

Israel's Big Lie of "Self-Defence"

An occupier does not have the right to use arms in "self-defence".

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Is the mass slaughter of civilians self-defence?

Every person has the right to life and to self-defence, but Israel's "right to self-defence" is constantly being used to obfuscate the non-defensive nature of its military violence in Palestinian territory.

Israel's self-defence is a lie, not just because their actions are not defensive but because Israel cannot legally use its military in self-defence against Palestinians.

*Let me repeat that, **Israel cannot legally use its military against Palestinians in self-defence**. That is the big lie at the heart of the current horrors.*

There are four reasons why Israel cannot cite a legal right to self-defence in response to Palestinian violence.

First and foremost is that the ability of a very strong military power to achieve anything defensive by the attrition of a much weaker military power is spurious and leads into the genocidal logic of attempting to deprive a people of all capacity for violence.

The second reason is that Israel is actively contravening UN Security Council resolutions and the UN Charter is very clear on the fact that the right to self-defence exists "until the Security Council has taken measures necessary to maintain international peace and security." A state that works to thwart UNSC measures to maintain peace and security cannot logically be extended the unimpaired right to self defence.

On the third count Israel is an occupying power and the occupied have a legal right to armed resistance. It would be nonsensical to accord a legal right to use arms to defend against another's legal resistance.

Fourthly, it would be equally paradoxical to allow each party to act in self-defence against each other's acts of self defence. Thus one of the parties must be the aggressor. On several counts, not least its defiance of UNSC resolutions, Israel must be considered the aggressor.



File photo of illegal Israeli settlements

Israel's only legitimate way of defending itself begins with ending its occupation. Israelis have a right to life and they deserve peace and security as we all do, but they have no right to kill Palestinians and claim that they are pursuing those things.

Before tackling the specifics we should question the general validity of military violence as a form of self-defence.

At this time hundreds of people are killed by Israel everyday under the pretext of seeking to render Hamas 100% ineffective. This is a tacit claim of self-defence linked to the notion that Hamas is an ongoing source of potential violence to Israelis. However it is hard to reconcile this rationale with the actualities when one sees a parade of children's corpses.

One body after another with the increasingly familiar pall of concrete dust on their lifeless faces. Thinking of all of that pain, fear and suffering should make it impossible to somehow see killing those children as an act of self-defence.

The human instinct to reject this monstrosity is not mere sentimentality. It would be impossible to make a sound detailed argument to show how the killing of any one of these children contributed materially to the increased security of Israelis. In truth it is far easier to argue that each dead Palestinian child makes Israeli people less secure.

Israel relies on broad and vague notions of "self-defence" to enact mass violence that does nothing to make any person safer and, in fact, is certain to cost the lives of many Israel personnel and any number of hostages.

Military violence can only achieve so much as no amount of attrition will deprive a people of all ability to commit violence in return short of extermination. Beyond a point violence

becomes waged “not merely against states and their armies but against peoples.” These were the words that Raphaël Lemkin when he first [described](#) the concept of genocide. Military violence can be used in ways that can only be called “self-defence” through the logic of genocide that situates the threat within the people and their intrinsic capacity for violence (also known as resistance). This is not legitimate self-defence, yet it is clearly part of the racist thinking of some Israelis and their apologists elsewhere.

It is actually normal that the logic of genocide presents itself as self-defence. Consider this [quote](#) by Arnon Soffer, the pre-eminent alarmist in Israel over the “demographic” threat of Palestinians:

“When 2.5 million people live in a closed-off Gaza, it’s going to be a human catastrophe. Those people will become even bigger animals than they are today ... The pressure at the border will be awful. It’s going to be a terrible war. So, if we want to remain alive, we will have to kill and kill and kill. All day, every day ... the only thing that concerns me is how to ensure the boys and men who are going to have to do the killing will be able to return home to their families and be normal human beings.”

This is the reasoning of someone who has no concern for military power, who will never accept Israel’s overwhelming military might and nuclear deterrent as a sufficient lever ensure that Israel can be secure in a time of peace. These words are shockingly Himmleresque in labelling a people animals; in stating that mass killing is neither choice nor desire, but necessity; and in the sickening concern that mass killing might cause psychological harm to Israeli personnel.

Adolf Eichmann and others at the Wannsee Conference [shared](#) Himmler’s fear of the effect of killing on the murderers and it was a major consideration in their adoption of the “Final Solution” which industrialised the mass-murder of Jews.

Soffer [later](#) explained:

“I didn’t *recommend* that we kill Palestinians. I said we’ll *have* to kill them. I was right about mounting demographic pressures. I am also entitled to defend myself and my country.”

It is difficult to imagine any Israeli getting closer to Nazi rhetoric than this, but it says something that his ideas were not immediately denounced by everyone in Israel for what they are. This is the essence of genocide. Though referencing the circumstances in Gaza, he is openly saying that Palestinians must be killed because they are Palestinians.

In contrast to genocidal notions, the theory behind using military power in self-defence draws on the idea that warfare is a contestation of belligerents using violence in a manner, as Clausewitz [suggested](#), of wrestlers: “Each strives by physical force to compel the other to submit to his will....” This begins from the presupposition that each belligerent has diametrically opposed aims, which might have sufficed in the 19th century, but does not suit our more complex polities today.

In reality, war is not a chess game and killing babies is not in any way the same as taking a pawn from the board, yet the use of aerial and ground artillery on populated areas implies that this brutal madness makes sense. We are tricked by the notion that the “self-defence”

of nations is truly analogous to the self-defence of an individual using a weapon to counter an assailant. That analogy breaks down in an era of high-tech weaponry and in circumstances of asymmetry where the strong are killing the weak. Leaders and pundits often twist the notion of asymmetry itself to suggest that the strong are more vulnerable to the weak and are thus the real victims, but this is just one of those lies that are repeated so constantly that it becomes a commonplace.

Despite the clear disproportionate asymmetry of violence and the ever-growing numbers of people killed by Israel the media discourse enforces a framework that decontextualises Israeli violence, presenting it as a reaction to the violence of Hamas.

Pro-Palestinian and pro-peace interviewees on Western media cannot speak without first making pronouncements affirming that they condemn Hamas' "terrorist" violence and affirming Israel's "right to defend itself". These statements function as "[thought-terminating clichés](#)", though in such instances they might be more aptly called "thought-terminating pieties". Pieties go beyond mere clichés to invoke moralistic religious, patriotic, or other emotive ideological beliefs that create both a dominant sentiment as well as a constrictive framework of discourse. They close off certain avenues of speech, so that those who speak for Palestinians must begin by stating that Israel has a legal and moral right to kill Palestinians, and then take the stance of a supplicant begging for moderation, clemency, or mercy.

Of late Palestinians and others have pushed back against the pressure to commence their testimony and commentary with a condemnation of Hamas. They are trying to evade a narrative in which events commence with a condemnable act by Hamas and thus Israel's massive surge of killing and destruction is framed as a reaction to Palestinian violence. This framework decontextualises events from the occupation and oppression including the ongoing acts of killing and destruction which Israeli personnel enact every single day in Palestine.

The "self-defence" argument is even more insidious than the attempt to frame all Israeli military violence as being in reaction to "terrorism". It relies on a persistent but unrecognised one-sidedness. One cannot deny the right for Israelis to defend their lives, but nor can one deny the right of Palestinians to defend their lives. If Israel can kill Palestinian civilians in "self-defence" and present its own reasons to explain why such killings are necessary, then logic dictates that Hamas can do the exactly the same. Thus it may seem that if applied even-handedly "self-defence" becomes totally meaningless.

It may surprise people to know that in legal terms the problem of self-defence is not tricky nor intractable. Israel very clearly does not have the right to use military violence and claim self-defence on several grounds. Firstly, an occupied people has the [right](#) to resistance, including armed resistance, "in or outside their own territory". Obviously it would be illogical to accord a legal right to armed resistance and then accord a legal right to collective self-defence against that legal resistance.

Thankfully the United Nations Charter has a way out of the paradoxes of allowing two belligerents the right to self-defence against each other's self-defence and that of allowing self-defence against legal acts of resistance. Chapter VII of Article 51 states

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the

Security Council has taken measures necessary to maintain international peace and security.”

Clearly “peace and security” has not been established but the United Nations Security Council (UNSC) has passed many resolutions on Palestine. Israel is currently violating a very large number of these resolutions ranging at least as far back as UNSCR 242 in 1967 through to UNSCR 2334 in 2016. These violations are occurring despite the fact that the US constantly [vetoes](#) UNSC resolutions that it deems detrimental to Israel. Logically cannot claim a legal right to self-defence if it violates the UNSC resolutions designed to bring “peace and security” thus its real path to legitimate self-defence lies first and foremost in complying with all relevant resolutions. In simple terms Israel must end its occupation as the very first of any acts of self-defence. Thus it does have the right to self defence but it must cease its own belligerency first.

I want to complicate this further here, but in a way that will lead to greater elegance and certainty, by explaining the onus on the aggressor. In 1946 the International Military Tribunal [described](#) waging a war of aggression as “the supreme international crime” that “contains within itself the accumulated evil of the whole.” Placing the onus on the aggressor (which is the government of the state not its people) in this way does not exonerate those who commit crimes in self-defence, but it means that the aggressor is also guilty. It is only thus that we can preserve the principle that all people have the right to life. Without the aggressor being morally and legally culpable it would mean not only that the military personnel of the aggressor belligerent have no right to life, but also that civilians of that state have no right to life if they should become legitimate collateral damage in legal military operations by the defending belligerent. This emphasis on the culpability of the aggressor is very satisfying because it closes these loopholes and also satisfies our moral instinct that a sovereign that wages aggressive war, knowingly sacrificing the lives of their own people, is guilty of the murder of those killed.



Gaza, 2023 (Source: Trong Khiem Nguyen Flickr)

We need to pause here to reflect on our habitual callousness towards death in times of conflict. Death in wartime is so inevitable that we become inured to its nature. Deaths caused by armed conflict tend to be terrifying, agonising, lonely, and brutally untimely. The grief of needless loss over those who usually have health and life to spare is not lessened because death becomes so statistical when the machinery of killing is unleashed. War is an abomination and every person who is currently working to prevent a ceasefire in Gaza is a criminal.

As things currently stand Israel has such a grip on the framing of the Western media coverage that it can get away with claiming its murders in Gaza are all part of a campaign to eradicate Hamas and that this is a legitimate act of self-defence.

Of course, anyone who goes beyond the Western media (Al Jazeera being the easiest outlet to escape the censored narrative) will know that Israel is targeting civilians, hospitals, churches, ambulances, and so forth.

For those who see only the Western media they must deal with the cognitive dissonance of seeing the death, destruction, and suffering and being told that it is arguably some form of self-defence. The trick with the Western media is not to state outright that Israel's self-defence claims are true, but to avoid all facts or basic reasoning that gives lie to that claim.

Once those who support peace and humanity learn to counter Israel's claims to the right to use violence in "self-defence" it will be another foundation of the propaganda narrative removed. Brave individuals are challenging the demand to begin all media interviews by condemning Hamas and refusing to accept timelines that always assert that cycles of violence begin with Palestinian actions. They need to add to that by rejecting Israel's right to use arms in self-defence.

The way to counter the distortions of the Western media is to attack the borders of the narrative where they are thinnest and most strained. Some ideas are the sledgehammers that break through walls of cognitive dissonance, forcing people to unite what their eyes see and what their emotional and moral senses tell them with their intellectual framework – the story that they force facts and feelings into. When people see bombing, missiles and siege warfare against a powerless people the imagery does not naturally lend itself to a conclusion of violence waged for defensive purposes. To break the argument we need to attack the very validity of Israel's claims.

An occupier cannot use arms in self-defence until they cease being the occupier.

The aggressor cannot be the defender.

Genocide is never justified. The violence of those who see others as a threat because of their membership in a "national, ethnical, racial or religious group" is the [defining](#) character of genocide. It is always framed as self-defence.

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