

A moral objection against issuing Gaza genocide accusations

Jan A. Bergstra
janaldertb@gmail.com
Minstroom Research, Utrecht

Marcus Düwell
mduwell62@posteo.net
Institute for Philosophy, Technical University of Darmstadt,

Note: July 2025; Version 1

Abstract

It is argued that far from supporting and protecting the population of Gaza from Israeli violence, issuing Gaza genocide accusations towards Israel or Israeli leaders may be considered harmful for the population of Gaza. Said harm is not a mere matter of confused speculation, instead it should be taken seriously as underpinning a moral imperative for refraining from issuing such accusations.

1 Introduction

In [4] we have outlined the notion of an extreme accusation, and we made an initial investigation of genocide accusations as an instance of extreme accusations in [6].

Genocide is often described as the crime of crimes. The genocide accusation figure as the accusation of accusations, thereby, giving expression to an ultimate rejection of actions.

In [7] genocide accusations are discussed in more detail, with a focus on the problems encountered when defining genocide, in particular paying attention to the grey area between genocide and war crimes, thereby concluding that the LOAC (laws of armed conflict) seem to be in need of revision, rather than the classical definition of genocide.

In [8] the theoretical developments of the cited papers is applied to the recent war in Gaza and an analysis is made of a particular rendering of a Gaza genocide accusation, which we refer to as the Gaza 2023/2024 genocide accusation, GGA23/24 for short. We refer to [8] for the literal phrasing of GCA23/24, and for the argument why it matters to consider a precise wording of this kind of area/episode specific genocide accusation, in view of the plurality of conceivable alternative phrasings thereof. Events in 2025 are not included in the discussion in order to be able, in theory at least, to obtain stable conclusions.

Our objective is to investigate genocide accusations from the perspective of accusation, theory, and to apply such work to practical cases, not to take side in a conflict. In particular we would reject the suggestion that our work is merely supporting Israeli positions, which as we believe it is in fact not.

2 A moral objection against issuing GCA23/24

In this brief note we draw a key conclusion from the preparations just mentioned:

CLAIM: issuing Gaza genocide accusations (with GGA23/24 as a representative instance) is fraught with the following problems:

- (i) issuing GGA23/24 is ineffective as a means to protect the interests of the population of Gaza;
- (ii) issuing GGA23/24 delays rather than speeds up an armistice coming about;
- (iii) issuing GGA23/24 marginalizes (i.e. renders nearly invisible) other accusations, e.g. of war crimes, and frustrates any discussion with Israel about such accusations.

3 Arguments for said moral objection

We see the following arguments for the claim stated above.

1. As we have argued in [8] validation of GGA23/24 is a difficult task, and there is a significant probability that such validation will not succeed in due time, neither in terms of academic research, nor in terms of outcomes of legal proceedings.

2. The responsibility for issuing the accusation of accusations lies fully with the accusers. In [7] we propose rules of engagement for issuing extreme accusations (outside formal legal proceedings). A critical rule is that accusers clarify in advance how they will compensate an accusee if the accusations turns out to have been invalid.
3. In view of the fact that the formidable gravity of 1) and 2) combined seems to escape the consciousness of many Western (say EU+NATO state citizens) civilians and politicians, the Israeli government can afford a wait and see approach.
4. Issuing a genocide accusation, and more generally issuing an extreme accusation in practice terminates ordinary communication between accuser and accusee. This blockade may be no problem when genocide accusations are issued retrospectively, but it matters a lot when genocide accusations are made in real time: there is no proof that such accusations bring behavioural changes about.
5. By issuing GGA23/24, the Israeli viewpoint that Israel is at war with Hamas is not only neglected but in practice denied. The question how that war can or should be executed evaporates in the presence of a genocide accusation.

Here lies the key moral objection:

- First of all the existence of a war between Israel and Hamas must be acknowledged, and this war has been declared by Israel, triggered by the terrorist attack of 7 October 2023. Whether or not anyone agrees with the objectives of the Israel-Hamas war is of no relevance to the validity of GGA23/24.
- Then it must be acknowledged that the GGA23/24 is an expression of disagreement with how Israel conducts the war at hand. In particular issuing GGA23/24 comes with two responsibilities:
 - (i) to propose better (i.e. more LOAC compliant) ways of fighting this war, as only on the basis of such proposals claims about (dis)proportionality can be made, and
 - (ii) to make a serious attempt to understand an Israeli perspective on the objectives of the war (preferably including a perspective on a long term solution of what we call the “Israel embedding problem” in [5].)
- Finally it must be acknowledged that communication with Israel about how the war is to be conducted is critical for bringing about a change of Israeli operations from which the population of Gaza may profit.
By issuing genocide accusations the debate about how the war is to be conducted is prematurely aborted, including any discussion of Israeli war crimes.

- Issuing GGA23/24 in order to express disagreement with military objectives is a misuse of the concept of genocide. Issuing GGA23/24 in order to satisfy one's own desire to express feelings of strong disagreement with mass atrocities or war crimes is also a misuse of the concept of genocide.
6. A debate is needed about pro's and con's of different solutions of the Israel embedding problem. It is essential that Israel will have a say in these issues, as merely applying political by the UN and/or by other states and/or blocks including the EU, in order to make Israel accept a 2 state solution (which Israel considers problematic), will not lead to a workable solution. It is remarkable that the search for a solution of the Israel embedding problem is not done in cooperation with Israel.
 7. The argument is valid for South-Africa as well. The insistence to accuse Israeli leaders for genocide will not be politically helpful and will not bring the population of Gaza any significant rewards.

4 A second order moral objection

Strong voices claim that within Holocaust and genocide studies there would not only be consensus about the validity of, say GGA23/24, but that a moral obligation exists for genocide scholars to acknowledge the validity of GGA23/24, as otherwise they would become co-responsible for genocide. Our view on the matter is this:

(i) It is essential that within genocide studies there is freedom of speech and thought, otherwise the field is “dead” and the threat that one's positions are cast as supportive of genocide is an outrageous restriction of the freedom of academic speech and thought.

(ii) If it were the case that a consensus about the validity of GGA23/24 is present among genocide scholars there would be no need for even suggesting that compliance with that position is morally obliged, and that requirement is paradoxical as a claim on academic behaviour.

(iii) In previous sections we have outlined that we see no moral justification for adopting and proclaiming the validity of GGA23/24 at this stage, and a fortiori we see no moral obligation to adopt and proclaim the validity of GGA23/24.

5 Problems with 2-state solutions

As we have discussed in [5], a 2-state solution comes with several complications which we phrase as risks:

(i) The risk that the new Palestinian state will develop into a safety risk for Israel after prolonged development of military capabilities, which is simpler in an independent state than in Gaza.

(ii) The risk that no solution for Palestinians in Lebanon is obtained so that Hezbollah remains a security risk for Israel, which may require open war for its resolution.

(iii) The risk that Palestine develops into an authoritarian dictatorial state, as e.g. Afghanistan which then exercises influence on Arab inhabitants of Israel.

(iv) The risk of asymmetric conditions in Israel and in an adjacent Palestine. For instance Israel cannot tolerate suppression of Jews in Gaza and there must be limits to the dominance of religious groups.

(v) The risk that Palestine remains a center for ideological criticism of Israel.

After many years of enduring existential threats from Iran and receiving missiles from Gaza, Lebanon, and Jemen, Israel should be given a leading role in proposing and formulating a future solution for its final embedding in the Middle-East.

Repeating the proposals from the side of the UN will not help to solve the situation. Palestinians and Israel are both under attack from Hamas and Iran. The 2-state solution will very probably not only form a risk for Israel but will as well continue the dominance of Iranian power over Palestinians. And to claim a right of return for former Nakba refugees and millions of their children and grandchildren will not bring a solution for the problems in the region and certainly not for these refugees whose uncertain position is only continued by this claim.

References

- [1] Francesca Albanese. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. UN HRC Country Reports A/HRC/55/73. [URL](#) (2024).
- [2] Jan A. Bergstra and Marcus Düwell. Accusation theory. *Transmathematica*, (2021). [DOI](#)
- [3] Jan A. Bergstra and Marcus Düwell. Special accusation types: anonymous accusation, non-evidential accusation, and self-accusation. *Transmathematica*, (2023). [DOI](#)
- [4] Jan A. Bergstra and Marcus Düwell. Extreme accusations and the risk of overaccus-
ing. *Transmathematica*, (2024). [DOI](#)

- [5] Jan A. Bergstra and Marcus Düwell. The Israel embedding problem: a survey of known solution proposals and a “new” solution proposal: USPIL. [URL](#)
- [6] Jan A. Bergstra and Marcus Düwell. Extreme accusations II: the genocide accusation. *Transmathematica*. (2025) [DOI](#)
- [7] Jan A. Bergstra and Marcus Düwell. Genocide accusations and the logic of genocide. *Transmathematica* [DOI](#) (2025).
- [8] Jan A. Bergstra and Marcus Düwell. A conditional refutation of the Gaza 2023/2024 genocide accusation https://accusationtheory.com/wp-content/uploads/2025/07/gaza_genocide_accusation.pdf (2025).
- [9] Azar Gat. What is the problem with the Palestinian problem? INSS Insight No. 1938, (February 16, 2025), [URL](#).