

The ‘Genocide’ fallacy: Text manipulation and ritual vilification in South Africa’s case against Israel at the International Court of Justice (ICJ)

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To appear in: Journal of Contemporary Antisemitism, Vol 9:1, 2026

In December 2023, South Africa submitted its application against Israel to the International Court of Justice asking it to rule that Israel was committing genocide against the Palestinian population of Gaza.¹ I read the application in full and followed most of the relevant footnotes to the evidence presented to back up the case. I have since been asking myself why nobody seems to have taken the trouble to expose the fallacies in that document: The key quotes submitted as ‘evidence’ were distortions, interpretations of statement portions that were de-contextualised, and mistranslations.

Part of the answer seems to be that the Israeli state and its advocates have been so certain about their moral high ground and the fact that Israel’s war in Gaza was nothing but a response to Hamas’ attack on 7 October 2023, that they felt no need to respond to the individual accusations. The Israeli position has been that the application is inadmissible since Israel has been fighting a war of defence and since it has demonstrably taken measures to protect Palestinian civilians by urging them to leave, time and again, the designated areas that it intended to subject to its bombing campaign and ground attack. Some commentators, opining that the suggestion that Israel was committing genocide was a blood libel, even warned against what they called ‘cringingly legalistic arguments’ against the genocide claim.²

A public discourse has emerged in which two sides in the debate are not engaged in any kind of dialogue: On the one hand, the genocide claim is dismissed outright as inherently antisemitic, its purpose being to re-direct the accusation of perpetrators of genocide at those who had been its historical victims.³ On the other hand, the term genocide has acquired a kind of street value that is said to have shifted from a legal term associated with the Genocide Convention to an ‘ontological condemnation’ – an ideological position that negates Israel and its actions as a matter of principle.⁴ I am not a legal scholar but a linguist, trained among other areas of language structure in discourse analysis and with knowledge of the languages in which some of the evidence cited in the case appears in the original. But as I will demonstrate, no specialised expertise is needed to uncover the fallacies in the submission, just an informed reading.

From the onset, South Africa’s case against Israel contains disinformation.⁵ On p. 16 of the transcript, South Africa’s representative Vusimuzi Madonsela refers to ‘Israel’s colonization since 1948’. In fact, the Zionist movement’s settlement enterprise began in 1878 under the auspices of the Ottoman Empire. In 1917 Britain’s Balfour Declaration recognised the right to a ‘Jewish homeland’ in Palestine. In 1947 the United Nations General Assembly approved by majority vote a partition plan for Palestine through which in 1948 Israel became a state in accordance with international law. It has since been recognised as such by most states in the world, including around half its Arab neighbour states. The narrative that supposedly lends historical context to the application is not just oversimplified but outright false and misleading. Moreover, it sets the ground as one where Israel as a state lacks legitimacy. The allegation of genocide is implied to extend not just to the events in the weeks preceding the date of the application but to the decades encompassing Israel’s existence. The implication, at least as performed to the audience of lay spectators, is that

the alleged genocide can only be stopped and the acute situation remedied if Israel no longer existed.

On p. 17 the submission makes reference to Israel as 'subjecting the Palestinian people to apartheid, on both sides of the Green Line'. Of all people, South Africans should know what apartheid means and that there's no such thing within the Green Line, the internationally recognised borders of Israel. Palestinian Arabs and Bedouins in Israel are citizens. They suffer systematic discrimination by the state when it comes to the expropriation of agricultural land, withholding planning permission for private building and urban development, and in many cases grants and favourable mortgage conditions as well as naturalisation rights for descendants of citizens. They are also disfavoured by legislation and political practice that defines Israel as a 'Jewish state' implying that the state's duties and obligations are primarily towards its Jewish citizens. Yet unlike South Africa's apartheid, in Israel no population group is banned from entering certain districts or from using public transportation, nor from key jobs in the public sector such as hospitals, universities, the police or the justice system, let alone from political participation, and there are no race laws. Israel may be said to have apartheid-like features in some domains (as does Denmark, which designates urban districts with a demographic majority of residents born outside of Europe as 'vulnerable areas' where the police have special powers) but it is not a replica of apartheid-era South Africa, certainly not within the Green Line.

But the bulk of the distortion comes with regard to quotes from three Israeli politicians on which the South Africa case rests and through which it aims to prove that Israel's leadership has shown genocidal intent. As I understand the legal aspects, according to the Convention on the Prevention and Punishment of the Crime of Genocide,⁶ in order to demonstrate the crime of genocide it must be proven that the alleged perpetrators were motivated by no other aim than to annihilate a population or a significant portion thereof 'as such' (Article II) – that is, because, and only because of their belonging to that population: Not because they are non-combatants who happen to be in the midst of combat zones (such might constitute war crimes but not genocide) nor motivated by a wish to destroy infrastructure to prevent the restoration of a hostile military capacity (that too might stray into war crimes, as it most probably has done in Gaza) nor even motivated by the determination to create a domestic political momentum in order to hold on to power (as Netanyahu's actions are widely perceived in Israel) but in order to obliterate the population merely because of who they are. Unless genocidal intent can be proven, the evidence of horrific suffering by the civilian population of Gaza and even racist expressions of hate and retribution on the part of ordinary Israeli citizen or military conscripts cannot constitute, legally speaking, a case for genocide. But using the world's most important international legal forum to make the case for genocide constitutes a spectacular performative act aimed to put unilateral blame for the war and the suffering on Israel, ignoring the events that led to the opening of hostilities on October 7, 2023.

South Africa focuses on three statements from Israeli leaders: Defence Minister (at the time) Yoav Gallant, State President Isaac Herzog and Prime Minister Binyamin Netanyahu. The rationale is that if their statements can be shown to contain genocidal intent, then the effects and outcomes of destruction and suffering that are clearly observed on the ground and the words of ordinary citizens and conscripts who cheer on that destruction can be construed as genocide. Except that the so-called textual evidence put forward by South Africa is distorted and rests entirely on de-contextualising phrases. On p. 34 of the record South African advocate Tembeka Ngcukaitobi claims that Israel's Defence Minister Yoav Gallant allegedly said: 'Gaza won't return to what it was before. We will eliminate everything'. That is argued to be evidence of 'intent from genocidal speech'. In fact, Gallant said: 'Gaza won't return to what it was before, **Hamas will be no more**, we

will eliminate it all' (the statement, in Hebrew, made spontaneously to an assembly of soldiers, can be found at 01:37 mins on a YouTube clip;⁷ my translations). By chopping up the quote and eliminating a key indexical determiner of context – the phrase ' Hamas will be no more' – the advocate obscured the evidence and manipulated it. On the same page, advocate Ngcukaitobi claims that Israel's Defence Minister Yoav Gallant 'instructed [troops] that he has "released all the restraints"'. That, according to the advocate, is evidence of genocidal intent since releasing all restraints implies killing everyone. In fact, Gallant said: 'I have released all the restraints. We attack everything. We take off the gloves. We kill everyone **who fights us**. If there is one terrorist or a hundred' (01:18 mins, *ibid.*). While the choice of language may be reprehensible, the context proves without a doubt that the reference was made to combatants and not wholesale to the entire population. South Africa again distorted the evidence removing the crucial reference to 'everyone who fights us'.

On p. 35 of the transcript South Africa accuses Israel's State President Isaac Herzog of co-responsibility for the alleged indiscriminate killing of Palestinian civilians in Gaza. It quotes Herzog as saying: 'this rhetoric about civilians not aware, not involved, is absolutely not true . . . we will fight until we break their backbone'. The advocate argues that the President necessarily meant that Israel was intent on fighting 'all Palestinians' since it viewed them all as 'responsible for the actions of Hamas'. He goes on to argue that the President's words 'affected how State policy is understood within government', but he provides no evidence for that claim. In Israel, the President's role is ceremonial; no proof has been put forward of any direct link between his speech and government decisions that were then implemented by the military. This quote, too, was distorted. The words were articulated at a press conference delivered in English (archived for example by ITV news⁸). Note that the South African submission does not even contain a footnote reference to the source. Removed from the quote presented by South Africa are, at 1:57 minutes of the filmed statement, the following words from the President: 'They could have risen up, they could have fought against that evil regime which took over Gaza in a coup d'état, but we're at war, we are at war, we are defending our homes, we're protecting our homes, that's the truth, and when a nation protects its home it fights, and we will fight until we'll break their backbone .. I agree, **there are many, many innocent Palestinians who don't agree to this**, but if you have a missile in your goddamn kitchen and you want to shoot it at me am I allowed to defend myself?'. Once again one might argue about the choice of words in what is expected to be a diplomatic setting. Yet the interpretation of the President's words as implying that all civilians are Hamas and therefore the target of annihilation is outright biased and unfounded: 'There are many, many innocent Palestinians who don't agree to this', he says very clearly, while designating as potential targets those civilian homes that were run over by Hamas and used as military outposts. And again, whatever his words, the President has no executive authority and no link has been demonstrated between his words and action taken by the military on the ground.

Finally, and perhaps most importantly, there's the now infamous reference to a quote from Israel's Prime Minister Netanyahu. The South African submission claims on p. 33-34 of the transcript that Netanyahu, in a televised address on 28 October 2023, cited the biblical verse 'remember what Amalek did to you' (Deuteronomy 25:16). The submission explains that 'this refers to the biblical command by God to Saul for the retaliatory destruction of an entire group of people known as the Amalekites' and adds: 'The invocation to Amalek is nothing but idle'. It goes on to suggest that the phrase was inevitably interpreted by Israeli forces as an instruction to destroy the entire Palestinian population of Gaza and that the evidence of destruction on the ground is a direct consequence of that intention. The full recording of Netanyahu's address, however, provides a different picture⁹. At 1:01-1:50 minutes he speaks (my translation) about Israel's 'wonderful army .. eager to

inflict upon the murderers what they deserve [lehashiv la-rotzchim ki-gmulam] for the horrific deeds that they committed against our children, women, brothers, parents, friends'. It is in that context that he says: 'The whole nation and its leadership embrace them, believe in them; remember what Amalek inflicted upon you'. The Amalek verse is cited to lend spiritual strength to an act of seeking justice rather than pure revenge. Ironically, that same biblical quote 'remember what Amalek did to you' appears in the Hebrew original and a Dutch translation on a commemoration plaque for the Dutch Jews murdered in the holocaust just miles away from the ICJ building in The Hague – the Amalek Monument commissioned in 1967 from the artist Dick Stins¹⁰. But in the same public address, at 3:24 mins, Netanyahu goes on to say: 'IDF [= Israel Defence Forces] is doing everything to **avoid targeting non-combatants** and I call again on the civilian population to evacuate to a safe area in the south of the strip'. He then remarks on the cynicism of the enemy that uses civilians as human shields, a matter also referred to in President Isaac Herzog's speech cited above. Not only is Netanyahu's reference to 'Amalek' void of a call to take revenge on the entire population, his speech in fact directly negates any plan to avenge the murder of Israelis through wholesale retribution directed at Palestinian civilians. South Africa misquoted, mistranslated, and misinterpreted.

The genocide claim was quickly picked up around the world and became the central theme in the protest movement against Israel's campaign in Gaza. That included Manchester, the city that was my home for several decades. At my former place of work, over 400 academics at the University of Manchester hurried to sign a letter in which they falsely claimed that the ICJ had concluded that 'Israel was plausibly committing genocide'. Notwithstanding the fact that the ICJ's presiding judge on the case has since clarified that its ruling on 'plausibility' referred to the court's acceptance of its jurisdiction on the matter and the right of the parties involved to make submissions and not to the merits of the case itself¹¹, this 'fake news' cited by the Manchester academics continues to circulate around the world. Signatories of the Manchester letter included many people I had worked with during my 25 years at the University. They knew little or nothing about the Middle East conflict. Their signatures were an act of identity performance aimed to demonstrate belonging to a fashionable cause. Part of that identity is the flare of rebellion against the prevailing order: Israel, viewed as the world's principal evil, has taken the place of the conspiratorial and treacherous figure of the Jewish money-lender. While most of the signatories would deny any antisemitic prejudice, they will claim that Israel is the last remaining fortress of Western colonialism and that their determination to fight and even eliminate it is anchored in their commitment to a postcolonial ideology, which they often promote as a postcolonial academic 'theory' which not deserves but requires a strong presence in institutions of higher education. One of the signatories explained to me that she did not understand the content of the letter but signed it because she was eager to 'do the right thing'. Academics are now signing political protest letters not based on evidence or expertise but on a wish to be seen as belonging to a crowd. It's become a cult-like enterprise led by inflammatory slogans and harbouring disinformation.

Anti-Jewish hate speech has gone hand in hand with the genocide accusation against Israel, proving that postcolonial theory in fact masks cultural prejudice against Jews. According to the Manchester Media Group Mancunion, in the academic year 2023/24 the University of Manchester received 36 complaints on antisemitism but none was upheld.¹² Jewish students complained of being spat on by other students and of being called 'baby-killers'. Graffiti saying 'up Hamas' was seen on campus. But while Jewish complaints were ignored, the University's Humanities Faculty Committee discussed 'fear on campus for staff and students in organising events and raising awareness about the

horrific genocide in Palestine’ and ‘support for staff and students who are openly critical on social media about the oppressions and crimes committed by the state of Israel’.¹³

Such bias on the part of university institutions and management has been entrenched in Manchester for quite some time. Back in 2018, the university’s policy blog, to which I was probably the most prolific contributor at the institution, refused to publish a post that I had written ahead of the Labour Party conference in September 2018 where accusations of antisemitism were on the agenda as was the adoption of the IHRA definition of antisemitism. My comment focused in the linguistic aspects of using the term ‘Zionist’ as placeholder for ‘Jew’. In a couple of lines I also made reference to anti-Jewish incidents that I had experienced personally at the university some fifteen years earlier. I mentioned no names or even job titles, and all those involved were no longer serving in the organisation. Yet the editors refused to publish the piece arguing that it was ‘too personal’ and against their guidelines (which strangely, they claimed had just been revised one week earlier). Instead, I published the post on the Engage platform.¹⁴ On the very day of its publication, the university blog editors, the organisation’s communications manager, and their press office hurried to inform the Deputy Head of HR and the Senior Leadership team (consisting of the President and Vice-Presidents) that I had referred to ‘incidents at UoM’. Rather than be offered an apology or even an expression of empathy and concern for the duress I had experienced, I was from that day on treated with suspicion by management.¹⁵

Many community leaders in Manchester with whom I had worked for many years enthusiastically embraced the demonisation narrative accusing Israel of ‘massacres’ and ‘genocide’. Not once did they acknowledge that the fighting with all its horrific consequences for the civilian population of Gaza was inflicted on Israel by Gaza-based Hamas deliberately with the expressed goal of annihilating Israel and its Jewish population. For Esme Ward, Director of Manchester Museum, this stance appeared to come as a natural part of a more general postcolonial posture on a par with repatriating Aboriginal artefacts held at the Museum to Australia – as if there was a pre-defined checklist of choosing sides, and more importantly of demonstrating to the wider public that one is choosing sides. Luthfur Rahman lost his Council seat and his job as Deputy Leader of Manchester City Council after devoting his local election campaign in 2024 almost exclusively to Gaza. It was a topic he knew next to nothing about, that was of no immediate relevance to the daily lives of his constituents and that was completely beyond the remit of the office for which he stood as candidate. The calculation will have been to rise to the challenge set by his opponent – George Galloway’s Workers Party which had made anti-Israel hate not just the focus of its election campaign but the only point on its programme – and to try to mobilise the Muslim vote, presumed to be furious at Israel. As things turned out voters listened to his campaign and went for the original, replacing him by the Workers Party candidate. Afzal Khan MP, who had championed the causes of Muslim minorities in various countries and had, unlike the other two, a long track record of involvement in pro-Palestine campaigning, had already accused Israel of ‘genocide’ back in 2002, later expressing regret.¹⁶ In the days immediately following the Hamas massacre he kept his silence, avoiding an unequivocal expression of sympathy for the Israeli victims, then re-surfaced with the ‘genocide’ narrative which he continued to push relentlessly for a whole year. On the first anniversary of the Hamas attack I published an open letter challenging him on the matter;¹⁷ I have not heard him use the term ‘genocide’ in this connection since. Khan’s criss-crossing around the genocide allegation demonstrates its randomness: It is predicated not on the scale of

destruction, the alleged intent of the perpetrators, or on any other circumstance other than the accuser's own temper and short-term performative calculation.

In September 2025, the United Nations Human Rights Council released a report that concluded that Israel was committing genocide in Gaza.¹⁸ Having had no access to facts on the ground, a flaw for which it blamed Israel, it relied primarily on a digest of the South African submission to the ICJ. In regard to the Amalek quote the report concludes (par. 172) that 'in invoking Amalek ... Netanyahu strengthened the idea that Israel's war in Gaza is akin to the holy war of total annihilation commanded against the Amalekites'. It goes on to offer the opinion (par. 228) that 'in the Book of Samuel, God tells the Israelites, "Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey"'. This underlines the suggestion that Israel's war in Gaza is a religiously inspired holy war that inevitably must lead to the full annihilation of the Gazan population and everything that it possesses. This may well be the view of some religious extremists in Israel, including within its armed forces, but Netanyahu's speech is not evidence that this is government policy. Unlike South Africa's ICJ submission, the UN report acknowledges, at least partly, that the statements of the three cited Israeli politicians (it also references the same quotes from Gallant and Herzog) contained remarks about the need to protect Palestinian civilians. However, it opines that those were merely a form of deception: 'the Commission considers that the later clarification was provided to deflect responsibility for the initial statement' (par. 231), it says, for example, in relation to Herzog's comment on innocent Palestinians. The Jews are, in other words, not just driven but vengeance but cunning in pursuing deceptive and manipulative tactics.

The message of the UN report is that Israel's war is not a war of defence or even one that seeks to exert political power and control in the region, or even one that is merely intended to help a prime minister who is accused of corruption to hold on to power. Rather, it is portrayed as a religious war driven by deeply rooted Jewish values and traditions. The invocation of a religious script is put forward as proof that Israel's violence is anchored in a religious conviction of Jewish supremacy. It fuels the view that violent vengeance is not merely the policy of an individual Israeli government but is inherent to Jewish tradition. Consequently, the enemy is not just Israel or even Zionism but Jewishness itself. It is a view that **essentialises Jewish culture as inherently menacing** towards others.

As I noted above, the genocide accusation against Israel has been described before as 'holocaust inversion': pointing the finger at the survivors of the Jewish holocaust as a way of obliterating its memory and stripping the Jews of their status as victims of the most horrible industrial-scale genocide in modern history.¹⁹ Attacking Israel over Gaza has, aside from genuine concerns for the welfare and safety of its residents, also a double objective at a very different level: to perform post-colonial identity tribalism as well as to restore the 'normality' of society's collective perception of itself as victims of the Jews. The latter means that the post-war era in which substantial parts of society have been taking a critical stance towards antisemitism can come to an argumentative and emotive end in the minds of policy makers, educators, and journalists. Europe and the rest of the world then have a license to revert to the pre-war normality of everyday antisemitism. The South African application capitalises on the manner in which the debate around Israel is so often subsumed under the postcolonial framework – as in the words cited above about Israel being a 'settler colonial' apartheid society. Who other than postcolonial, post-apartheid South Africa might be qualified to lead the struggle against Israel? By doing so on the international arena South Africa (at the time led by a failing government, and some might say a failed state) can

conquer for itself a position on the world stage as a postcolonial redeemer: not just championing the cause of a disenfranchised people but also liberating the world from its guilt towards Jews and its commitment to protect them.

That message is in the core of the narrative represented by the 'genocide' allegation levelled against Israel. It is a pseudo-judicial argument construed on the basis of just a handful of quotes from three politicians, all of which are distorted, mistranslated, de-contextualised and subjected to a random, pseudo-theological and culturally essentialising interpretation. It is a narrative that evokes a view of Israel's war as deeply entrenched in a distinctive Jewish wickedness – a strategy of **ritual vilification**. Manchester's community leaders and academics (and indeed others around the world) conjure that ritual vilification when they speak of Israel's 'genocide', 'massacres' and 'murdering of children'. In reproducing discursive distortions and parroting South Africa's blood libel narrative they have been complicit in creating a climate that demonised rather than criticised, and that has been indifferent to the threats of violence made against Jews and to the violence perpetuated against them. On Yom Kippur, 2 October 2025, the United Kingdom was shocked by a murderous attack on worshippers at a synagogue in Manchester. Shocked, but not surprised – such was the reaction within the Jewish community. The vilification and demonisation created a climate that ultimately paved the way for an assailant to believe that in setting out to murder Jews he was acting with a mandate from Manchester's wider community:

By way of post-script, all the above does not exonerate the Israeli leadership from responsibility for possible (indeed likely) war crimes committed during the war in Gaza. Such must be investigated and where necessary prosecuted and if the Israeli state is not willing or able to draw on its own legal framework to do so then the intervention of international bodies like the International Criminal Court is justified. But prosecution cannot be allowed to rest on distortion and manipulation of evidence. Nor should the legal quest for justice be allowed to serve as an opportunistic, performative platform to spread essentialist ritual vilification that threatens to turn anti-Jewish incitement and violence back into everyday normality.

¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), December 29, 2023. <https://www.icj-cij.org/node/203394>

² David Hirsh, OPINION: The false claim that Israel is committing genocide is a modern blood libel. Jewish News, October 7, 2025. <https://www.jewishnews.co.uk/opinion-the-false-claim-that-israel-is-committing-genocide-is-a-modern-blood-libel/>

³ Lesley Klaff, 2019, Holocaust Inversion, *Israel Studies* 24:2, 73-90

⁴ Matthew Bolton, The meaning of 'genocide'. *K. Magazine*. June 5, 2025. <https://k-larevue.com/en/the-meaning-of-genocide/>

⁵ I refer below and in the following to the published text of Verbatim Record of the Public Sitting held on January 11, 2024, in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel). <https://icj-cij.org/sites/default/files/case-related/192/192-20240111-ora-01-00-bi.pdf>

⁶ [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention on the Prevention and Punishment of the Crime of Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

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