

The Architecture of Anti-Palestinian Elimination: Legal Fallacies, False Analogies, and Inverted Realities

by Azeezah Kanji



AS THE CONDITIONS for genocide in Israel-occupied Gaza continue to unfold – more than **6,500 killed** as of writing; **1,500 more** including 800 children trapped screaming under the rubble; 2 million **deliberately cut off** from food, water, fuel, and electricity, **unrelieved** by the constricted trickle of aid finally allowed through; **orders** for the **“evacuation”-cum-depopulation** of the Strip delivered; children preparing for their own deaths by **writing** their names on their arms and legs so their corpses can be identified; **schools, homes, refugee camps, churches, and hospitals** turned into mass graves –

it is clear that the prevailing international complicity in Palestinians’ annihilation is not due to an absence of information, but the active production of narratives to justify it.

More insidious than the circulation of overtly “fake news” – for instance, **the unsupported reports** of Hamas “beheading children,” uncritically reproduced by news media and US President Joe Biden – are the deeply embedded frameworks normalizing and rationalizing mass Palestinian dispossession, devastation, and death in ostensibly neutral, legally-authoritative terms. The semantic pillars of this ideological architecture of anti-Palestinian elimination include:

“Terrorism”:

Is there any act of terror imputed to Hamas in its horrific October 7 attack, that is not also a long-documented

practice of Israel’s occupation against Palestinians?

- Mass killing: ex. “Israeli forces have killed and injured thousands of Palestinian civilians in the OPT [Occupied Palestinian Territories] since 1967, often in circumstances suggesting that the killings were systematic, unlawful and arbitrary, and with near total impunity” (Amnesty International, 2022); “Over 1400 Palestinians, including some 300 children were killed by Israeli forces during the [2009 Gaza] conflict ... To date, only four Israeli soldiers have been indicted on criminal charges relating to the Gaza action and only one has served prison time (for credit card theft). Israel has failed to investigate those higher up in the chain of command – those who designed, planned, ordered and oversaw the engagement policies” (Amnesty International, 2011); Total number of Palestinians killed by Israeli forces between September 2000 and September 26, 2023: 10,555, including 2,270 children; Total number of Israelis killed by Palestinians during the same period: 881 civilians, 449 soldiers (Israeli human rights NGO **B’Tselem, September 2023**).
- Execution of civilians: “B’Tselem’s investigations have found that soldiers and police routinely shoot and kill Palestinians even when they pose no danger” (**B’Tselem, 2022**); ex. “Israeli forces shoot and kill three Palestinians on the grounds that they intentionally ran over Israelis – in incidents that never occurred” (**B’Tselem, 2018**); “Israeli soldiers fatally shoot Mahmoud Nakhleh, 18, in the back from 80 meters

away, and deny him medical aid” (**B’Tselem, 2019**); “Israeli settlers execute Muhammad ‘Abd al-Fatah; military covers up their deed” (**B’Tselem, 2019**); “Israeli settler shoots and kills Palestinian; soldiers arrive only 30 minutes later, to disperse Palestinians defending their land” (**B’Tselem, 2023**).

- Attacks against children, the elderly and disabled: ex. “An Israeli army officer who fired the entire magazine of his automatic rifle into a 13-year-old Palestinian girl and then said he would have done the same even if she had been three years old was acquitted on all charges by a military court yesterday” (**The Guardian, 2008**); “After shooting a Palestinian with Down Syndrome, Israeli soldiers fled without looking back” (**Haaretz, 2016**); “Israeli soldiers who bound, gagged 80-year-old Palestinian American before he died won’t be charged” (**Haaretz, June 2023**); “Israeli officer who killed autistic Palestinian in 2020 acquitted ... Al-Hallaq’s counselor, Warda Abu Hadid, who was with him in the shed when he was shot, said she tried to protect him but that the police officers ignored her when she told them he had special needs” (**Haaretz, July 2023**); “Israeli soldier fatally shoots Palestinian toddler Muhammad Tamimi in the head while child is in a car next to his home” (**B’Tselem, July 2023**); “The Israeli military and border police forces are killing Palestinian children with virtually no recourse for accountability” (**Human Rights Watch, August 2023**).
- Burning people alive: ex. “This report documents Israel’s extensive use of white phosphorus munitions during its 22-day military operations in Gaza [in 2009] ... White phosphorus ignites and burns on contact with oxygen, and continues burning at up to 1500 degrees Fahrenheit until nothing is left or the oxygen supply is cut. When white phosphorus comes into contact with skin it creates intense and persistent burns, sometimes to the bone” (**Human Rights Watch, 2009**); “The use of white phosphorus in Gaza, one of the most densely populated areas in the world, magnifies the risk to civilians and violates the international humanitarian law prohibition on putting civilians at unnecessary risk. ‘Any time that white phosphorus is used in crowded civilian areas, it poses a high risk of excruciating burns and lifelong suffering,’ said Lama Fakih, Middle East and North Africa director at Human Rights Watch”

(**Human Rights Watch, October 2023**).

- Holding civilians captive: ex. “Since the occupation of the West Bank and Gaza Strip in 1967, the Israeli authorities have made widespread use of administrative detention to imprison thousands of Palestinians, including children without charge or trial under renewable detention orders. The military judicial system in the OPT [Occupied Palestinian Territories] has used these orders to lock away thousands of Palestinians, including children, for months and at times years” (**Amnesty International, 2022**) – a form of “institutionalized hostage-taking,” **in the words** of Princeton professor emeritus of international law Richard Falk.
- Home invasion: ex. “Almost every night, armed Israeli soldiers raid homes, wake women, men and children, and carry out different actions inside the homes of Palestinian residents. According to UN figures, these invasions occur more than 200 times each month. Beyond the harm suffered by individuals and families as a result of the intrusion into their homes, this practice effectively serves as a means to oppress and intimidate the Palestinian population and increase control over it.” (Israeli human rights NGOs **Yesh Din, Physicians for Human Rights Israel, and Breaking the Silence, 2020**); “Each year, hundreds of Palestinian boys ages 13-17 are arrested from their homes in the middle of the night by the Israeli security forces ... Sometimes they pound on the door to wake the family, but often, they burst in after blowing open the door. They wake up the entire family, young and old, who watch as their child or brother is arrested, without a warrant and without their being told where he is being taken and what are the suspicions against him” (Israeli human rights NGO **HaMoked, January 2023**).
- Torture, including sexual torture: ex. “For decades, the Israel Security Agency, Israel Prison Service and Israeli military forces have tortured or otherwise ill-treated Palestinian detainees, including children, during arrest, transfer and interrogation” (**Amnesty International, 2022**); “From the research undertaken by the Public Committee Against Torture in Israel, it is clear that torture is carried out in an orderly and institutional fashion ... The interrogators enjoy impunity” (**Public**

Committee Against Torture in Israel and World Committee Against Torture, 2005); “The majority of Palestinian women prisoners are subjected to some form of psychological torture and ill-treatment throughout the process of their arrest and detention, including various forms of sexual violence” (Palestinian human rights NGO Adameer, 2018).

- Expression of intent to eliminate: ex. “There was no such thing as Palestinians” (Israeli PM Golda Meir, 1969); “[The] formula for the parameters of a unilateral solution are: to maximize the number of Jews; to minimize the number of Palestinians” (Israeli PM Ehud Olmert, 2003); “Gaza is part of our Land and we will remain there ... it will become part of sovereign Israel and will be populated by Jews” (then-deputy speaker of the Israeli Knesset and member of Netanyahu’s Likud Party Moshe Feiglin, 2014); “Things will end in one word and a situation you know, which is Nakba [the ethnic cleansing of Palestine as in 1948]. This is what will happen in the end” (Israeli veteran military commander and politician Uzi Dayan, 2022); “There’s no such thing as Palestinians” (Israeli Finance Minister Bezalel Smotrich, March 2023); “Netanyahu brandishes map of Israel that includes West Bank and Gaza [as part of Israel] at UN speech” (Times of Israel, September 2023).

Evidently, “terrorism” is defined not by the nature of the acts, but by the identity of the perpetrators: a hallmark of racist and colonial reasoning.

Now that it is once again the Palestinians who are being massacred, the wall-to-wall TV coverage has retracted and it’s back to the “regularly scheduled” news programming of Britney Spears’ “bombshell” memoir, zoo animals’ Halloween costumes, and viral cat videos.

There is no half-mast Canadian flag for the mounting thousands of dead Gazans, no Parliament Hill lit up in the Palestinian colours of red, black, white, and green. On the contrary, it is the critique of Israel’s state violence – even when expressed using the legally accurate terminology: “occupation,” “apartheid,” “war crimes” – that is assiduously condemned, punished, and repressed in Canada and other “liberal democracies” as “hate,”

“extremism,” even “terrorism” itself. All of this is necessary to enforce the hierarchy of existence that enshrines this grotesquely differential valuation as compulsory “common sense.”

(Erasure of) “Occupation”:

Operating according to this “common sense,” government and media representations fixate on Hamas’s terrorism, while the structural terror of Israel’s occupation is systematically disappeared.

Discussions of Israel now possibly “re-occupying” Gaza obscure that Gaza, a massive “open-air prison/concentration camp,” has been occupied by Israel all along – as corroborated repeatedly by the UN, the International Court of Justice, the International Criminal Court, and Canada’s own official foreign policy. The ubiquitous references to Hamas’s attack as “Israel’s 9/11” – pervasive across the political spectrum – perform a similar function: deleting the pre-existing relationship of occupation, and the multiple “9/11s” that occupied Palestinians have been made to endure. Even more absurd are the analogies a la Joe Biden likening Hamas with Russia and Israel with Ukraine (as if it is the Indigenous Palestinians who, like Russia in Ukraine, are the occupiers!) – managing to not simply equate the occupier and the occupied but invert them altogether.

The very fact that Israel could so quickly turn Gaza into a mass execution chamber, sealed off from food, water, and other necessities and without any pathways of escape, is proof that its totalizing control over Gaza has never ceased. To say that Gaza is not occupied is like saying that a prisoner has “freedom” because they are free to move anywhere they like within their cell.

And yet, out of approximately 340 Globe and Mail items on the current violence as of October 23, only twelve even bother to mention Gaza’s occupied status: an objective fact under international law. Several other Globe pieces state explicitly and inaccurately that Gaza is not occupied. The illegality of the occupation and its practices of land annexation and apartheid, re-confirmed by a recent UN study, is never mentioned at all. As the UN committee’s report points out, no occupation lasting longer than 10 years has been found to be legally legitimate; Israel’s has lasted for 56 so far.

“Self-Defense”:

The erasure of the occupation enables Canadian and other political leaders to perpetually portray Hamas as the exclusive “first cause” of violence, and Israel’s onslaughts as an expression of its purported “right” – even “duty” – of “self-defense.” As Palestinian poet Mourid Barghouti long ago **observed**: “It is easy to blur the truth with a simple linguistic trick: start your story from ‘Secondly’ ... and the world will be turned upside-down.”

In reality, under international law, **no Occupying Power has a right** to invoke military “self-defense” and declare “war” against the people it is occupying. Rather, it has a legal obligation to **protect** and **provide for** both its own population as well as that of the occupied; an obligation **flagrantly flouted** not only by the current bombardment and **intensified siege** on Gaza but by the sixteen years of continuous siege that preceded it. This included Israel placing Gazans **on a “diet”** of food entry restrictions **specifically calculated** to drive them to starvation’s brink. As for the Palestinians’ right to defend themselves and resist their occupation – **upheld in international legal doctrines** – it has been vehemently denied and ruthlessly suppressed. **Palestinian human rights work** is “terrorism,” **Palestinian poetry** is “terrorism,” **Palestinian journalism** is “terrorism,” **Palestinian marches** and other paradigmatic acts of **non-violence** on their own lands are “terrorism,” **Palestinian flags** are “terrorism.” What better indication that the problem, from Israel’s perspective, is not Palestinian violence but Palestinian existence itself?

“War”:

Therefore, words such as “war” and “conflict” — core to the semantic lexicon of elimination — serve to fundamentally distort the situation: in which Palestinians are subject to virtually unlimited violence, but are precluded from legitimately responding with violence or non-violence in return. In international law, “war” **connotes** a symmetrical relationship in which both sides may legally kill and be killed. Instead, what is being claimed here, as in other **previous** colonial theaters of atrocity, is a license for unilateral brutalization of the colonized.

“Civilians”:

Under this paradigm, Palestinian killings even of Israeli soldiers are **cast as** “terrorism,” while Israel’s large-scale killings of Palestinian civilians are insistently scrubbed from the slate. Destroyed schools, mosques, and hospitals

are invariably, **according to Israel**, “terrorist” installations; those trapped in the zone of carnage are all supposedly “**terrorist sympathizers**” and “human shields” – no evidence is necessary, when their “guilt” is pre-written on their Palestinian skin.

With the massacre of hundreds of Palestinians at the Al-Ahli hospital, for instance, Israel first **claimed** it as a strike on “a Hamas terrorist base inside a hospital in Gaza,” before blaming a Palestinian rocket instead – a narrative **alacritously accepted** by the Canadian and US governments **despite** the **evidentiary contradictions** and manipulations **identified by independent human rights** and media investigators, **including the BBC**. Either way, somehow, it is the Palestinians who are culpable for their own deaths. Meanwhile, Israel has **already incapacitated** twelve other Palestinian hospitals and **advertises its intention** to target more without shame.

Israel’s elected leaders openly declare: “**There are no innocent people** in the Gaza Strip,” “**It is an entire nation** out there that is responsible,” “**The children of Gaza** have brought this upon themselves.” That is one way to sustain the **claim** that Israel “doesn’t target Palestinian civilians” – by defining them out of discursive existence, before physically obliterating them wholesale.

“Humanity”:

It is only through such profound sub-humanization of Palestinians, that Israel could present its own violence against them as “humane.” On October 17, just hours after the Al-Ahli hospital bombing, all four Canadian federal party leaders spoke at a conference alongside a “**leading human rights attorney**” who had **posted a cartoon** depicting Palestinians as cockroaches. When Israeli political and military leaders describe Palestinians as “**vermin**,” a “**cancerous manifestation**,” “**roaches**,” “**grasshoppers**” to **be “crushed**,” “**little snakes**,” and now “human animals,” extermination becomes a logical “solution.”

To label Palestinians as “human animals” is even more pernicious than labelling them as just “animals”: for while animals are slaughtered, they are not held responsible for having brought the knife down upon their own necks. Yet again, as eminent legal scholar Antony Anghie **observed** of 16th-century European discourse underpinning anti-Indigenous genocide, the colonized are not simply excluded

from “humanity” but included only to be further dominated and damned.

“Genocide”:

Language such as “human animals” makes explicit the “**structurally genocidal**” character of Israel’s colonization of Palestinian land – predicated, like all settler projects, on the removal and replacement of Indigenous life. European doctrines and methods of anti-Indigenous elimination in the “Americas” **drew precedents** from the West’s centuries of anti-Jewish persecution and pogroms, the guilt for which is now transferred to the Palestinians to justify the **eliminatory violence** against them: a viciously genocidal circle.

As the Gazans are left to be bombed, starved, suffocated, and dehydrated into mass death, so is illuminated the barbarism of this “Western civilization” that attempts to launder its own atrocities with the blood of others.

Now, as I write this, Israel is preparing for an imminent ground invasion of Gaza, already reduced to a hellscape by the unrelenting aerial assault. As the brutality against Palestinians continues to escalate, so too do the efforts of Canadian politicians to **furnish ideological cover** for the **unfettered butchery** to come. For the precious Palestinian lives wrongfully taken by this collective death penalty, we say: the crime was not your lives, but your deaths. They are not “ungrievable,” for we will deeply mourn them; while the executioners and their willing accomplices will forever bear the atrocious stain.

CITATION

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