existence of individuals and organizations who preserve ostensibly universal human values. Unlike their state rulers and intellectuals who merely pay lip service to such values, ignoring or justifying acts that contravene them and for whom values are universal only in content but not in the scope of application, they acknowledge the universal validity of moral values across groups and their applicability to human beings in general. The second is serious engagement with norms that regulate relations between peoples and states even in times of war, and institutions that call for their implementation and document violations in the absence of major powers capable of enforcing them. It is important to underscore here that a belief in universal human values is insufficient; more important is adherence to them.

Some people have discovered the hypocrisy of Western states (meaning their governing institutions) during the genocidal Israeli war on Gaza. They have seen it in the support of these states (save for the governments of Spain, Ireland, and Belgium) for the continuation of the war even after the magnitude of the Israeli crimes had become clear, in the editorial policies of Western mainstream media, and in their contravention of human rights and universal charters. These states remained silent amid the bombardment of densely populated neighbourhoods, deliberate starvation, the suspension of water and electricity to the population, and the shelling of hospitals and schools. This has led some to question human rights and universal values as a whole, a tendency encouraged by certain ideological streams in Muslim societies.

In fact, this is nothing new. We have seen it in Vietnam, Cambodia, and Laos, and amid crises in Africa (the genocide in Rwanda and events currently underway in Sudan), and during the war on Iraq and the bombing of Mosul and Raqqa.

Palestine, because of the clarity of its cause, throws this hypocrisy into stark relief. But this is not necessarily because of Palestinians; but more likely because of the bias toward Israel and the particularity of Western states' relationship with it and their unconditional support for it. Moreover, hypocrisy is not limited to the West, but extends to Arab and Muslim states as well. Judgement on hypocrisy is made by the yardstick of universal moral values, as represented in global human rights formulations and international conventions on occupation. Yet, how can we use these to expose hypocrisy while they are simultaneously being contravened? The task is not to deny universal values or expose their falsity, but to expose lip service to them, their disavowal, the lack of commitment to these values and international law, and the way international law has been hollowed out of any substance in an international order where values articulated in conventions and their interpretations are subordinated to interests and power relations.

In spite of Western states' hypocrisy when it comes to applying universal human rights values outside their national and/or cultural scope, many peoples, Arab and non-Arab, Muslim and non-Muslim, have been liberated from Western colonialisms, with anti-colonial movements emerging in colonial states themselves. South Africa, too, was liberated from apartheid thanks to armed and unarmed struggle, and international solidarity. Armed struggle was not enough to free Palestine from occupation in the past and it is not enough in the present day. The Palestinian people need Arab and international solidarity. But how can this be advocated without a belief, critical as it may be, in its existence? Denial of universal values and claims that they are but a monumental lie leads only to moral nihilism, feeding the nihilistic extremism of marginal groups that Arab societies have already experienced and for which they have paid a heavy price.

The most effective way to expose the Western countries' ostensible moral hypocrisy to universal values is for those who struggle against the injustice with which these states are complicit to formulate their demands and political discourse in genuine alignment with universal values and human rights. Here the question arises: Are those protesting the war in Gaza with moral passion and agony motivated by morality? Or does their protest arise out of the national or religious identity they share with the victims? Both motives are legitimate, and can be formulated in the language of justice, because the Palestinian people are being subjected to injustice and oppression, and their cause is just. Similarly, demonstrators in Europe, the United States and elsewhere demanding a ceasefire may be motivated by universal morals resulting from a sense of common belonging to a single identity. This is neither a national nor a religious identity, but rather a human identity, which enables them to imagine themselves in the place of the victims. This is the highest level of shared belonging; humanity as a larger reference group ought to be governed by universal values.

Young American Jews have done a great work through their solidarity with the people in Gaza and their rejection of Israeli practices, whether acting based on universal values, on their understanding of Jewish values together with human values, or even on a shared Jewish identity with Israeli Jews. In this case, shared identity is a motive for rejecting Israel's monopolization of the conversation, its claim to speak in the name of the Jews while committing genocide, and its distortion of that identity with its criminal practices against the Palestinian people. It is an identity-based starting point; however, it is diametrically opposed to identity-based chauvinism, since it invokes identity not to boast about it, but rather to refuse support for anyone who claims to represent that identity.

## The Right to Self-Defence

The United States, in the person of its president and a great many journalists and intellectuals – including Israeli intellectuals and journalists who have been mobilized into media battalions and brigades – have tried to encapsulate, and then negate, all the moral issues arising from waging war on the Palestinian people in the Gaza Strip with one phrase: Israel’s right to self-defence in the wake of the crimes committed against Israeli civilians on 7 October 2023. The war is considered legitimate, even necessary, because it is waged in self-defence.

The International Court of Justice (ICJ) has previously ruled that a state occupying the territory of others has no right of self-defence. It is defending not its “self”, which in this case is the state within its internationally recognized borders, but its occupation. At the same time, there are international conventions that uphold the right to resist occupation. Logically speaking, the right of self-defence belongs to a people under occupation. It is called the right of resistance. In any case, self-defence is not a moral value, but a natural imperative, and the word “right” lends it a legal and moral normative character, transforming it into a recognition of the right of any people to resist occupation. Because the occupation entails practices like arbitrary violence, the denial of freedom, and humiliation, and because a society under occupation defends its existence, culture, and identity, resistance in the view of liberation movements transcends the mere right of self-defence to become a moral duty as well. This duty, on the level of discourse at least, is to defend a set of values like dignity, justice (including freedom and rejection of supremacy in this case), and the right of belonging or the right to an identity.

In fact, there is no unconditional right, moral or legal, to self-defence. There are conditions of proportionality between action and reaction and other conditions related to means, not all of which are legitimate. After it has become clear how Israel exercises this “right”, some states continue to invoke it to justify the ongoing aggression, even after the killing of thousands of innocent civilians, including a staggering number of children. This justification goes beyond hypocrisy to sheer moral depravity. Even if the invocation of “Israel’s right to self-defence” is followed by remarks urging Israel to respect international law and “avoid killing civilians”, support for Israel is not conditional on such respect, and so they remain a meaningless addendum with no impact whatsoever on reality.

For its part, Israel moved immediately to justify the all-out assault on the Gaza Strip by asserting the elimination of terrorism as an objective, which requires the elimination of Hamas, or at least its military apparatus and its administration in the Gaza Strip. As soon as this goal was articulated, nearly everything became permissible. The dirty means used, and the crimes perpetrated in this type of war are forgotten, and no one is held accountable as long as the mission is a “success”. Accountability only begins in the case of failure, or if the states committing such crimes pay a relatively high price during the war. Meanwhile, the voices of those driven by moral impulses are raised in Western societies.

When the Israeli prime minister falsely but repeatedly insisted that Hamas is the ISIS of Gaza, he was laying the groundwork to make anything permissible in Gaza. Very few people, after all, cared about the crimes committed during the bombardment of Mosul and Raqqa after an international consensus formed on the need to eliminate ISIS. International attention at the time was focused solely on the coalition’s successful occupation of these cities and its efforts to cleanse them of ISIS forces regardless of the cost, including cost of life, to their inhabitants and in disregard for the plight of civilians suffering under the ISIS occupation and during their liberation from ISIS, and the number of those killed by US bombing. As the coalition’s campaign made clear, ISIS crimes against Iraqi and Syrian civilians were of no interest to the coalition states; what concerned them was the actions against foreign nationals and the threat the group posed to “stability” in the region.



The demagogic identification of Hamas with ISIS can be easily refuted. Hamas is not an international organization that fights in others' territory. It is a Palestinian movement that operates on occupied land against the occupation. And unlike many other Palestinian and non-Palestinian armed organizations, it has not carried out military operations outside occupied Palestine and has not harmed civilians in other countries. Even if one disagrees with Hamas, it is nonetheless a political movement that does not engage in nihilistic violence, but rather uses violence in resisting the occupation.

In addition to the attempt to popularize this association between Hamas and ISIS and therefore groom the public to accept anything in the name of eliminating Hamas, Palestinian movements have repeatedly been compared to Nazis and Nazism, a recurrent Israeli trope since the eve of the June 1967 war. Gamal Abdel Nasser was likened to Hitler, as was Yasser Arafat, and the Israeli government has repeatedly invoked the Holocaust. The purpose is not only to elicit international sympathy while helping to assuage Europe's guilt by projecting it onto Arabs and Palestinians, in exchange for its support of Israel, but also to monopolize the role of the victim. By permanently inhabiting this role, victimhood becomes an intrinsic characteristic of Israel, even as it occupies the land of others and is the executioner, not the victim.

These are some of the mechanisms used to neutralize the moral questions raised by the war on Gaza and dull any moral sense that every human being has, as I state in the opening of this essay.

## **Absolute Evil**

From the beginning, the justification for the aggression on Gaza and the genocidal war against the Palestinian People was conspicuous for the refusal of Israel, its media, and the Western media supporting it to discuss any precursor to the Izz al-Din al-Qassam Brigades' offensive against Israel on 7 October, insisting that any mention of context was tantamount to a justification of the attack. The claim was thus propagated that the Qassam Brigades carried out the operation simply because they are absolute evil, echoing Benjamin Netanyahu's old mantra that "the cause of terrorism is terrorists".

This is not a philosophical claim, but part of a propaganda campaign. Explaining the difference between this and absolute evil as understood in moral philosophy is a pointless exercise. I do not agree with Nietzsche's admonition that "evil" does not actually exist, or his assertion that the source of evil is the jealousy, envy, and resentment that the weak harbour for the strong, embodied by the supplanting of Greco-Roman morals with Christian morality due to its commingling with Judaism. Nor do I agree with the notion that the idea of evil originated to demonize superiority, though I agree that the concept of evil can most certainly be invoked to demonize others, as, for example, in political propaganda. Absolute evil is a concept rarely used in moral philosophy, unless one is referring to absolute moral judgments, between two options (either/or). In this context, the meaning of "absolute" is not that the choice is between absolute evil and absolute good, but rather that moral choices between right and wrong, or good and bad, are freely made choices without compromise. Compromises are subsequent to moral judgment; based on practical imperatives, they lay outside the framework of moral judgment.

It is also clear that the meaning here is not what Kant called radical evil (*das radikale böse*). For him, the source of radical evil was the human propensity to prefer love of self (self-interest, vanity, etc.) over moral law, which requires adherence to the morally right choice out of duty alone, not based on interest or a consideration of outcomes. For Kant, this is the motive of evil, an idea that has been subject to severe criticism. As for doing evil simply for the sake of evil, according to Kant, this can only come from Satan. In other words, he did not employ the term "absolute evil". It is an imagined evil that does not motivate humans.

In contrast, when Israel and its propaganda machine speak of “absolute evil”, the purpose is to equate Hamas with evil itself – in short, to demonize the movement. This is an ontological evil, one that exists in and of itself without beginning or end. More importantly, it implies that its acts defy explanation: Hamas commits evil deeds for no reason but being evil incarnate. There is no remedy but to fight and eliminate it. From this perspective, any attempt to explain the reasons for or background to the operation carried out by the Qassam Brigades is read as a justification of its acts, and those who attempt to offer explanations are accused of complicity with terrorism. Claims about evil incarnate are more than mere incitement or emotional outburst. They are a system of political propaganda with its own, predetermined logic, which includes premises and consequences. They are claims based on false assumptions and fallacies.

For example, the assertion that Palestinian violence arises from an animus toward Jews is a baseless accusation; even civilian victims, if targeted, are not targeted because they are Jews, but rather in the context of a conflict with an occupying state and the reality of its occupation and associated practices. This is not a justification for targeting civilians, but rather a refutation of the assertion that Jews are targeted as Jews. The occupation state is not resisted because it is Jewish, but because it is an occupation state. Levelling the charge of anti-Semitism against people living under occupation effaces the specificity of religious, ethnic, and social anti-Semitism that Jews have historically faced as religious minorities in Europe.

In any case, this is not the first operation carried out by Hamas in which Israeli civilians are among the victims. Hamas and other resistance movements have carried out several suicide operations (referred to by Hamas and others as martyrdom operations) in Israeli cities, mostly during the Second Intifada, a practice that has been given up since then. This has always provoked a violent Israeli response that included collective punishment and the killing of more Palestinian civilians. But that response does not resemble the current Israeli response, neither in its emotional tenor nor vindictiveness, wreaking vengeance on all Palestinians. What so provoked the fury of the military state, which conceives of itself as Sparta, is not the number of civilians killed or injured during the operation (many of whom were killed by Israeli forces), but its shock and surprise at three things. First, never since 1948 has an Arab (Palestinian) party brought the war inside the 1967 borders; Second, the audacity and capabilities of Palestinian fighters have shocked the Israelis. In this respect, entering military bases and killing soldiers is more enduring and traumatic than killing civilians. Third, the shock that sent the state reeling mingled with the calculated fear that weaknesses will be exposed, and Israeli deterrence will be ineffective. Israel thus rushed headlong into an all-out war on Palestinians in the Gaza Strip, which has been recognized internationally as plausibly genocidal.

In this context, any inquiry into the background of the 7 October attack becomes completely unacceptable, even suspect, as sympathetic to terrorism. History, according to this narrative, began on what has become known in Israel as “Black Sabbath”, ignoring the nearly two-decade siege suffocating the Gaza Strip, the regular Israeli airstrikes, the expansion of colonization in the occupied West Bank in the past two years, the increasing frequency of incursions in al-Aqsa and attempts to impose on Muslims a division of the religious site, the harassment and torture of Palestinian detainees in Israeli prisons, and political regression under a far-right government. A discussion of this background introduces a measure of rationality in the treatment of the events of 7 October, relativism as opposed to absolutes. In turn, this could temper the overwhelming desire to restore deterrence by means of all-out tribalistic vengeance against the Palestinian people, with the difference that the Israeli tribe is armed with the latest American military technology for aerial, naval, and terrestrial warfare.

Hence the emphasis on absolute evil. Although we are talking about human beings who have lived most of their lives under a siege like no other, those who are older than the siege had lived the first part of their lives under direct occupation in conditions of oppression and deprivation. For example, the overwhelming

majority of Gazans are refugees from the environs of the Israeli towns and villages that the Qassam Brigades infiltrated or shelled. There is no absolute evil or absolute good here. Even the right to resist occupation that some imagine to be absolute is not an absolute good, as I will demonstrate below.

Applying terms like “absolute evil” to socio-political phenomena is contrary to rationality, which entails interpretation and comprehension. It prevents us from explaining why ordinary people resort to violence, whether for moral or immoral ends. It also precludes an understanding of the circumstances of the moral deterioration of Israeli soldiers and their barbaric conduct – acts of mass murder, the abuse and humiliation of Palestinian civilians – as well as the relationship between this and growing up in a culture of occupation and racism.

In the second half of the twentieth century, the Nazi genocide against the Jews constituted the historical background for the philosophical discussion of evil. The Holocaust was described as an absolute evil, meaning an extraordinary, universally recognized evil. But in *Eichmann in Jerusalem*, Hannah Arendt discerned what she considered the banality of evil, the direct opposite of radical evil. Arendt located the source of evil in ordinary people who, divested of any moral sense, did their jobs, lived their everyday lives, and played their part in the process of extermination. They did so not because their love of self had prevailed over moral law, but rather because they had become instruments in the service of a totalitarian regime. This war has shown that political culture of democratic countries can become totalitarian in wartime.

## **Palestinian Civilians Are Not Collateral Damage**

State leaders typically express regret for the killing of civilians in the course of war, even if they offer some justification for it – it was an error, collateral damage from shelling or fighting. Israel, however, does not apologize or offer similar justifications that could neutralize a moral judgment of the killing of civilians. On the contrary, it announces that it bombs buildings, residential neighbourhoods, and even hospitals, regardless of the civilians within. It gives no consideration to their presence.

Like all cases of settler colonialism, the history of Israeli settler colonialism is replete with the deliberate targeting of civilians with the purpose of taking their place in the labour market and on the land. Zionist movements planted bombs in markets and places where civilians gathered, and they used wholesale violence against the residents of entire villages from which gunmen launched resistance operations against Zionist settlements. This pattern of quasi-tribal reprisals and revenge continued until the Haganah and other terrorist Zionist organizations embarked on the crime of mass expulsion in 1948, committing organized massacres against entire villages. Expulsion is a doctrine and a policy for Zionist settler colonialism. Without it, Jews cannot be a majority in a Jewish state. After the establishment of Israel, the state pursued the same method, retaliating against the residents of Palestinian villages in response to the actions of resistance fighters infiltrating across the border. Finally, there came the direct occupation of the West Bank and Gaza Strip in 1967.

Contrary to its claims, Israel does not kill civilians because the Palestinian resistance uses the population among whom it resides as human shields. Even if it were true, it does not justify aerial bombardment in order to postpone direct confrontation on the ground, which would require sacrifices that the Israeli army is not prepared to make. But it is not true. Israel targets civilians directly and deliberately for various reasons, including: 1) to teach civilians a lesson so that the Palestinian resistance does not repeat such acts, as if they bear individual and collective responsibility for them; In this case, violence according to the arrogant colonial mentality is a tool of collective punishment; 2) to cause unbearable human suffering and push the population to direct their resentment at resistance movements and to even turn against the very idea of resistance as too costly; 3) to pressure the populace to leave “willingly”. This is the logic underlying the

merciless shelling and the cutting off of water, electricity, food, and fuel (the same logic underlying the siege on the Gaza Strip since 2007); and 4) racism. Racism should not be underestimated as a factor given the racist culture prevalent in Israeli society and the army, whose soldiers are indoctrinated with hatred of Arabs. Racism is both an attitude and a pseudo-scientific “theory”. The former is morally reprehensible, while the latter leads those who espouse it to make foolish mistakes due to their misdiagnosis, misjudgement, and underestimation of victims of racial discrimination.

Public statements by Israeli leaders have laid the groundwork for the genocidal acts of their army. The President of Israel Isaac Herzog, for example, told the media that there are no innocents in Gaza and that the people themselves are guilty because they did not rise up against Hamas.<sup>2</sup> The Israeli minister of defence, Yoav Gallant, told his officers that there would be no electricity, no water, no medicine because “we are fighting human animals and we are acting accordingly”.<sup>3</sup> None of Israel’s allies in the US and Europe issued an official denunciation of these statements, to say nothing of its relatively new allies like the current Indian government, which is just as racist as Israel’s. Israel’s allies engage in feints and diversions, condemning statements by two specific extremist Israeli ministers, freeing them of the need to condemn official Israeli policy and allowing them to ignore the statement of war commanders and decision-makers.

Anyone who follows the Israeli media, especially visual media, is struck at the way intellectuals, media professionals, former officials, and regular studio guests repeat similar statements and seem to be in a permanent state of alert, as if they were in a war room, or in a competition to encourage their army to commit crimes, accusing of anti-Semitism anyone who dares object.

## **The Morality of the Right to Resistance and of Actions to Avail this Right**

The United Nations recognizes the right of peoples to resist occupation using “any means at their disposal” in accordance with the principles and United Nations Charter.<sup>4</sup> Of course, “any means” is a qualified expression and one bound up with the Charter, while other treaties restrict it to the laws and customs of war. However, this recognition is not what makes resistance to occupation moral. Rather, resistance is moral by virtue of the right to resist injustice and seek freedom from illegitimate restrictions. This is a collective right since, under occupation, an entire people is being subjected to injustice. The difference between this kind of injustice and that to which state authorities subject their own people is not a moral difference; it is rather one that is distinguished by international laws and norms that recognize peoples’ right to self-determination.

<sup>2</sup> Israel’s president stated that “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”. Chris McGreal, “The language being used to describe Palestinians is genocidal,” *The Guardian*, 16/10/2023, accessed on 14/11/2023, at: <https://shorturl.at/aMOX8>

<sup>3</sup> “Israel defence minister Yoav Gallant calls Palestinians in Gaza “human animals”, orders total siege,” *The New Arab*, 10/10/2023, accessed on 14/11/2023, at: <https://shorturl.at/dlX36>

<sup>4</sup> See: United Nations, United Nations General Assembly, Resolution No. 2649 (25th session), 30 November 1970, *Condemning the Denial of the Right to Self-Determination to Peoples of South Africa and Palestine* (New York: 1970), accessed on 12/11/2023, at: <https://bit.ly/40GLTDS>. See also: United Nations, United Nations General Assembly, Resolution No. 3236 (29th session), 22 November 1974, *Recognizing Palestinian Inalienable Rights and Palestinian People as Principal Party for Establishing Peace* (New York: 1974), accessed on 12/11/2023, at: <https://bit.ly/3Qul6pw>

On 4 December 1986, the General Assembly affirmed the legitimacy of the Palestinian armed resistance, linking it to Namibia and South Africa. The resolution stipulated “the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle”. See: UN General Assembly, 29 November 1985, A/RES/40/25, accessed on 12/11/2023, at: <https://tinyurl.com/5n78jr6x>

The Hague Convention and the Third Geneva Convention for the Protection of Prisoners of War give legitimacy to carrying arms to resist the occupier. See: International Committee of the Red Cross, *The Convention Respecting the Customs and Laws of War on Land* (The Hague, 18/10/1907), accessed on 12/11/2023, at: <https://bit.ly/3MAhP76>; United Nations Human Rights Office of the High Commissioner, *Geneva Convention relative to the Treatment of Prisoners of War* (1949), accessed on 12/11/2023, at: <https://tinyurl.com/zk5sb6dd>

Whatever justifications the occupier offers, occupation is imposed by force. Because the population under occupation has no citizenship rights of any kind, they are subjected to the arbitrary rule of the occupation authorities. Failure to submit to the occupation brings redoubled violence with the aim of subjugating them.

A people under occupation have the right to engage in violence in resisting the occupation, especially after exhausting all other methods of resistance. This is a form of self-defence (resistance) and an attempt to exercise the right to self-determination (liberation). The decision to use or refrain from violence involves both moral and rational considerations, in the utilitarian sense of “rational”. However, this violence does not necessarily result from a study of whether or not the conditions for the use of violence are met. Rather, it may erupt spontaneously and only later become organized. Therefore, the distinction between the eruption of violence in resistance to occupation, and rational planning for armed violence is crucial.

Having recognized a people’s right to resist occupation, are we not permitted to judge the morality of acts of resistance to occupation? Not only is it permissible, but also, perhaps, necessary. The permissibility of armed resistance to occupation, disagreements over its acts’ effectiveness rather than legitimacy notwithstanding, does not mean that we may not distinguish between good and bad in acts of resistance themselves, especially when they deliberately cause physical harm to innocent people. We might sometimes view these as details not worth delving into, especially if such acts result in political gains, such as deterring the occupying state, forcing it to negotiate or even to reconsider the occupation in its entirety, or if the response of the occupation is so heinous and overwhelming that it overshadows excesses committed by those fighting against it. But it is often the case that the harm done by certain acts of resistance is greater than any political gain, especially when they unite public opinion in favour of tightening the occupation’s grip and the occupied population pays a greater price. This is at once a political and a moral issue; liberation struggle has its own ethics too.

Targeting unarmed civilians, killing or mistreating them, is an immoral act which cannot be justified by the right to resist. But it is meaningless to condemn this type of action within the framework of a political discourse that does not recognize the right of people under occupation to resistance.

In fact, such acts were committed on 7 October, some by people not affiliated with Hamas. Here it becomes the duty of the resistance movement to clarify and explain what happened. To do so would not diminish its credibility; on the contrary, it would bolster it. However, there is a fear on the part of the peoples who have languished under occupation or experienced repeated defeats, that condemnation or the admission of mistakes would taint the purity of the struggle and the resistance, undermine the justice of the cause, and other such unfounded concerns. In reality, however, the true harm results from confusing the just with the unjust, the heroic with the criminal, and truth with lies. Such confusion brings real harm to a just cause. It takes moral courage to speak out on this matter among a people living under siege and collective punishment, and now suffering genocide.

## **The Shelling of Hospitals and Schools**

After the bombing of al-Ahli (Baptist) Hospital on 17 October 2023, Israel rushed to deny responsibility and claimed that the cause of the “blast” (as it was subsequently called by the Western mainstream media) was a failed or faulty rocket launch by the Islamic Jihad movement. It made no effort to prove it, taking advantage of the fact that the US administration, represented by the president himself, was prepared to echo any official Israeli lie. But no longer does the Israeli government use this kind of lie. Instead, it acknowledges the bombing of hospitals and justifies it by pointing to tunnels under hospitals allegedly used as headquarters or refuge for the Qassam Brigades. It does not seek to convince anyone of its claims



and instead simply spreads rumours or extracts confessions from prisoners under torture and broadcasts them in the Israeli media, which, in itself, is a crime, and the Israeli media has never once hesitated to go along with it.

The same lies were applied to bombing schools affiliated with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). A month into the war, Israel no longer bothered to lie or justify and was bombing hospitals and schools with no stated rationale, as if it were a routine part of war.<sup>5</sup>

The official silence of the so-called civilized world on this crime has set a dangerous precedent. While the regime of Bashar al-Assad in Syria committed such crimes before Israel, its offences were met with well-known condemnation, sanctions, and international isolation. Israel, however, remains immune to official condemnation of Western governments and any sanctions. In fact, Western democratic states still consider it part of the “civilized world”. It is not condemned but counselled and called on to preserve civilian life as much as possible; it is not punished but rewarded. It would have been pitiful enough if Israel’s allies merely failed to condemn it or impose sanctions on it but they also lavish it with support and privileges granted to no other entity.

The bombardment of hospitals and schools has become a routine part of this barbaric war, one that is criticized only by some segments of the Western public and international humanitarian organizations. Israel’s allies, however, especially the US, and European governments, and most recently the Indian government, do not condemn such acts; they parrot Israel’s justifications without scrutiny. In a press conference held in Beirut on 6 November 2023, Hamas appealed to the UN Secretary-General to send teams to verify the existence of tunnels under hospitals. The UN did not reply. If it had, and Israel rejected the request, its lie would immediately be laid bare.

Bombing hospitals is a war crime. In the case of Gaza, thousands of civilians are sheltering in hospitals, believing hospitals are a safe haven. After all, hospitals are not bombed in wars. Speaking about “absolute evil”, bombing hospitals and schools is an evil deed from any perspective. It is even awkward to debate this, for it is difficult to make arguments for moral truisms. But Israel has turned what is evident into a point of contention with its claims about tunnels. Under no pretext is it permissible to bomb thousands of defenceless civilians, including patients in their sickbeds or hooked up to life-saving equipment (to which Israel has unscrupulously cut electricity). Even more astonishing was a petition signed by 100 Israeli doctors who, under the same pretext, called for the bombing of al-Shifa Hospital – an act inimical to the compassion and respect for life the word “doctor” implies.

Silence before this heinous breach of moral values and norms represents a setback for internationally accepted norms and a break with lessons learned from history.

## **Habermas on Moral Judgments and Legal Terms: A Critique**

Jürgen Habermas’s statement<sup>6</sup> against critics of Israel merits no academic discussion or debate. It is nothing but a political statement largely focused on justifying limits on the freedom of expression of critics of Israel in Germany and on rejecting the characterization of Israel’s actions in Gaza as genocide. Habermas rejects

<sup>5</sup> According to World Bank figures in a report released in mid-December 2023, 8 of the 36 hospitals in operation on the eve of the aggression remained operational, and 400 schools have been bombed and damaged. “Impacts of the Conflict in the Middle East on the Palestinian Economy,” *World Bank*, December 2023, accessed on 2/3/2024, at: <https://shorturl.at/eAFKU>

<sup>6</sup> Jürgen Habermas and three eminent colleagues from Frankfurt University (Nicole Deitelhoff, Rainer Forst, and Klaus Günther) issued a statement of solidarity with Israel. See: Nicole Deitelhoff, Rainer Forst, Klaus Günther & Jürgen Habermas, “Principles of solidarity. A statement,” *Normative Orders*, 13/11/2023, accessed on 21/11/2023, at: <https://shorturl.at/wHJLW>

the term for two reasons: one is related to Germany and its history, and another that is self-evident to him, namely that Israel's war on Gaza, which he calls "retaliation", is not controversial. Instead of criticizing the ongoing war, Habermas chooses to focus on a hypothetical war being waged in line with "guiding principles", which include "the prevention of civilian casualties", and has the goal of "future peace". While Habermas is not deluded enough to believe that Israel is adhering to his guiding principles, he nonetheless formulates them as rhetoric conditions, thereby making support for Israel's war seem conditional, although it is, in fact, unconditional. Anyone who supports a war cannot place conditions on a state that does not consult them on ways of waging its war. The individual intellectual's public support for the war is therefore inherently unconditional.

Habermas continues: "Despite all the concern for the fate of the Palestinian population, however, the standards of judgement slip completely when genocidal intentions are attributed to Israel's actions". One may express concern about the fate of the Palestinian population, but one may not call it genocide. Habermas himself expresses no sympathy or solidarity with Palestinians. His concern is that what they are experiencing should not be called genocide; it is a matter of the proper use of terminology. Habermas does not offer his own judgment of the cause of "concern for the fate of the Palestinian population". If killing tens of thousands of civilians, most of them women and children, in the wake of threats to punish the entire population of Gaza whom Israel does not consider to be civilians, and to expel and displace millions is not genocide, then what is it? The German philosopher does not elaborate, let alone offer a condemnation.

This is reminiscent of the discrepancy between Great Britain's arguments about the definition of genocide as applicable to the Rohingya and its stance on the claim of genocide against the Palestinians, filed by South Africa with the ICJ. Whereas in the former case it argued that the definition should be broadened, it reversed itself completely in the latter case to argue for a narrower definition of genocide.

Habermas has no notable record or stature when it comes to expressions of solidarity with peoples outside of Europe. His general focus is to rationalize political discourse in Europe and reconcile Enlightenment rationality with social justice and political liberalism. His stance on the US war on Iraq in 2003 was indicative of a political naivety befitting a German professor, as Karl Marx might have said. Habermas indeed believed in the invasion's goal of exporting democracy. He also embodied a kind of stunted moral sensibility and tendency to hide behind academic debates over terminology, especially when it comes to events outside "we" as the Western world. I will return to the term "genocide" below, which preoccupies many academics in this moment, as if determining the precise name of a thing is what determines one's moral stance toward it.

The mass killing of civilians, including the indiscriminate aerial bombardment of schools and hospitals, is presumably morally condemnable regardless of any terminology used to define it. The applicability of the term "genocide" is not a condition for considering it a heinous, reprehensible crime of the vilest sort; rather, it is a condition for considering it a particular crime under international law. Genocide is a specific term in international law, clearly defined by an international treaty that details the elements of the crime, with a particular focus on intent and goals. While there is a disagreement between states over whether Israel's crimes in Gaza constitute genocide, it is a political disagreement. Morally speaking, there should be no disputing that they are crimes.

Habermas adds that "Israel's actions" (without specifying what these actions are) "in no way justify anti-Semitic reactions, especially not in Germany". He is not concerned with what is happening to the Palestinian population or with the actions of Israel, but rather with anti-Semitic reactions in Germany. Most critical responses to Israel that are not anti-Semitic do not interest him. He does not even bother mentioning them. The anti-Semitic reactions which he and his colleagues have managed to observe manifest as a fear

among Jews in Germany who “are once again exposed to threats to life and limb and have to fear physical violence on the streets”. He considers this fear “intolerable”. Habermas does not offer any examples of how protests against the war pose a genuine danger to Jews in Germany. He merely refers to the anxiety and fear Jews experience from alleged threats.<sup>7</sup>

Habermas describes the recognition of “Jewish life and Israel’s right to exist” as “core elements” in “the democratic ethos of the Federal Republic of Germany”. He precedes this with the obligation to respect human dignity, which he fails to apply to Palestinians in Gaza. He concludes his solidarity statement commenting: “All those in our country who have cultivated anti-Semitic sentiments and convictions behind all kinds of pretexts and now see a welcome opportunity to express them uninhibitedly must also abide by this”. By this, he means “the elementary rights to freedom and physical integrity as well as to protection from racist defamation”, which he rightly considers rights that are “indivisible and apply equally to all”. His use of the phrase “those in our country”, instead of citizens or Germans, is not accidental. He probably refers here to Arab and Muslim immigrants in Germany, who, according to him, have their own reasons for adopting anti-Semitic ideas. In his view, these individuals have become a source of anti-Semitism in Germany. As a German professor, he found himself a battle against presumed non-German anti-Semites, thus closing the loop.

How can he justify this displacement? It is baffling, as no one has accused Israel of committing these massacres because, and as it defines itself, it is a Jewish state, or because Israel’s soldiers are Jewish. You will not find such a position against the aggression held by any significant number of Arabs, Palestinians, or protesters in Germany or around the world. Habermas joins the heated debate in the Western public sphere to divert attention to another fictitious arena: the struggle against anti-Semitism in Europe. This is also the case for politicians, intellectuals, and journalists who demonstrated against anti-Semitism in France while Israel was committing massacres in Gaza. The truth is, they are not protesting anything specific but against those who speak out about what is happening in Gaza. They are attempting to open another battle to obscure the massacres committed by Israel and to redraw the boundaries of freedom of expression so that they end where criticism of Israel begins.

Since the day the Qassam Brigades carried out their operation and the pro-Israel media campaign in the West was set in motion, Palestinians and their supporters have faced various kinds of harassment, up to and including losing their jobs. Raising the Palestinian flag and wearing the keffiyeh have been in some places virtually banned. On 14 October, a six-year-old Palestinian American child and his mother were stabbed at their home in the US by a white man, their landlord, simply because they were Palestinian.<sup>8</sup> On 26 November, a white man opened fire on three Palestinian university students in Vermont.

Does Habermas not see that the persistence of anti-Semitism and racial discrimination in Europe manifests most clearly in the hostility toward those people? Does he not truly see that many potential anti-Semites in the West, on the right and far-right, are currently Israel’s staunchest supporters? The search for an answer brings me back to a fundamental shift in his thinking since Europe has witnessed extensive immigration, particularly from Muslim communities. His belief in the universality of Enlightenment ideas has been shaken, and he now sees them as rooted in what he considers Judeo-Christian civilization in Europe. I will avoid delving into this complex discussion here, although I believe that this casual pairing of Judaism and Christianity as distinctive features of European civilization is a facile attempt to move beyond European anti-Semitism and the Holocaust. European civilization is not Judeo-Christian, but

<sup>7</sup> “Some German Jews Say Their Country Goes Too Far in Defending Israel,” *The Economist*, 4/1/2024, accessed on 2/3/2024, at: <https://shorturl.at/qzBU3>

<sup>8</sup> “Slaying of 6-year-old Muslim in Illinois connected to Israel-Hamas war,” *Politico*, 10/15/2023, accessed on 3/12/2023, at: <https://tinyurl.com/3kcd6czk>

Christian, incorporating many non-religious components as well. The roots of the Enlightenment are not found exclusively in Christian civilization (insofar as it is Christian); they also lie in critiques of it, in rationalist traditions including non-Christian Greek Roman and Muslim, in the scientific revolution which is wholly unrelated to religious doctrine, in the rise of the centralized state and absolute monarchy, and in the discovery of maritime trade routes and engagement with other civilizations. The Enlightenment did not originate in Christianity, whether Catholic or Protestant, and there is no necessary connection between the two. As aforementioned, Habermas's late ideas on post-secularism are bound up with the fear to European secular and Christian identity in the face of broad immigration from Muslim countries and with the concern that the lack of cultural homogeneity will erode the dominance of liberal democratic ideas in Europe. However, immigration have undermined the dominance of liberal democracy, but not because of immigrants – only a small minority are out of step with this mainstream – but because of the populist and far-right reactions to them.

As for Palestine, Habermas and his colleagues show no sensitivity toward it. This would not matter had they remained silent about the ongoing crime in Gaza instead of issuing a flawed, morally hypocritical statement, concerned only with what Israel is doing in Gaza insofar as it may spark anti-Semitic reactions in Germany or elsewhere. I do not aim here to remind him of his moral duty toward the Palestinian people, for moral duty is self-imposed. However, he voluntarily stakes out a position of moral hypocrisy when he deliberately rejects the term “genocide” to describe the systematic and comprehensive bombardment of Gaza, which has levelled residential towers, refugee camps, schools, and hospitals and was preceded by calls for revenge by Israeli leaders and expulsion of the population. All of this occurs in a climate of racist hysteria in Israel and in its media, some of which seeps into Western media.

This debate was joined by another philosophy professor, Seyla Benhabib,<sup>9</sup> whose principal foe is Hamas. This thinker and feminist activist generally opposes the occupation, acknowledging that Gaza is a large detention camp, but Hamas, with its ideology that calls for the elimination of Israel, bears responsibility for the blockade according to her statement, which is lengthy compared to that of Habermas and his colleagues. Hamas committed war crimes on 7 October, Benhabib says, recapitulating everything said in the Israeli and Western media about the events of that day. She does add that Israel is also committing crimes. Benhabib is adamant that Hamas may not emerge victorious from this war because it would hinder the rise of a moderate Palestinian leadership. She does not see Israel's role in thwarting and delegitimizing any Palestinian “moderate” leadership, nor does she realize the importance of armed struggle in legitimizing the force practiced under occupation. In any case, she demands that we avoid calling Israel a settler colonial state because ultimately Israeli and Palestinian nationalism “mirror each other”. We know that Zionism sees itself as a nationalist movement, even a national liberation movement, but its project in Palestine, the means it employs and its structure, occupying the land and expelling the original population, cannot be understood without seeing it through the lens of occupation and settler colonialism, and this is not solely a Palestinian perspective. Benhabib's language is aligned with that of the “endangered species” of the Zionist left that is currently rallying behind the war. For her, there are two national movements struggling over the same land. What hinders a mutual understanding are extremists on both sides. Benhabib easily condemns Bezalel Smotrich, Israel's Finance Minister, and Ben-Gvir, its National Security Minister. However, they are not the ones currently prosecuting the war; it is the secular generals who perhaps show respect for women's and LGBTQ's rights in the army. Benhabib no doubt considers these individuals to be enlightened and above her kind of criticism.

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<sup>9</sup> Seyla Benhabib, “An Open Letter to My Friends Who Signed ‘Philosophy for Palestine’,” *Medium*, 4/11/2023, accessed on 21/11/2023, at: <https://shorturl.at/NYZ78>

In her view, then, Hamas must not emerge victorious from this war. It must be defeated. She sees, and cannot ignore, that Israel's way of waging war includes the destruction of the Gaza Strip and a genocide against the Palestinian people. Her moral stance is not clear, and it becomes even more ambiguous after Benhabib accuses Hamas of placing its bases and tunnels among civilians and beneath hospitals, thereby turning Palestinians into "collateral damage" of "justified" Israeli airstrikes on these facilities, and shifting responsibility for such strikes onto Hamas itself. But where did the moral position go? It gets lost amid her "rational" analysis that sees the occupation and its victims as two equal parties. Her hostility to Islamists leads her to not only reject the right to resist occupation if Islamists are the ones resisting, but also to justify bombardment of civilians. More importantly, those she wishes to see vanquish Hamas are not the forces of enlightenment and moderation that will bring justice, fairness, and lasting peace between the two peoples, but the occupying state itself. The latter, instead of concluding that a just peace is imperative, has rather only concluded that military and intelligence errors had occurred and that the occupation's control over the Palestinian people must be even tighter.

In justifying an all-out war waged by an occupying state against a subjugated population, these intellectuals failed the moral test.

## **Instrumentalizing the Holocaust**

The second point in my discussion of Habermas is the issue of the Holocaust and anti-Semitism. There is undoubtedly a connection between the Holocaust against European Jews and anti-Semitism. However, anti-Semitism does not fully explain the Holocaust as a historical phenomenon. One cannot interpret a phenomenon of the magnitude of the Nazi Holocaust without taking into account the rise of the totalitarian state, the pseudo-sciences arising from the application of biological theories to society, modern instrumental rationality unconcerned with ends, and the mechanisms that lead to the neutralization of the bureaucrats' moral judgment, whereby obeying orders and executing plans and job duties become values by themselves; moral judgment is thus suspended, even on matters related to the executed tasks.

The targeting of Jews in the Nazi Holocaust is doubtlessly directly related to anti-Semitism, whether it is the religious anti-Semitism that has continued since the Middle Ages, nationalist anti-Semitism that considers Jews a non-assimilative element precluding national homogeneity, or social anti-Semitism that used incitement against Jews to divert the class struggle from the conflict against capitalism to a conflict against the Jews. All these aspects merged in the racial anti-Semitic ideology of the Nazi Party. Though the majority of European peoples did not believe in it, some in European countries occupied by Nazi Germany, especially in France and certain Eastern European countries, collaborated in the process of rounding up Jews as a prelude to their extermination.

What does the Palestinian cause have to do with this? Palestinians, Arabs, and Muslims have no relationship with this crime committed in Europe, or with its intellectual and ideological precursors. The Palestinian people themselves have been harmed by it. Before the Holocaust, Zionism had not succeeded in convincing Jews to migrate to Palestine. The big crime committed against European Jews spurred migration to Palestine, as well as European sympathy with the Zionist project, although Western interests in our region played a more significant role in generating this sympathy. In any case, Palestinians are, for Europeans, collateral damage in the endeavour to resolve Europe's Jewish question through the establishment of a Jewish state in Palestine.

It was on the eve of the 1967 war that the Holocaust was instrumentalized to transform Israel from the aggressor into the victim. Israel attempted from the beginning, that is, from 1948, to act as a spokesperson for the victims of the Holocaust in negotiating with Germany to obtain financial compensation to be paid



to Israel and its resident survivors of the Holocaust. But the extensive invocation of the Holocaust in the Israeli media to describe Arab politicians, or the leaders of the Palestinian national liberation movement, was mere propaganda and a media charade. There is a consensus in the West on anti-Nazism and a revulsion at the genocide of the Jews; literary and cultural production on this subject continues to this day. Meanwhile, Israel attempts to take advantage of this fact to garner support of its position as a settler-colonial state in a region that has never witnessed a systematic persecution of Jews on a par with, or even close to anti-Semitism in Europe.

The Jews who were gathered from various parts of Europe and led away to concentration camps or the gas chambers in Nazi Germany were not Zionists. At that time, the Zionist movement did not enjoy the sympathy of European Jews as a whole; indeed, it was supported only by a tiny minority among them. The majority of Holocaust survivors did not go to Israel, but rather left for the United States. Israel has no right to speak on their behalf, let alone use them politically in its relations with other states. And it certainly has no right to use them to justify the persecution of another people while at the same time playing the victim.

Palestinians face no moral dilemma in this case, and Israel's exploitation of the Holocaust is immoral and an insult to the victims of Nazism, belittling the Holocaust itself. Rather, the moral problem for Palestinians begins with belittling the importance of the Holocaust, which reveals an unjustified disregard for the lives of human beings persecuted for their religion (or their race, in Nazi terms). Palestinians have no need to downplay the Holocaust to oppose Zionism. It did not take place in their land, and it is Europe alone that should bear responsibility for it and be reminded of the immoral act Israel is committing by exploiting the European guilt complex, and casting blame on Arabs and Palestinians. There is an immoral Israeli-European collusion that benefits both parties, the former by playing the victim, and the latter by exporting guilt. The true continuation of anti-Semitism is the ongoing racism toward others in Europe. Neither Germany, nor France, nor any other Western country has any right to lecture Arabs on anti-Semitism.

No doubt, some of these European anti-Semitic ideas were embraced in narrow Arab milieux at various stages of the evolution of anti-colonial nationalist thought and after the 1967 defeat. That defeat entrenched the notion of a global Jewish conspiracy and diabolical power that enabled Israel to triumph over three Arab armies and explained the irrational, unconditional US support for Israel. In addition, some Islamist movements revived anti-Jewish expressions from ancient traditions, particularly from the era of the Prophet, which was marked by actual wars with Jewish tribes in the Arabian Peninsula. However, Arab-Islamic civilization has never seen anything like what Europe perpetrated against the Jews, not only in the twentieth century, but since the Middle Ages.

Even in the context of resistance to the occupation and the struggle against Zionist colonization by Israeli Jews, anti-Semitic slogans were not mobilized in battle. The Palestinian national movement generally advocated democratic solutions, even when it championed the liberation of all of Palestine. Hamas initially used some such expressions, dating back to the early Islamic wars against Jewish tribes, in its original charter but later abandoned them in its revised charter. The Torah is rife with much more severe expressions against peoples considered enemies of the Jewish tribes – expressions that call for their complete annihilation and justify divinely-sanctioned genocide. Some Israeli religious and secular party leaders still invoke this Biblical legacy of the extermination of peoples who inhabited the land of Canaan, especially the Amalekites, to describe what should be done to the Palestinians.<sup>10</sup>

In any case, this refutation of the instrumentalization of the Holocaust is all theoretical talk, aimed at avoiding self-deception when discussing ambiguity and failing to establish a solid moral basis on which to

<sup>10</sup> "Netanyahu cites 'Amalek' Theory to justify Gaza Killing," *The Times of India*, 29/10/2023, accessed on 3/12/2023, at: <https://tinyurl.com/3wnr3mtv>

stand in judging war crimes. It has nothing to do with the war currently being waged against the Palestinian people in the Gaza Strip through a series of war crimes and acts of genocide. The moral duty to oppose this war and demand a ceasefire is wholly unrelated to anti-Semitism. It is only Jewish critics of this war that mention the Jewish identity of the aggressor because of their shared identity and their refusal to allow the aggressor to speak in their name.

This goes not only for criticism of the aggression, but also for the resistance to occupation. Resistance to the occupation is unrelated to the nationality, ethnicity, or religion of the occupying state, although settler colonialism in general, whether in South Africa, Algeria, or the Americas, was carried out by settlers who professed a religion different from that of the indigenous people, serving to intensify settlers' racism and their view of the non-humanity of the local population. It is no wonder, then, that oppressed peoples used religion to mobilize resistance to settler colonialism, at least initially. But the modern Palestinian national liberation movement represented by the PLO was founded as a secular national movement bringing together non-religious and religious people of different confessions. The rise of Hamas since the late 1980s has nothing to do with an attitude toward Jews, but with developments in the Arab world in the 1970s and 1980s, such as diminishing faith in Arab nationalism, the Iranian revolution, the failure of the PLO-led peace process, and, finally, Hamas's adoption of armed resistance at a time when the main current in the Palestinian national movement had abandoned armed struggle. Certainly, the activity of armed Islamist movements has contributed to the failure of the so-called peace process between Israel and the PLO. However, the chief reason for the failure is Israel's unwillingness to accept a just and lasting solution to the issue of Palestine based on the principles of justice, even if relative.

## **Double Standards and the Fate of Universal Values**

The attitude of the US and European countries toward Israeli crimes and the adoption of Israel's position lock, stock and barrel even into the fourth month of the war, coupled with apathy toward the Palestinian victims, has led some young people who are rightly shocked by the horrors of the war in the Gaza Strip to question the fate of the so-called "universal values" of justice, equality and freedom extolled by some Western countries. Those countries' responses have ranged from complete and unconditional support for Israel to making some non-binding comments or offering tepid advice on the lips of US officials.

The disappointment is understandable. However, the chorus is sometimes led by those known to instigate against universal human values in general and who did not believe in such values prior to the ongoing aggression. They only see the war as proving their "theories" of the existence of a religious or civilizational clash with the West. They do not believe in the values of freedom, justice, and equality among human beings, and are willing to justify regimes they like, running roughshod over these values while condemning the same practices by regimes they dislike.

The shocked youth is asking where the values of equality, freedom and justice have gone. Well, they haven't gone anywhere. They are upheld by those opposed to the occupation and protesting against the war. It is also on the basis of these values that they engage in other just causes. While the support of resistance to the Israeli occupation can be based on patriotism, love of Palestine and its people, or a sense of belonging to the Arab nation, disappointed young people who became "disillusioned" with universal values also find themselves formulating their position in moral terms. Those who are prompted by their religious creed to stand in solidarity with Palestine formulate their position based on the moral elements of their belief, one of which is justice, or based on a combination of religious belief and universal human values. Otherwise, there would be no shared language between them and others.

Regarding those who pay lip service ad nauseam to universal values, yet fail to apply them to all, is this new or surprising? Didn't colonialism proceed apace even after the Age of Enlightenment and the French Revolution's issuance of the Declaration of the Rights of Man and of the Citizen? Some of the countries that practiced colonialism and treated other peoples as if they were subhuman were ostensibly democratic states whose authorities preached freedom and equality while denying them to large sectors of their own populations. It wasn't long before these values were imposed in domestic politics, thus universalizing voting rights, social rights, and freedoms. And the struggle in these countries continues on numerous fronts. Black and Native Americans have fought for justice, equality, and freedom because they have been denied to them in a country that enshrined these values in its constitution. These struggles arise out of human needs and rising awareness of injustices and are stimulated by the gap between values and reality and exploit this moral tension to call for the actual application of these values. The application remains relative and selective to this day, which is grounds for criticism.

In the arena of international relations, the law has never imposed itself, nor have universal values, although demands for justice and equality have remained the focus of struggles within the framework of the nation-state. At the global level, certain international conventions and treaties embodying these values, particularly the United Nations Charter after World War II, have been ratified, enabling oppressed and weak peoples to demand their implementation. However, this has only happened in two cases: where law application has coincided with the interests of one or more powerful states (the metropole in the case of colonialism); and where public opinion within a powerful state (particularly the metropole) has adopted these demands for various reasons, including moral reasons, and organized protests that have ultimately influenced state policy. As for the struggle, it is governed by many other rules aside from moral argument, to allow for influence over interests, balances of power, etc.

What about the expression "double standards", which has been used frequently? This expression reflects the frustration and disappointment over the failure to hold influential countries to account for taking different, even opposite, positions on similar situations, especially when talking about occupying others' lands. Take, for example, Iraq's occupation of Kuwait and Russia's occupation of lands in Ukraine on one hand, and Israel's occupation of Arab and Palestinian territories on the other, and the glaring contradiction between the positions taken by the United States on the former two and the latter.

There is no lack of double standards applied by Arab and Muslim countries. For example, some criticize interference in their internal affairs or the internal affairs of their allies, while they themselves interfere directly in other countries' affairs to the point of supporting armed militias there. Some call for the lifting of the siege on Gaza while they themselves besiege it, or they applaud demonstrations of solidarity with Gaza in the West while banning them on their own soil. There are numerous examples that make the point that "the West" holds no monopoly on the practice of double standards. By the same token, it was South Africa – neither an Arab nor Muslim nation – that filed a petition with the ICJ accusing Israel of genocide.

A moral critique is, in any case, necessary. Going beyond the moral discourse adopted by governments of influential countries and addressed to public opinion regarding their decisions in support of an invasion or occupation, those governments are actually mainly driven by strategic and economic interests and considerations. There is no double standard here; rather a singular one. It is only when moral standards are applied that a double standard is revealed.

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