

# ww workers of the world

International  
Journal  
on Strikes  
and Social  
Conflicts

NUMBER

15

Volume I  
November  
2025

Dossier

## Palestine and global resistance to genocide

Democracy,  
Truthfulness and  
Internationalism  
versus the Genocide  
in Palestine

Rohini Hensman

Relevance of the  
boycott, divestment,  
and sanctions  
movement in times  
of genocide

Elsa Sertório

A time of  
barbarism - a time  
of chrysalises:  
general notes  
on Palestine

Anita Helena Schlesener  
Vicente Estevam Sandeski  
Carliane de Oliveira Carvalho

International law:  
A legal system  
like no other and  
its restitution in  
Palestine

Irene Sotiropoulou

Nameless graves,  
regulated funerals,  
and cemetery erasure:  
Memoricide in  
Palestine

Sandra Pereira Vinagre

OUT OF DOSSIER

BOOK REVIEW

The Return of  
Nature

by John Bellamy Foster

Jonas van Vossole

## Table of contents

Letter from the editor _____	4
Democracy, Truthfulness and Internationalism versus the Genocide in Palestine Rohini Hensman _____	6
Relevance of the boycott, divestment, and sanctions movement in times of genocide Elsa Sertório _____	14
A time of barbarism - a time of chrysalises: general notes on Palestine Anita Helena Schlesener Vicente Estevam Sandeski Carliane de Oliveira Carvalho _____	20
International law: A legal system like no other and its restitution in Palestine Irene Sotiropoulou _____	28
Nameless graves, regulated funerals, and cemetery erasure: Memoricide in Palestine Sandra Pereira Vinagre _____	40

## OUT OF DOSSIER

### BOOK REVIEW

The Return of Nature by John Bellamy Foster Jonas van Vossolle _____	46
--	----

## Editorial Team

**JOÃO CARLOS LOUÇÃ**  
Universidade Aberta,  
Portugal

**ANTÓNIO SIMÕES DO PAÇO**  
Observatório para as Condições  
de Vida e Trabalho, Portugal

**EDDIE COTTLE**  
University of Pretoria,  
South Africa

**RALPH DARLINGTON**  
University of Salford,  
United Kingdom

**RAQUEL VARELA**  
FCSH, Universidade Nova  
de Lisboa, Portugal

**CARLOS SALAS**  
Universidad Autónoma  
Metropolitana-Azcapotzalco, México

**GUOWEI LIANG**  
Johns Hopkins University,  
United States

**MARIA HARO SLY**  
Johns Hopkins University,  
United States

**LU ZHANG**  
Temple University, Philadelphia,  
United States

## Advisory Team

**ALEXANDRA JAEGER**  
Friedrich-Ebert-Stiftung  
e. V (Germany)

**ANDREIA GALVÃO**  
(Campinas, Brazil)

**BERND HÜTTNER**  
Rosa Luxemburg Foundation  
(Germany)

**BEVERLY SILVER**  
Johns Hopkins University  
(Baltimore, Maryland, USA)

**BRYAN PALMER**  
Professor Emeritus, Trent  
University (Canada)

**CHARLES SMITH**  
St Thomas More College in  
Saskatoon (Canada)

**CURTIS LYONS**  
Cornell University (USA)

**DAVE LYDDON**  
Keele University (UK)

**ERIC VANHAUTE**  
Ghent University (Belgium)

**HENRY FOWLER**  
StrikeMap (UK)

**KIRK NIERGARTH**  
Mt Royal University  
(Calgary, Canada)

**MARCEL VAN DER LINDEN**  
International Institute  
for Social History  
(Netherlands)

**MARÍA CELIA GOTARELO**  
PIMSA (Argentina)

**MARIA DA GRAÇA DRUCK**  
Universidade Federal da Bahia (Bra-  
zil)

**MARTÍ MARIN**  
Centre d'Estudis sobre Dictadures i  
Democràcies (Spain)

**PANAGIOTIS SOTIRIS**  
Hellenic Open University (Greece)

**FRANÇOIS JARRIGE**  
Université de Bourgogne (France)

**PAULA MARCELINO**  
Universidade de São Paulo  
(Brazil)

**RICARDO ANTUNES**  
UNICAMP (Campinas, Brazil)

**ROHINI HENSMAN**  
Independent scholar and writer

**ROBERTO DELLA SANTA**  
Centro de Estudos Globais,  
Universidade Aberta (Portugal)

**RUBÉN VEGA GARCIA**  
Universidad Oviedo (Spain)

**SJAAK VAN DER VELDEN**  
International Institute for  
Social History (Netherlands)

**SILKE NEUNSINGER**  
Arbark (Sweden).

**VERITY BURGMANN**  
University of Melbourne (Australia)

**WENDY GOLDMAN**  
Carnegie Mellon University (Pitts-  
burgh, USA)

**XAVIER DOMÈNECH**  
Centre d'Estudis sobre Dictadures i  
Democràcies (Spain)

## Technical team

**PEDRO PÁSCOA**  
Art-director

**SOFIA TAIPA**  
Web-developer

**LILLIAN ROBERTS**  
Copyrighting

Workers of the World is the journal of the International Association Strikes and Social Conflicts, born in Lisbon on March 2011. The Association has the participation of academic institutions from Europe, Africa, North and South America

## E-mail

[workersoftheworld1848@gmail.com](mailto:workersoftheworld1848@gmail.com)

## Website

[www.workersoftheworld.net](http://www.workersoftheworld.net)

## Letter from the editor

Palestine and global resistance to genocide.  
No peace without justice and total withdrawal  
of occupying troops.

**U**sing its incomparably superior military might and US support, and the active complicity of the EU, the Israeli Army in the service of Netanyahu's far-right government used retaliation for the October 7, 2023, Hamas attack as a pretext to kill, starve, and forcibly displace Palestinian civilians in Gaza. They destroyed their homes, schools, hospitals, and infrastructure at a scale unprecedented in recent history. According to the Palestinian Central Bureau of Statistics (PCBS) about 2 000,000 Palestinians displaced, 180,000 are injured while more than 69,000 are presumed to have lost their lives. Over the past year, Palestinian life in Gaza, the West Bank, and the Occupied Territories has been upended, and the conflict has bled into Lebanon, Yemen, Syria and Iran. The reaction has been global with Palestine at the forefront of the geopolitical stage and fundamental for workers around the world, as demonstrated by the port workers' blockades in Italy, the general strike in Spain, the Global Sumud Flotilla and the massive global protests.

Despite the horror being inflicted on Gaza, we have seen the continuing inspirational fighting resistance of the Palestinian people, as well as an unprecedented movement of global solidarity with Gaza.

Workers of the World is the journal of the International Association Strikes and Social Conflicts (<https://www.iassc-net.org/index.php>). Articles for Workers of the World should be sent to [workersoftheworld1848@gmail.com](mailto:workersoftheworld1848@gmail.com)

Rohini Hensman\*

## Democracy, Truthfulness and Internationalism versus the Genocide in Palestine

### ABSTRACT

The genocide in Gaza is the culmination of the Zionist project of establishing a settler-colonial Jewish ethnic state in historic Palestine, but world leaders have done nothing to prevent or punish it. One reason is a widespread failure to understand the crucial importance of democracy and support it. Second, the Zionist propaganda network has concealed the truth and spread lies about the genocide, and complicit leaders and media have failed to uphold truthfulness. Third, the West and even leaders of former colonies and sections of the left have allowed international law that could be used to support Palestinians to be undermined. Most working people of the world want to end the genocide in Gaza, and should work for boycotts of, divestment from and sanctions against Israel until a democratic Palestinian state is established, from the river to the sea.

### KEYWORDS

Palestine  
Israel  
Settler-colonialism  
Ethno-religious states  
Democracy

On 25 October 2024, Forensic Architecture released an interactive cartographic platform entitled 'A Cartography of Genocide' along with an 827-page text report entitled 'A spatial analysis of the Israeli military's conduct in Gaza since October 2023,' providing conclusive forensic evidence of genocide in Gaza.<sup>1</sup> On 5 December 2024, Amnesty International released a report which concluded that the Israeli state was committing genocide in Gaza in the strict legal sense of the term.<sup>2</sup> On 19 December 2024, Human Rights Watch released a report on the Israeli state's intentional deprivation of access to water, a necessity of life, from the population of Gaza, and concluded that this amounts to an act of genocide.<sup>3</sup> These reports confirm analyses by dozens of Holocaust and genocide scholars, the South African government's testimony before the International Court of Justice, and the court's own rulings.

What we have been seeing in Gaza is the inevitable consequence of the model of European colonialism chosen by the original Zionists; not just occupying a colony and dominating it, not even the apartheid form of settler-colonialism that needed the indigenous people's labor, but the model of settler-colonialism that wanted the land without the people, as in the Americas and Australia.<sup>4</sup>

*Zionist leader and Israel's first president Chaim Weizmann said quite clearly after World War I that it 'allied itself... with the imperial powers', and 'accepted the generic racial concepts of European culture'. As Theodor Herzl, founding father of Zionism, spelled out, 'The mass of poor natives were to be expropriated and, he added, "both the expropriation and the removal of the poor must be carried out"...by "spirit[ing] the penniless population across the border.'*<sup>5</sup>

The Zionist plan to create a Jewish state in a land where less than 8 percent of the population was Jewish in 1914 required the remaining 92 percent of Palestinians to lose their homeland.<sup>6</sup>

Raphael Lemkin, who lost 49 members of his family in the Nazi Holocaust and who coined the term 'genocide,' was keenly interested in colonial genocides. Unlike most Holocaust and genocide studies,

what Lemkin's manuscripts reveal is that early modern and modern colonialism was central to his conception of genocide. Indeed, the very notion is colonial in nature because it entails occupation and settlement. The link is made plain by Lemkin in his description of genocide on the first page of the salient chapter of *Axis Rule*:

"Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of

the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals..."

The proposition that scholars who think that genocide is a synonym for the Holocaust need to entertain is that Lemkin regarded the latter as a consequence of Nazi imperialism and colonialism in Europe. The Holocaust and German imperium between 1939 and 1945 was for him a continuation of the genocidal occupations that have characterized colonialism through the ages – to be sure, in an extremely radicalized, bureaucratic mode. These are his words:

*"Methods and techniques of genocide:*

- *Physical – massacre and mutilation, deprivation of livelihood (starvation, exposure, etc. often by deportation), slavery – exposure to death.*
- *Biological – separation of families, sterilization, destruction of foetus.*
- *Cultural – desecration and destruction of cultural symbols (books, objects of art, loot, religious relics, etc.), destruction of cultural leadership, destruction of cultural centers (cities, churches, monasteries, schools, libraries)"*<sup>7</sup>

Most of these methods and techniques of genocide have been applied to all parts of Palestine by the Israeli state from the 1947–48 Nakba onwards, although the culmination of the process in Gaza after 7 October 2023 more obviously conforms with the wording of the Genocide Convention. 'As Lemkin was clear to spell out in *Axis Rule*, genocide was not the attempt to kill all of the members of a group; genocide was the attempt to destroy a nation as a social entity.'<sup>8</sup>

The Israeli state's 'attempt to destroy [the Palestinian] nation as a social entity' is eminently clear to Israeli Jews like Avi Steinberg:

*The Israeli state, from its inception, has relied on the normalization of ethnically determined supremacist laws to bolster a military regime whose clear colonial goal is the elimination of Palestine... Zionist colonization cannot be reformed or liberalised: Its existential identity, as expressed in its citizenship laws and repeated openly by those citizens, amounts to a commitment to genocide.*<sup>9</sup>

What is striking about what is taking place in Gaza is that it conforms so closely to the Nazi playbook in Eastern Europe

1 Forensic Architecture. 'A Cartography of Genocide: Israel's Conduct in Gaza Since October 2023.' 2024. <https://forensic-architecture.org/investigation/a-cartography-of-genocide>

2 Amnesty International. 'Amnesty International investigation concludes Israel is committing genocide against Palestinians in Gaza.' 2024. <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

3 Human Rights Watch. 'Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water.' 2024. <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>

4 Pappe, Ilan. *The Ethnic Cleansing of Palestine*. London: Oneworld Publications, 2006.

5 Said, Edward. 'Zionism from the Standpoint of its Victims,' in *The Question of Palestine*. New York: Vintage Books, 1980. 56–114; pp.81, 70–71.

6 Interactive Encyclopedia of the Palestinian Question. 'Demography and the Palestinian Question (I), 1850s–1948'. <https://www.palquest.org/en/highlight/294/demography-and-palestine-question-i>

7 McDonnell, Michael A. and A. Dirk Moses. 'Raphael Lemkin as historian of genocide in the Americas,' *Journal of Genocide Research* 7(4), 501–529, pp.501–504.

8 Irvin-Erickson, Douglas. 'The Life and Works of Raphael Lemkin: A Political History of Genocide in Theory and Law,' PhD Dissertation submitted to Rutgers University, Newark. p.308. <https://rucore.libraries.rutgers.edu/rutgers-lib/45631/PDF/1/play>

9 Steinberg, Avi. 'Israeli Citizenship has Always Been a Tool of Genocide – So I'm Renouncing Mine,' *Truthout*, 2024. <https://truthout.org/articles/israeli-citizenship-has-always-been-a-tool-of-genocide-so-i-renounced-mine/11> Lemkin, Raphael. *Axis Rule in Occupied Europe*, Washington: Carnegie Endowment for International Peace, 1944. Chapter IX, pp.79–95. <https://babel.hathitrust.org/cgi/pt?id=mdp.39015005077436&seq=5>

\* Rohini Hensman is a writer, independent scholar and activist who has written on workers' rights, feminism, minority rights and globalization.

as described by Lemkin: massacre and mutilation, privation and exposure due to repeated deportation, deprivation of food, water, medicines, fuel and shelter, bombing of hospitals and ambulances, being crammed into small spaces without sanitation, targeting of whole families and reproductive facilities, targeting of healthcare workers and humanitarian aid workers, destruction of cultural symbols like books and objects of art, murder of cultural leadership including writers, teachers, artists, poets and lecturers, destruction of cultural centers (cities, churches, monasteries, mosques, schools, libraries).<sup>10</sup>

The ceasefire deal between Israel and Hamas that came into force on 19 January 2025, which could have ended the war on Gaza, briefly resulted in decreased military assaults and a withdrawal of Israeli troops from parts of Gaza, but did not halt the genocide. Israeli forces killed more than 130 Palestinians in the first 42-day phase, repeatedly violating the terms of the agreement by blocking aid deliveries and refusing to discuss transition to the second phase. On March 2 Israel imposed a full blockade of food, water, fuel and medicines on the Gaza Strip and on March 18 resumed its military assault, killing more than 400 Palestinians in one night, most of them children and women.<sup>11</sup>

What is most disturbing is that while the Allied powers fought against the Nazis and helped to liberate the concentration camps, the Western powers are doing nothing to halt the genocide in Palestine, and in many cases, especially the U.S., are actively participating in it. China, Russia, India and the United Arab Emirates have also been collaborating with it; Brazil and even South Africa, which has taken the commendable step of bringing the genocide case against Israel to the ICJ, have continued to supply oil and coal to Israel.<sup>12</sup> Unlike World War II, it wouldn't take a war to stop the genocide; simply imposing comprehensive sanctions on Israel would have halted it in weeks. Why hasn't this happened?

### DEMOCRACY OR BLOOD-AND-SOIL NATIONALISM?

Ishay Landa argues that the far-right identified Jews with the Enlightenment and modernity,

*The spirit of restlessness and lack of roots, undermining tradition and fixed national and racial identities, ... revolutionaries, conspirators and rabble-rousers, ... the arch-enemies of imperialism, seeking to establish a realm of universal brotherhood, peace and egalitarianism... Nazism... appears to have been fundamentally a form of what might be designated as 'rootism', a reactionary position that mobilises the idea of a distinct national and/or ethnic origin to stymie the universalist project of the Enlightenment and the French Revolution. Such a root is presented as immeasurably precious and delicate, endangered by the corrosive march of modernity; it must therefore be shielded from the melting pot of universalism and humanism, cherished, and cultivated.*<sup>13</sup>

Their hatred of modernity was crystallised in the hatred of Jews.

He sees this antagonism as the basis of Nazi antisemitism, and claims it is not contradicted by the fact that many Enlightenment thinkers were in fact deeply antisemitic, not to mention supporters of slavery, colonialism and patriarchy, among other oppressive relationships; as Landa points out, such practices become reprehensible only when measured against the universal human rights upheld by the Enlightenment.<sup>14</sup>

This argument makes sense. An oppressed community scattered across the world can certainly benefit immensely from the implementation of a vision of humanist universalism. Indeed, one can think of the Genocide Convention (1948) and Universal Declaration of Human Rights (1948) as updated and more global versions of Enlightenment values, with women and former colonised countries playing a significant part in their drafting and passage. Freedom from arbitrary arrest and detention, torture and murder, freedom of expression, association and peaceful assembly, the right to participate in decisions to the same degree that one is affected by them and to elect representatives in free and fair elections, and above all the rule of law (equality before the law and equal protection of the law): all these features of democracy are important for everyone, but especially for oppressed groups. Jews like Lemkin and many others have played a significant role in moving towards such a goal.

Zionists claimed that joining the oppressors by creating their own blood-and-soil nationalism on territory stolen from the Palestinians would protect Jews from antisemitism. This agenda was bolstered by certain fundamentalist brands of Christianity and Judaism with their own irrational, anti-democratic and violent ideologies. However, Jake Romm argues that far from breaking with antisemitism, Zionism constituted a continuation and reinforcement of it.

*Zionism is an antisemitism. What do we mean by this? The Zionist has no particular disposition towards Jews qua Jews—if they are nationalists, they are embraced; if they are not, they are despised. Or further: if a Jew declares "I am not a Zionist," the Zionist retorts, "then you are not a Jew." Zionists demand absolute devotion to the national project, and... attempt to replace Judaism as a religion, degrading it into yet another vulgar nationalism premised on a constructed racial identity. But even on these terms, "racial belonging" is not sufficient for the Zionist to consider someone a Jew. It is clear that the Zionist considers anti-Zionist Jews to be their enemy... Anti-Zionist Jews are regularly subjected to Zionist vitriol, which targets them specifically as Jews – "Kapo," "self-hating Jew," "Nazi," "race traitor," etc...*

*In order to create the Jewish State, the Zionist appropriated and continued the construction of a Jewish racial identity first begun by the Jews' tormentors... The centrality of race and origin in Zionist thinking mirrors, in uncanny resonance, the centrality of race and volk in antisemitic thought.*<sup>15</sup>

Blood-and-soil nationalism, with its negation of democracy and

hatred of immigrants and refugees, characterises the far-right everywhere, and this accounts for why it has embraced Zionism while targeting anti-Zionist Jews. Lena Obermaier noted,

*Last year, Yair Netanyahu, son of former Israeli prime minister Benjamin Netanyahu, became the literal poster boy for the German right-wing party Alternative für Deutschland (AfD)... Far-right support for Israel is not unique to Germany but is developing across Europe... far-right leaders like Geert Wilders in the Netherlands, Marine Le Pen in France, Nigel Farage in the UK, and Viktor Orbán in Hungary have all openly sided with Israel...*

*In the wake of the European refugee crisis, right-wing parties have deliberately used political uncertainty and economic anxiety at home to fire up their Islamophobic rhetoric. Just like Israel, they claim, Europe has been on the brink of being absorbed by an invading Muslim force... This new framing of antisemitism as an inherently Muslim problem has become core to pro-Israeli rhetoric in Germany... But... there is no polling that indicates a prevalence of antisemitism among Muslim populations.*<sup>16</sup>

The convergence of Zionist and far-right nationalism explains why right-wing political leaders have gravitated towards Israel, not only in the West but even in former colonies like India which have developed their own blood-and-soil nationalism. Liberal leaders have followed suit as they drifted to the right. The slogan that 'Israel has a right to defend itself' was used across the political spectrum in the West to justify Israel's genocidal assault on Gaza. The failure of Western leaders who claim to support an 'international rules-based order' to impose comprehensive sanctions on Israel for its blatant violations of international law stems from their misidentification of Nazism as particular crimes committed by Germans rather than the outcome of ethnic supremacy and colonialism, the political foundations their own nations shared with the Nazis.<sup>17</sup>

Revolutionary socialist parties in most countries support Palestine, but this is more a consequence of their opposition to anyone perceived as an ally of the United States of America than a principled opposition to colonisation and support for democracy. Among neo-Stalinists, the claim that the USSR was 'socialist' combined with the failure to condemn Stalin's murderous authoritarianism and imperialist policies in the USSR and Eastern Europe has left a legacy of utter confusion about what is meant by 'socialism'. Even Trotskyists are ambivalent on these issues. The Socialist Party argues that a secular, democratic Palestinian state is unrealistic and denies Israeli Jews the 'right to self-determination'; instead, they say, Jewish and Palestinian workers should have the perspective of forming two socialist states, a socialist Israel and a socialist Palestine.<sup>18</sup> This is analogous to the perspective of forming a white socialist South Africa and Black socialist bantustans instead of fighting for a non-racial democratic state in South Africa. The Socialist Party's perspective is echoed by Workers' Liberty, with the added twist that white South

Africans couldn't have self-determination because they allowed Black workers to survive and employed them, whereas Israeli Jews should have self-determination, presumably because they expelled and exterminated Palestinian workers.<sup>19</sup>

By 2024, the overwhelming majority of 'workers' who were supposed to form an ethno-religious Jewish 'socialist' state consisted of reservists who were wiping out Palestinian families and starving to death, burning alive and blowing to bits Palestinian children; only a small minority refused to participate in these crimes. Arguing for Israeli 'self-determination' amounts to endorsing a racist settler-colonial state.

By contrast, the Socialist Workers' Party (SWP) in the United Kingdom acknowledges 'the grip of Zionism's racist settler ideology over the consciousness of Jewish workers in Israel' and supports the demand for one democratic secular state in Palestine. However, it continues,

*As revolutionary socialists, we understand that the battle for "one state" in Palestine is unlikely to be won without the revolutionary transformation of the region. We want to see the struggle for national liberation grow into a struggle for socialism – not merely for the overthrow of dictatorship and colonial occupation but for the dismantling of the capitalist system on which these oppressions rest.*<sup>20</sup>

Going straight from 'national liberation' to 'the dismantling of the capitalist system on which these oppressions rest' ignores the wholesale destruction of and necessity to rebuild the working class in much of the region (e.g. Palestine, Syria and Lebanon), and the crucial importance of democratic revolutions that would create conditions in which the working class can develop strategies to fight against capitalism. As in the other cases, it assumes a substitutionism model, where a socialist revolution is made by the party rather than the working class as a whole, contrary to the perspective of Marx and Engels.<sup>21</sup> If the socialist revolution is made by the working class, it becomes clear why without democracy, even of the limited kind possible under capitalism, it cannot take place.

There are two reasons why Israel is not, never was, and can never be a democracy. Firstly, it is a settler-colonial state, and like all colonial states, makes decisions that affect its colonised subjects without their consent or participation. Secondly, an ethno-religious state, and like all religious or ethnic states – whether Islamic, Christian, Hindu, Buddhist, White, Aryan or other – treats groups other than the dominant one as less than equal to the dominant group. Superficially, there are political differences among Zionists, who can be seen as ranging from far-right to left, but they all endorse these two features. Even peace activists, so long as they believe in the necessity of the Israeli state, only give back with their left hand a small portion of what they rob Palestinians of with their right hand. At best, their efforts may force Israel to pause its genocide in Palestine, only to resume it at a later date. This has happened repeatedly over the past 77 years, with the Oslo Accords and advocacy of the 'two-

<sup>10</sup> Lemkin, Raphael. Axis Rule in Occupied Europe, Washington: Carnegie Endowment for International Peace, 1944. Chapter IX, pp.79–95. <https://babel.hathitrust.org/cgi/pt?id=m-dp.39015005077436&seq=5>

<sup>11</sup> Al Jazeera, 'Why did Israel break the ceasefire in Gaza?' 2025. <https://www.aljazeera.com/news/2025/3/18/why-did-israel-break-the-ceasefire-in-gaza>

<sup>12</sup> Akram-Boshar, Shireen. 'China's ties with Israel are hindering the Palestinian Struggle for Freedom,' Truthout, 2024. <https://truthout.org/articles/chinas-ties-with-israel-are-hindering-the-palestinian-struggle-for-freedom/>

<sup>13</sup> Landa, Ishay. 'Rootism, Modernity, and the Jew: Antisemitism and the Reactionary Imaginary 1789–1945,' Historical Materialism 32(2), 124–162, 2024. pp.125–127.

<sup>14</sup> Landa, 'Rootism, Modernity, and the Jew,' p.130.

<sup>15</sup> Romm, Jake. 'Elements of Anti-Semitism: The Limits of Zionism,' Parapraxis, 2024. <https://www.parapraxismagazine.com/articles/elements-of-anti-semitism>

<sup>16</sup> Obermaier, Lena. 'Far-Right Parties in Europe Have Become Zionism's Greatest Backers,' Jacobin, 2021. <https://jacobin.com/2021/09/germany-afd-zionism-antisemitism-israel-nationalism>

<sup>17</sup> Alameddine, Alain and Nira Iny. 'Germany was never denazified. That's why it's siding with Israel today,' Mondoweiss, 2024. <https://mondoweiss.net/2024/08/germany-was-never-denazified-thats-why-its-siding-with-israel-today/>

<sup>18</sup> Socialist Party. 'The SWP and the Israel-Palestine Conflict,' 2024. [https://www.socialistparty.org.uk/articles/120529/02-02-2024/the-swp-and-the-israel-palestine-conflict/#\\_edn17](https://www.socialistparty.org.uk/articles/120529/02-02-2024/the-swp-and-the-israel-palestine-conflict/#_edn17)

<sup>19</sup> Workers' Liberty. 'Gaza war: what we say,' 2024. <https://www.workersliberty.org/story/2024-09-09/gaza-war-what-we-say>

<sup>20</sup> Socialist Workers' Party. Palestine: Resistance, Revolution and the Struggle for Freedom, 2023. <https://socialistworker.co.uk/wp-content/uploads/2023/12/2023-palestine-pamphlet-for-web.pdf>

<sup>21</sup> Hensman, Rohini. 'How the Abandonment of Democracy and Internationalism Has Decimated the Socialist Movement,' International Labor and Working-Class History, Vol. 106, 2024. <https://www.cambridge.org/core/journals/international-labor-and-working-class-history/article/how-the-abandonment-of-democracy-and-internationalism-has-decimated-the-socialist-movement/87A18690515CB-F550E137ADFDEC20726>

state solution' being the most high-profile example. Continuing to argue for a two-state solution today, when apartheid reigns in the entire territory controlled by Israel, the vast majority (68:9) of MKs (Members of Knesset) in Israel's parliament have rejected any possibility of a Palestinian state, almost three-quarters of Israelis support their state's military operation in Gaza, and ever-more aggressive settlers are ethnically cleansing the West Bank and East Jerusalem with the support of the Israeli state, is to give up on democracy in the whole of historic Palestine.

This is all the more perverse because a democratic alternative has always existed. Historically, the liberation movement in Palestine made it clear that their aim was to substitute for the Israeli state not a blood-and-soil ethnic state but a Palestinian democratic state in which Jews, Christians, Muslims and others would have equal rights: Israeli Jews would be accepted as Palestinian citizens provided they rejected 'Zionist racist chauvinism' and were prepared to live as equals with other Palestinians.<sup>22</sup> Omar Barghouti – one of the founding members of the anti-racist, non-violent Boycott, Divestment and Sanctions (BDS) movement – reiterated this position in 2009.<sup>23</sup> The One Democratic State Initiative, Palestinian National Initiative and other political parties still abide by it and promote it.<sup>24</sup> Hamas would have to abandon its Islamist perspective and the Palestinian Authority its authoritarianism and collusion with Israel, if they are to be part of a democratic Palestinian state.

There are thus only two options 'from the river to the sea'; a genocidal, apartheid, settler-colonial Israeli state, or a democratic, inclusive Palestinian state. While Palestinians, like all colonised peoples, have the right to use armed struggle to fight for liberation, the huge disproportion in military power between nuclear-armed Israel and poorly-armed Palestinians makes it impossible to obtain liberation by armed struggle alone. Implementation of BDS around the world would be necessary, but that would require a principled commitment to democracy from actors who have so far failed to demonstrate any such commitment.

### CONCEALING THE TRUTH, PROPAGATING LIES

With such a clear path to democracy and peace in Palestine by non-violent means, how has Israel succeeded in pursuing its anti-democratic, violent agenda for over 77 years with impunity? A major factor has been the vast network suppressing the truth and disseminating the lies manufactured by Zionist propaganda. This has been in overdrive after the 7 October 2023 attack by Hamas, and in most cases, politicians, the mainstream media and influencers in social media collude by spreading the message. There are countless examples, but here is a small sample:

1. The Hamas attack was described as the start of a war against Israel, rather than being put in the context of a liberation struggle against a brutal colonial occupation that had been going on for 75 years. Allegations that Hamas beheaded dozens of babies were made without any evidence to support them.

*When lies such as babies being beheaded are internalised, it becomes easier to justify actions like dropping 6000 bombs on Gaza, cutting off essential resources and believing that Hamas uses civilians as human shields. It becomes easier to convince gullible people that Israel knows exactly where Hamas is hiding... However, no one questions why the IOF suddenly knows the precise locations of Hamas members (in schools, universities, mosques, churches, hospitals, newsrooms, ambulances, homes) after failing to detect them breaching fences just a week ago.*<sup>25</sup>

It is certainly justifiable to criticise Hamas, but, as Dr Gabor Maté, a Holocaust survivor who was once a Zionist, puts it,

*The disproportion of power and responsibility and oppression is so markedly on one side that if you take the worst thing you can say about Hamas, multiply it by a thousand times, it still will not meet the Israeli repression and killing and dispossession of Palestinians.*<sup>26</sup>

In this case, lies about Hamas are used to distract from the fact that Israel is a settler-colonial state conducting an assault on democracy and the rule of law.

2. As the slaughter in Gaza continued and experts produced mountains of evidence to prove that it was a genocide, the Zionist propaganda network denied what was going on in front of people's eyes. The Gaza Health Ministry was accused of exaggerating the death toll, whereas more accurate estimates came up with exponentially higher numbers; for example a *Lancet* study published in July 2024 estimated a death toll of 186,000.<sup>27</sup> To their eternal shame, most political leaders and much of the media refused to name it as genocide; worse, many political leaders *participated* in it by supplying military and other assistance to Israel and withdrawing support from UNWRA, the UN agency supplying life-saving aid to Palestinian refugees. Almost every politician and news reporter echoes Israel's claim that its war is 'on Hamas,' when it would be more accurate to call it a 'war on the truth,' systematically targeting journalists and others who risk their lives to bring the truth about the genocide to the world.

3. Israel has denied targeting humanitarian workers, and apart from *Al Jazeera*, news media hardly ever reported on the hundreds of humanitarian workers killed – until the murder of seven World Central Kitchen aid workers in April 2024 sparked international outrage because most of them were from the West. The fact that the vehicles were clearly marked with the WCK logo, the organisation had coordinated their movements with the Israeli Defense Forces and the assault was by highly accurate drone-fired missiles rules out the possibility that it was a mistake, as the Israelis claimed, and confirms the truth of the allegation by WCF founder Jose Andres that the IDF targeted the aid workers 'systematically, car by car'. In January 2024, five-year-old Hind Rajab and six members of her family were targeted by the Israeli military as they tried to follow evacuation

orders. Hind, the last to die, was shot after she managed to contact Palestinian Red Crescent workers, who were also killed when they tried to rescue her. Israeli forces denied the murders, but a forensic investigation proved that they were responsible. When the Israeli military shot 15 paramedics and rescue workers responding to an emergency and buried them in a mass grave, they at first lied that the vehicles were proceeding without headlights or emergency lights. When a video emerged showing that headlights and emergency lights were on, they lied again that there were militants among those killed, but according to the head of the UN Office for the Coordination of Humanitarian Affairs Jonathan Whittall, 'These are paramedic crews that I personally have met before... They were ready to save lives.' A litany of lies to cover up Israel's barbaric cruelty towards Palestinian civilians including children, its targeted killings of hundreds of humanitarian and medical workers, its war on humanity itself.

4. These obfuscations and lies by Zionist networks are repeated in a modified form by most political leaders as a means of escaping the legal obligation to prevent and punish the genocide in Palestine. As three doctors testify:

*As physicians who have worked in Gaza during Israel's occupation, blockade, repeated military assaults, and now genocide, we hold complicit every state that continues to actively and passively support Israel. The Israeli regime has resolutely exposed the "logic of elimination" inherent to its settler-colonial ambitions. Only immediate and concerted action will protect the Palestinian people from this latest stage in Israel's campaign of genocidal eradication. Evidence of scorched-earth strategies, famine warnings, and declarations of plausible genocide were all designed to provoke action. Despite their grave implications, these terms have been repeatedly manipulated and misinterpreted for political gain. Rather than invoking concerted action, "risk of famine" warnings have been distorted to imply that the situation isn't as dire as experts have claimed. Similarly, declarations of "plausible" genocide have been manipulated to obscure the immediate obligations of the international community with drawn-out judicial processes and the seemingly endless pursuit of ever-more irrefutable evidence.*<sup>28</sup>

Not only states but also media which engage in these practices are guilty of 'Complicity in genocide,' a crime under the Genocide Convention.

1. Finally, lies and obfuscations have been used to attack academic freedom and freedom of expression, association and peaceful assembly outside Palestine. Activists demonstrating or speaking out in support of Palestine have been subjected to beatings, arrest, loss of university places, jobs and visas, abduction, deportation and illegal incarceration. All this is justified by the charge that their actions are 'antisemitic'. The usual reaction by pro-Palestine activists is to challenge the conflation of Judaism and Zionism, arguing that legitimate political criticism of the state of Israel is very different from racism against Jews, which is, indeed, wrong. Joseph Levine argues that the response to charges of antisemitism from what

he calls the 'Establishment Jewish Community' (EJC), should instead be:

*How can you possibly be centering your fears and concerns for "Jewish safety," when your people in Israel, who you identify with so strongly that an attack on them is felt as an attack on yourself, are committing such morally depraved, indeed "Nazi-like" crimes? Aren't you in the least bit ashamed? ... It is typical for protestors against Israel's genocide to be met with 'But before we go any further, do you condemn Hamas?' It's time we turned that around and demanded of those expressing concerns about antisemitism in the pro-Palestine movement, 'Before you say another word, do you condemn Israel?' ... It's not just that members of the EJC are exhibiting a perverse moral compass when they challenge the protests against Israel by calling them out as antisemitic. Rather... it makes them active agents, collaborators with the Israeli government, in implementing Israel's genocide, ethnic cleansing, and general repression of Palestinian national and human rights.*<sup>29</sup>

Being Jewish himself, Levine can tackle these arguments within the Jewish community, but people outside the community put forward the same arguments and should be tackled in the same way: providing support for the repression of pro-Palestine activists makes them collaborators with the Israeli government in implementing genocide.

These are just a few of thousands of examples. The war on the truth is an essential element of the genocide in Palestine.

### WHEN INTERNATIONAL SOLIDARITY FAILS

The 'rules-based order' of international law set up after World War II depended on the rule of law being respected between and within countries, and on friendship between peoples as a counterweight to hostilities that could result in war. Imperialist countries, especially the superpowers, often breached these principles, trying to crush independence movements in their colonies and establish control over other countries by installing proxy regimes in them. While the United States and Soviet Union each objected to such actions when carried out by the other and even supplied military assistance to the countries resisting such infractions, they used their veto power to block any meaningful action by the UN against the aggressor. Palestine has repeatedly fallen victim to this deadlock.

The Non-Aligned Movement (NAM) of post-colonial nations, born in the mid-1950s, refused military alliances with either bloc, sided with colonies against colonisers, and worked for peace. In their 19<sup>th</sup> summit held in Uganda in January 2024, they condemned Israel's genocidal assault on Gaza, calling for an immediate and durable ceasefire and establishment of an independent and sovereign Palestinian state within its pre-1967 borders.<sup>30</sup> But this is unjust, because it allows a settler-colony to retain land it stole in 1948 while making no allowance for refugees or their descendants to return to their homeland. It is also unfeasible, since Israel has encouraged settlers to colonise most of the land in the West Bank and East Jerusalem and is now planning to take over Gaza, having ruled out a Palestinian state. The 'two-state solution' is seen by some as a step towards peace

<sup>22</sup> Palestinian Research Center in collaboration with the Fifth of June Society. 'Aims of the Palestinian Resistance Movement with Regard to the Jews. Quotations from resistance leaders and documents.' <https://archive.org/details/aims-of-the-palestinian-resistance-movement-with-regard-to-the-jews/mode/2up>

<sup>23</sup> Barghouti, Omar. 'Re-imagining Palestine,' Znet, 2009. <https://znetwork.org/znetarticle/re-imagining-palestine-by-omar-barghouti/>

<sup>24</sup> One Democratic State Initiative, 'One Democratic Palestine, From the River to the Sea', <https://mobadara.ps/en/>; Interactive Encyclopedia of the Palestine Question. 'The Palestinian National Initiative Movement – Al-Mubadara.' <https://www.palquest.org/en/highlight/31163/palestinian-national-initiative-movement-al-mubadara>

<sup>25</sup> Sooliman, Quraysha Ismail. 'UP Expert Opinion: Media lies and the choice between ethnic cleansing or genocide,' University of Pretoria, 2023. [https://www.up.ac.za/news/post\\_3189759-up-expert-opinion-media-lies-and-the-choice-between-ethnic-cleansing-or-genocide](https://www.up.ac.za/news/post_3189759-up-expert-opinion-media-lies-and-the-choice-between-ethnic-cleansing-or-genocide)

<sup>26</sup> Ibid.

<sup>27</sup> Quigley, John. 'The Lancet and Genocide by "Slow Death" in Gaza,' Arab Center Washington DC, 2024. <https://arabcenterdc.org/resource/the-lancet-and-genocide-by-slow-death-in-gaza/>

<sup>28</sup> Gilbert, Mads, James Smith and Ghassan Abu-Sittah. 'Israel is starving Gaza to death and still the world does nothing,' Middle East Eye, 2025. <https://www.middleeasteye.net/opinion/israel-starving-gaza-death-and-still-world-does-nothing>

<sup>29</sup> Levine, Joseph. 'The Jewish community cannot center fears about "Jewish safety" while supporting genocide in Gaza,' Mondoweiss, 2025. <https://mondoweiss.net/2025/04/the-jewish-community-cannot-center-fears-about-jewish-safety-while-supporting-genocide-in-gaza/>

<sup>30</sup> The New Arab. "'Cruel genocidal act': Non-Aligned Movement condemns Israel's assault on Gaza', 2024. <https://www.newarab.com/news/non-aligned-movement-condemns-israels-onslaught-gaza>

and therefore worth supporting, but the same people who argue this have never called for global sanctions against Israel until it and its settlers withdraw completely from the Gaza Strip, the West Bank and East Jerusalem, allow humanitarian supplies to get through freely, and support the establishment of a Palestinian state. If proponents of a two-state solution have the honesty to impose sanctions on Israel until they get what they are calling for, they would realise that there will be no Palestinian state and no peace while the Israeli state exists and continues violating international law.

Israel has made a mockery of international law, and one reason why it could do this is that some supporters of the Palestinian cause and victims of colonialism have weakened the law by not applying it consistently. A few examples:

1. When the Syrian revolution erupted in 2011, protestors against the Assad regime were very clear that they supported Palestine, but reciprocal solidarity was not so unequivocal. Many Palestinians supported the Syrian revolution against the horrific violence used by the regime and its allies against it, but some factions allied themselves with Assad, as did some pro-Palestinian activists from other countries. The Assad regime's impunity, despite the gruesome crimes against humanity it committed on a massive scale in Syria, resulted in undermining the rule of law when it was sought to be applied in Palestine.

2. When Volodymyr Zelenskyy stressed the importance of maintaining close ties with Israel, which he hailed as a model for Ukraine, he and other Ukrainian Zionists betrayed their own struggle by undermining the same international laws that would have prevented and punished war crimes, crimes against humanity and genocide in Palestine and Ukraine.

3. The South African government has rightly been praised for bringing the genocide case against Israel before the ICJ, meticulously supporting it with evidence. Yet it had earlier failed to arrest Omar al-Bashir, accused by the ICC of war crimes, crimes against humanity and genocide against the Fur, Masalit and Zaghawa peoples of Sudan, when Bashir visited South Africa. This extension of impunity to Bashir undermined the very laws they were using in their case against South Africa.

The principle of internationalism dictates solidarity with struggles of oppressed people wherever they occur, and upholding the rule of law is one way of supporting their struggles. But if the rule of law has been weakened internationally by allowing perpetrators of core crimes to get away scot-free, it becomes that much harder to insist on implementing it in particular cases.

#### IF NOT NOW, WHEN?

A crime comparable to the Holocaust is taking place, and each day countless precious lives are being destroyed. This is an opportune moment to end the slaughter, when even conservatives who have supported Israel for decades are backing away from it,<sup>31</sup> Israeli military forces are demoralised, and many reservists are refusing to serve. Intelligent and humane Israeli Jews have joined the dots linking the existence of Israel to the ongoing genocide while debunking the notion that a state which shares the 'rootist' logic of antisemitism can protect Jews from antisemitism. Indeed, if Palestinians have kept the dream of freedom alive with their courage,

steadfastness and humanity in the face of unimaginable suffering, progressive Jews have taken the lead in dismantling the ideology of Zionism; together, they constitute a vanguard that the rest of the world can follow.

Unlike their political leaders, most working people in the world have opposed the genocide in Palestine, but they need a strategy to end it for good rather than pausing it so that the Israeli state can resume it later. Such a strategy would include advocating the complete isolation of Israel by a global boycott, disinvestment in Israeli companies or companies which have joint ventures with Israeli companies, and sanctions against Israel by their own countries until a Palestinian state has been established in the whole of historic Palestine. Simultaneously, they should work tirelessly for equality before the law and equal protection of the law within and between countries, which offers the best chance of safety for Jewish and other minorities as well as protection from wars of aggression for weaker nations ■

<sup>31</sup> Johnstone, Caitlin. 'Multiple Western Press Outlets Have Suddenly Pivoted Hard Against Israel,' Brave New Europe, 2025. <https://braveneweuropa.com/caitlin-johnstone-multiple-western-press-outlets-have-suddenly-pivoted-hard-against-israel>

Elsa Sertório\* **RELEVANCE OF THE BOYCOTT, DIVESTMENT, AND SANCTIONS MOVEMENT IN TIMES OF GENOCIDE**

**ABSTRACT**

Since 2005, the Boycott, Divestment, Sanctions (BDS) movement has played an important role in countering the Zionist narrative, exposing the whitewashing of war crimes and human rights violations committed by Israel. BDS tactics inform, raise awareness, and contribute to the delegitimisation of the Zionist state, while also exerting pressure on complicit governments with the aim of politically isolating Israel. After twenty months of genocide in Gaza and the ongoing violations of international law in the West Bank and Jerusalem, BDS is more relevant than ever as a global movement of solidarity with the Palestinian people.

**KEYWORDS**

Boycott  
Israel  
Palestine  
Genocide  
BDS

\* Master's degree in sociology, 1981, Université de Paris VIII.  
Founding member of the *Comité de Solidariedade com a Palestina* and *BDS-Portugal*.  
Translator and producer of theatre and contemporary dance shows and, recently, documentaries.  
Author of the books:  
*Mulheres imigrantes*, co-authored with Filipa Sousa Pereira, Ed. Ela por Ela, Lisbon 2004.  
*Livro negro do racismo em Portugal*, Ed. Dinossauro, Lisbon 2001.  
Co-author with Ansgar Schaefer of the film *The Other War*, a documentary produced by Kintop, Lisbon 2010.

The genocide triggered by Israel in Gaza following the Hamas attack on October 7 2023, has brought the international movement for Boycott, Divestment, and Sanctions (BDS) to the forefront. We can say that today the acronym BDS is familiar to anyone supporting the Palestinian cause. Numerous cases of boycotts and divestments against Israel have been recorded just in 2024. Even the issue of sanctions has been on the agenda, not only because some governments have applied them but also because it is constantly demanded by large sectors of civil societies and prominent figures worldwide. In this article, we aim to reflect on the impacts of this growing movement and the critical debates arising within solidarity activism for Palestine.

**THE ORIGIN OF BDS**

The wave of international solidarity that swept the world in the 1970s and 1980s, contributing to the fall of the apartheid regime in South Africa, greatly inspired Palestinian organisations that, in 2005, called for the launch of a global campaign for boycotts, divestment, and sanctions against the State of Israel. Already in 1997, the Israeli pacifist organization Gush Shalom was promoting a boycott of Israeli companies operating in the West Bank settlements and the products produced there. In the United Kingdom (UK), the Palestine Solidarity Campaign was involved in a boycott campaign against Israeli products in 2001. In 2004, the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) emerged, primarily focusing on the academic and cultural fields. But it was with the call of a broad coalition of Palestinian organisations in 2005 that the BDS campaign became global and gained popularity. Many renowned artists and intellectuals immediately joined the movement, lending it credibility: film-maker Ken Loach, writers John Berger, Eduardo Galeano and Arundhati Roy, and musician Brian Eno were among the first.

This time, a structured, global movement with a strategic approach emerged, built around three main axes:

- Economic, cultural, and academic boycotts of Israeli or international companies and institutions complicit in the occupation;
- Divestment from companies and funds involved in the colonial economy, such as arms manufacturers, banks, and companies involved in the settlements;
- Sanctions against the Israeli government and state.

Over these twenty years, the BDS movement has achieved significant victories. Even a small country with limited mobilisation for human rights like Portugal had its own, such as the end of the collaboration between the Portuguese water company EPAL and its sister company from Israel, Mekorot in 2010; or in 2016, Portugal's withdrawal from the "Law Train" project, which aimed to unify police interrogation methods in partnership with Israel<sup>1</sup>; additionally, in 2018, the cancellation of a performance by Tiago Rodrigues at the Israel Festival in Jerusalem and the public announcement of the author, then director of Teatro D. Maria, of his adherence to BDS.

Since the outbreak of the genocide in October 2023, there have

even been sanctions measures – the most difficult BDS requirement to achieve – by various governments, both central and local. In November 2023, Turkey, Chile, Colombia and Jordan recalled their ambassadors in Tel Aviv, and in 2024, Bolivia suspended diplomatic relations with Israel. For the first time in many decades, the United Nations General Assembly approved, by a large majority, sanctions against Israel in November 2024. Around the world, several governments have finally shown signs of distancing themselves from Israel's policies. Since December 2023, Malaysia has banned all ships flying the Israeli flag from using its ports. The Turkish government suspended all commercial relations with Israel in April 2024. A month later, Colombia announced the total suspension of arms purchases from Israel and, in June, prohibited the export of coal to the Zionist state. Brazil also suspended a \$200 million deal with Israel's largest arms manufacturer, Elbit Systems. Australia denied entry visas to Israeli soldiers and politicians suspected of war crimes. The Chilean government prohibited Israeli companies from participating in FIDAE 2024, an important international aerospace and military fair.

Thirty-five municipalities in the Basque Country passed motions calling for sanctions against the state of Israel and the severing of diplomatic relations. The Barcelona City Council suspended all relations with Israel until a permanent ceasefire and an end to war crimes. The Canterbury Regional Environment Council in New Zealand decided not to work with companies that have commercial ties with Israeli settlements in the occupied territories. The Oxford City Council in the UK passed a motion in March 2025 committing not to establish commercial or cooperation relations with entities complicit in human rights violations and international law, citing the International Court of Justice. In this context, dock workers' unions from all continents mobilized against shipments or the transit of arms to Israel.

Divestment cases also followed one another. Several Danish pension funds divested from companies and banks implicated in the West Bank settlements. KLP, which holds Norway's largest pension fund, withdrew a \$69 million investment from Caterpillar due to the company's involvement in human rights violations against Palestinians, particularly in the demolition of their homes. Also in Norway, the government advised companies not to engage in business that benefits the settlements. Intel, a multinational technology company deeply involved in the Israeli arms industry, eventually suspended the construction of a new factory in Israel.

We can find many more examples on the international BDS movement's website<sup>2</sup>. Two of them are particularly interesting as they occurred within the European Union. Spain's ruling PSOE, along with other parties, voted in favour of suspending arms trade with Israel in the parliament in February 2024. A few months later, both the Spanish and Belgian deputy prime ministers called for the suspension of the EU-Israel Association Agreement and the imposition of a military embargo. For its part, the regional government of Wallonia in Belgium banned the transit of arms to Israel through its territory.

Although the European Union continues to *de facto* support the

<sup>1</sup> The 'Law Train' project was funded by the European Union and had as partners the Ministry of Justice and the Judicial Police of Portugal, the Israeli Ministry of Public Security, the Israeli National Police and Israel's Bar Ilan University. At urging of the BDS groups, Justice Minister Francisca van Dunem withdrew Portugal from the project.  
<sup>2</sup> BNC, 2025: <https://bdsmovement.net/Indicators-BDS-Global-Impact-July-December-2024>.

Israeli government, after twenty months of genocide in Gaza and the continuous violations of international law in the West Bank and Jerusalem, these timid and isolated measures from some of the member states could be a sign of the beginning of a change, to which the widespread repudiation of the genocide, manifested massively in the streets, is certainly not unrelated.

### THE ISRAELI COUNTER-OFFENSIVE

The success of the BDS movement, which celebrates two decades of existence this year, can be judged by the reaction of Israeli governments over the years. Coinciding with the start of the cultural and academic boycott (PACBI), Israel launched the official marketing and propaganda campaign “Brand Israel” to promote abroad an image of a country friendly to art and culture, a country that was not all war and massacres. This would divert the world’s attention from the violations of international law and war crimes that accompanied the ongoing territorial expansion. Nissim Ben-Sheetrit, head of Israeli diplomacy at the time, explained at the launch of the Brand Israel campaign in 2005: “We are seeing culture as a first-rate instrument of *hasbara* [information or propaganda], and I make no distinction between *hasbara* and culture”<sup>3</sup>.

The campaign consisted mainly of sending musicians, film-makers and other artists abroad, who signed a contract with the state beforehand in which they undertook to “promote the policy interest of the State of Israel via culture and art, including contributing to the creating a positive image for Israel”. However, this relationship was to remain secret: “The service provider will not present himself as an agent, emissary and/or representative of the Ministry [of Foreign Affairs].” The terms of the contract became public knowledge when the anti-Zionist Israeli writer Yitzhak Laor reproduced a copy of such contracts in the *Haaretz* edition of 25<sup>th</sup> July 2008.

Consequently, the budget available to clean up Israel’s image was generous and has been growing over the years. Nevertheless, the Israeli leadership’s concern was growing at the same rate as the pro-Palestinian groups joining BDS and, in October 2015, the Ministry of Strategic Affairs and Information was given the added responsibility of coordinating all the state’s activities aimed at combating the international boycott, divestment and sanctions movement. Since then, calls for financial support have been launched for the production and dissemination of “pro-Israeli”<sup>4</sup> projects on the internet, with the aim of “strengthening support for identification with Israel within public opinion in cyberspace and supporting all pro-Israeli initiatives in their fight against the delegitimation and boycott of Israel”<sup>5</sup>.

The issue of legitimisation is indeed crucial to the survival of the state, which has lived, since its creation, on the myths created by its propaganda, whether it is the biblical right to occupy Palestine and the need for a safe haven after the Nazi holocaust, or the

‘only democracy’ in the Middle East, open to culture, tolerant of human diversity, particularly with regard to LGBTQI+ people, and respectful of the environment. The BDS movement has undoubtedly played an important role in countering the Zionist narrative, denouncing Israel’s whitewashing of war crimes and human rights violations. This is a situation that worries both Israel and the global pro-Israeli lobby, who see it as “a moral threat, because to boycott Israel is mainly to dirty Israel”<sup>6</sup>. The expression *dirty* is ironic in the mouths of those who are committed to whitewashing crimes – through pinkwashing, greenwashing, sportwashing and other washes.

One of the strongest pressures Israel has exerted on governments in recent years, particularly the European Union and the United States, has been to get them to adopt laws to outlaw boycott actions against Israel. And it has succeeded in some countries.

In the United Kingdom, for example, a law was passed in 2016 banning state-funded public organisations from boycotting Israeli products. In the same year, the Canadian parliament passed a resolution penalising the boycott of Israel and the BDS movement. In May 2019, the German parliament passed a resolution defining BDS as an anti-Semitic practice. In Texas, a teacher’s employment contract was not renewed because she refused to sign a clause pledging not to get involved in BDS campaigns. France is perhaps the country where the BDS movement has been most persecuted by the political establishment. As early as 2002, the mayor of Seclin was fined 1,000 euros for calling on his municipality to boycott Israeli products in protest at the Israeli government’s policy towards the Palestinians. But it was the February 2010 circular by Justice Minister Alliot-Marie that started a real persecution of the boycott movement, under the equation between calls to boycott products from the settlements and, on the other hand, anti-Semitism and racial hatred. More than a hundred people have since been questioned by the police and more than 40 prosecuted in court for denouncing – mostly in supermarket actions – Israel’s violations of Palestinian rights and for raising consumer awareness of the boycott of Israeli products. According to legal experts Ghislain Poissonnier and Jean-Christophe Duhamel, who provide this data<sup>7</sup>, in none of the cases have the supermarkets filed a complaint against the activists; they have been prosecuted by the Public Prosecution Office or have been the subject of complaints from private organisations, such as the National Anti-Semitism Watch Office and the France-Israel Chamber of Commerce.

Many of these awareness-raising actions took place during major and bloody military offensives in the Gaza Strip, such as in 2009 and 2014. The activists were accused of discriminating against product suppliers because they were Israeli<sup>8</sup>.

As part of efforts to outlaw criticism of Israel’s colonial and apartheid regime, the IHRA, the International Holocaust Re-

membrance Alliance, launched a campaign in 2015 to have a definition of antisemitism adopted internationally in which Israel is defined as a “Jewish collectivity” and anti-Zionist criticism is consequently equated with antisemitism. In this context, it is considered antisemitic “denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a state of Israel is a racist endeavour” or “drawing comparisons of contemporary Israeli policy and that of the Nazis”.

So far, according to the IHRA, 45 countries, including Germany, the United Kingdom, France, Canada and several U.S. states, have already adopted this “working definition”<sup>9</sup>. In Portugal, the discussion only reached parliament in March 2025, with attempts of the right-wing parties PSD and Chega to get the IHRA’s censorious definition approved, on the pretext of implementing the “European Union Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030)”. These proposals were rejected by the other parties. A few days earlier, the Socialist Party had presented its motion for a resolution, avoiding any reference to an official definition of antisemitism, which was approved in the Portuguese parliament. Even before the parliamentary discussions and votes took place, the group Judeus pela Paz e Justiça [Jews for Peace and Justice] had sent an open letter to the newly appointed national coordinator of the EU Strategy, warning that:

*“one of the central dimensions of the EU is to encourage the institutions to adopt the controversial ‘operational definition’ of antisemitism [...] which seeks to discourage or even criminalise speech that could be used to criticise Israel by classifying it as antisemitic”<sup>10</sup>.*

Despite Israel’s attempts to penalise BDS and dissuade its activists, the movement continues to expand. Around the world, including in Portugal, a number of small local and student organisations are paying attention to the BDS movement and seeing boycott tactics as a way of getting involved in solidarity with the Palestinian people. The International Court of Justice’s conclusion that Israel is committing genocide against the people of Gaza, and the ICC’s issuance of arrest warrants for Netanyahu and his former Defence minister Yoav Gallant have reinforced the conviction of those who defend BDS that their actions are legitimate and that international pressure on Israel through these methods is necessary.

However, in the field of sympathy or pro-Palestinian activism, there are still sectors critical of the effectiveness or even legitimacy of BDS in isolating the state of Israel, as we will see below.

### BDS UNDER DEBATE WITHIN THE PRO-PALESTINIAN MOVEMENT

Despite the advance mentioned above, not all defenders of the Palestinian cause support BDS as a way of pressurising Israel. In the opinion of Norman Finkelstein, an American academic and pro-Palestinian activist, son of Jewish Holocaust survivors, BDS

favours Israel because it allows Netanyahu to use it to regain the benevolence of international public opinion. By attributing to BDS the aim of destroying Israel, the Israeli prime minister makes it an anti-Semitic movement and thus places himself in a position of victimisation in the eyes of the world. For Finkelstein, as he took part in the discussion in the 2010s, BDS was the pretext that Israel needed, after having exhausted the Iran pretext, to support the theory of the satanic threat and victimisation<sup>11</sup>. The Israeli government’s attacks on the BDS movement and its attempts to criminalise it would therefore not be the result of concern about a real danger of isolation, but just another ploy for Israel to continue justifying its crimes.

However, Finkelstein’s main criticism is that BDS is not consistent with its objectives, in not wanting to recognise the State of Israel within the 1949 borders. The boycott would be right for settlement products or institutions, since they are illegal, but it would be a mistake to apply it to Israeli entities inside Israel, even if they are implicated in the policies of occupation and apartheid. BDS cannot be based on international law, as it claims, says Finkelstein, and simultaneously ignore Israel’s rights, namely to self-determination and to have a state. In a debate with historian Ilan Pappé, the latter replies:

*“There are no Israelis demanding self-determination; there is only a Jewish community demanding international recognition of a supremacist regime. The other notion, that of Jewish self-determination, is not recognisable in international law. Religions do not demand self-determination. So the point is this: the more we respect the equal rights of all those who live between the River Jordan and the Mediterranean, the less Jewish, Muslim or Christian the future political ensemble will be, whatever you want to call it. There’s no point hiding a Zionist position behind the veil of international law.”<sup>12</sup>*

Noam Chomsky, also a well-known defender of Palestinian rights, is equally critical of BDS and has the issue of the 1949 borders in common with Finkelstein. In his opinion, the boycott tactic is valid for what concerns the illegal occupation in the eyes of international law – the territories occupied in 1967 – but not for Israel within its UN-recognised borders. In this sense, he considers the boycotts implemented by the Israeli organisation Gush Shalom from 1997 onwards to be right; just as he considers the divestments of U.S. multinationals involved in settlements to be right, as the Presbyterian Church did in 2014. But, according to Chomsky, we cannot boycott cultural and academic institutions, such as Tel Aviv University, because Israel discriminates against Arab citizens within its borders, and not boycott Harvard University at the same time, since human rights violations are much serious in the United States<sup>13</sup>.

On the other hand, according to Chomsky<sup>14</sup>, BDS would have emerged before its time, without any prior work to raise public awareness. Thus, unlike in South Africa, there would be no understanding of BDS in 2017 that would enable it to succeed, particularly in applying sanctions to Israel. The current movement

3 Ben-Ami, Yuval, Haaretz, 2005: <https://www.haaretz.com/2005-09-20/ty-article/about-face/0000017f-17e7-d318-aff-17e786c70000>; <https://www.no2brandisrael.org/about-face/>

4 Defined as those who fight against the phenomenon of boycotting and delegitimising the State of Israel.

5 Ministry of Strategic Affairs and Information, [https://www.gov.il/BlobFolder/generalpage/strategy/he/strategic\\_affairs\\_%D7%9E%D7%91%D7%97%D7%A0%D7%99%20%D7%AA%D7%9E%D7%99%D7%9B%D7%94%20-%20%D7%90%D7%99%D7%A8%D7%95%D7%A2%D7%99%20%D7%A9%D7%98%D7%97\\_FRN.pdf](https://www.gov.il/BlobFolder/generalpage/strategy/he/strategic_affairs_%D7%9E%D7%91%D7%97%D7%A0%D7%99%20%D7%AA%D7%9E%D7%99%D7%9B%D7%94%20-%20%D7%90%D7%99%D7%A8%D7%95%D7%A2%D7%99%20%D7%A9%D7%98%D7%97_FRN.pdf) (quotation translated by the author)

6 Elnet, 2024: <https://elnetwerk.fr/chronique/limpossible-boycott-disrael>

7 Poissonnier, Ghislain, Duhamel, Jean-Christophe, *Revue des droits et libertés fondamentaux*, 2015: <https://revuedf.com/droit-penal/la-tentative-de-penalisation-des-appels-au-boycott-des-pro-duits-israeliens-par-les-circulaires-alliot-marie-et-mercier/>

8 In a 2015 case that reached the European Court of Human Rights, it decided in June 2020 that the call to boycott products from a state in order to protest against the policy of that country was protected by freedom of expression. The French state was unanimously condemned by the judges and did not appeal the decision; but it did not annul the circular.

9 Combat Antisemitism Movement, The Center for the Study of Contemporary European Jewry, 2024: <https://combatantisemitism.org/wp-content/uploads/2024/09/2024-Mid-Year-IHRA-Report-09-26-2024.pdf>, p. 34.

10 Público, 23/02/2025.

11 Roth, Scott, Weiss, Philip, *Mondoweiss*, 2016: <https://mondoweiss.net/2016/04/norman-finkelstein-on-sanders-the-first-intifada-bds-and-ten-years-of-unemployment/>

12 *New Internationalist*, 2014, <https://newint.org/argument/2014/10/01/argument-israel-boycott-rights>

13 Chomsky, Noam, *The Nation*, 2014: <https://www.thenation.com/article/archive/israel-palestine-and-bds/>

14 Chomsky’s latest writings and interviews on this issue date from 2017. We do not know his position after the events of October 2023.

has not yet reached its “South African moment” and therefore cannot be effective.

*“The road ahead leads not to South Africa, says Chomsky, but rather to an increase in the proportion of Jews in the Greater Israel that is being constructed. This is the realistic alternative to a two-state settlement. There is no reason to expect Israel to accept a Palestinian population it does not want.”<sup>15</sup>*

Well, if we accept Chomsky’s reasoning, we are ignoring the fact that colonial independence has always taken place against the will of the colonisers. When France lost the war in Algeria, it was forced to take in a million settlers who left the land they considered their own, which was now independent. After the independence of the African colonies in 1975, around 500,000 “returnees” arrived in Portugal. When the historic moment arrives, Israel too will be forced to accept a free Palestine with the population that wants to stay there.

For the BDS movement, complying with international law only means accepting and applying the three fundamental rights of the Palestinian people recognised by the UN: Israel’s withdrawal to the border agreed in 1949, equal rights for Arab citizens of Israel and the right of return for Palestinians and their descendants expelled in 1948. Contradicting Chomsky and Finkelstein, we believe that it would be difficult to establish borders for the BDS targets – only the territories occupied since 1967 – when it is the State of Israel itself that has no intention of fixing its borders, considering them to be adaptable to the pace of the advance in the military occupation of the territory of Palestine.

The effectiveness of the BDS movement is also contested in some sectors of the far left, but for different reasons. The British organisation Revolutionary Communist International (RCI), for example, argues that “struggling against one’s own ruling class is a far greater contribution to the cause of Palestinian freedom than any number of consumer boycotts” and that “struggling for socialism at home is the only way to establish regimes that can support the Palestinians, and all oppressed peoples of the world, on the basis of genuine solidarity”<sup>16</sup>. Thus, the RCI evokes the case of South Africa to show how the beginning of the end of the apartheid regime in South Africa came about, not with boycotts, but with the entry into action, in the 1970s, of the black working masses, and also Indians, organised in a combative – and fiercely repressed – resistance. As the author of the text rightly says, it was this combativeness of black and brown workers that made the imperialist countries face the urgent need to negotiate with the ANC, imposing sanctions on the South African government and starting – finally, already in the 1980s – to withdraw support for the apartheid regime. Nevertheless, the title itself of the article we are considering – written in December 2023 on the pretence of the BDS campaign for Palestine – poses a false issue, or the wrong approach to the issue: *Did boycotts, divestment and sanctions overthrow the Apartheid regime?* We think this is an inappropriate approach because, in reality, the South African BDS movement did not claim such a powerful role in the fall of apartheid, nor does the current BDS movement set out to liberate

Palestine from the colonial heel. Its ambitions are far more modest: to contribute to ending the occupation of Palestine, just as the campaign of boycotts and sanctions against South Africa contributed to ending apartheid.

The French organisation Lutte Ouvrière (LO), for its part, has the slogan “one oppressor state, one oppressed people, two peoples who are victims of imperialism” and considers that:

*“The policy of the imperialist powers and the Zionists has led to the transformation of the Palestinians into prisoners in their own country, but has also placed the Israeli people in the little more enviable condition of jailers”<sup>17</sup>.*

Along these lines, three days after the Hamas attack and the unleashing of Israel’s brutal aggression against the people of Gaza, Lutte Ouvrière called for the unity of Palestinian and Jewish workers, arguing that “in Palestine as elsewhere, the working class and the poor masses have their own interests which are not limited to the aspiration for a national existence”<sup>18</sup>.

Nevertheless the history of colonialism reveals no significant examples of unity between the proletarians of the colonising society and those of the colonised society. Neither in South Africa did the white proletariat show solidarity with the black and Indian workers, nor did the French working class get involved in favour of Algerian independence, nor did anything similar happen with regard to the Portuguese colonies. Without disapproving of other organisations engaging in BDS activity, LO points to its negative effects on the victims of the colonial regime. For example, by cutting jobs if a company withdraws from Israel or a settlement under pressure from a campaign, the boycott would harm the workers, whether they are Palestinians or Israelis.

The same argument is defended by the Nouveau Parti Anticapitaliste-Révolutionnaires (NPA-R)<sup>19</sup>, which exemplifies the harmful impact of the boycott on employment with the case of Sodastream: the BDS campaign ended up forcing the company to close its factory based in a West Bank settlement, laying off 500 Palestinian workers “in favour of Israelis employed in the new Rahat factory”. For the NPA-R, as well as harming Palestinian workers, boycotts are ineffective because they do not stop the big capitalist groups from continuing to sell their goods through subterfuge. However, the NPA-R applauds and gives as a good example the solidarity and pro-BDS mobilisations of workers in their own countries, such as those of trade unionists in the UK outside the Israeli arms factory Elbit Systems, or those of Belgian maintenance workers who refused to transport arms to Israel. Like LO, the NPA-R attributes common interests to the working classes of both camps:

*“The workers of Israel, like the workers of the world, have to face exploitation and rising prices, aggravated by the economic difficulties linked to the consequences of the war, which their bourgeoisie is making them pay for. They represent a potential force to which we must address: in the face of this situation of cost of living and redundancies, it is important to show that this*

*war by the Zionist state is not theirs, that on the contrary it is turning against them.”<sup>20</sup>*

It turns out that the Israeli working classes — who have been demonstrating in recent years against the cost of living, the housing crisis and the fascisation of Israel’s political regime — totally ignore in their demands the oppression of the Palestinian working class and the ongoing colonisation of Palestine.

On the other hand, from the earliest days of its foundation on Palestinian land, the State of Israel has continuously dispossessed the Arab population of all its means of existence. When land is confiscated, when natural resources are diverted, when the means of production are lacking, a Palestinian economy independent of the occupying force becomes unviable. The geographical fragmentation caused by the expansion of settlements, and all the segregating and security infrastructure that goes with it, such as checkpoints, separation walls and roads reserved for non-Palestinians, make mobility impossible, both for people and goods, which is necessary for economic activity. These same conditions make it difficult for those who have not yet been completely dispossessed to access their land, water sources and herds. As a result, today’s Palestinian working class has no choice but to be unemployed or to try their luck in the Israeli construction sector or, less likely, in agriculture. These will always be poorly paid jobs, with no labour or union rights, no security and no guarantees. Much of this labour force still carries the humiliation of having to work on land that was stolen from them to dig the fields that were theirs and now belong to a settler family; or to build a new house on top of the ruins of the one that belonged to their ancestors.

## CONCLUSION

The frequent parallels with South Africa are a source of encouragement for pro-Palestinian activism; they find similarities in the struggle of peoples against oppression and in the role of international solidarity, and foster hope for the denouement. To remember South Africa is to remember that regimes fall – dictatorships, apartheid and even empires – and to remember that we can fight and win. Noam Chomsky considers that there is only one acceptable analogy between the current BDS movement and that of South Africa, which we think is indisputable: the weight of the United States’ political and financial support for Israel, just as it was in South Africa until the apartheid regime began to crumble. We can also emphasise another, more general analogy, that in both cases we have the oppression of a colonial power and racial discrimination on the one hand, and resistance, struggle and emancipation on the other. But everything else is different, starting with the fundamental question of the labour force. Indeed, in apartheid South Africa, the black population was part of society, it was the indispensable labour force for the white power economy, even after being confined to the bantustans. In Palestine, on the other hand, the Israeli plan of ethnic cleansing makes the Palestinian population undesirable. Golda Meir already anticipated the outcome to be achieved when she said that “Palestinians do not exist”. Israel has always sought to do without

the indigenous labour force, replacing it in the early days with Jewish immigration, then with Russian immigration in the 1990s and, especially after the Oslo agreements, by importing temporary and cheap workers, essentially Thai, Filipino and Chinese workers<sup>21</sup>. The subjective conditions for an effective mass struggle from within can hardly germinate in a choice between hunger and servile labour. The most decisive factor in the fight against apartheid in South Africa was precisely the struggle of the black proletariat, supported by the popular masses, which transformed the revolts of the 1960s and 1970s into an organised workers’ movement in the mines, factories and trade unions. The strikes of the 1980s and the boycotts of racist companies, especially in the car industry, brought the country to a standstill and finally shook the foundations of supremacist power. They brought down Botha’s government and forced his successor to negotiate an end to apartheid with the ANC, the organisation that had until then been outlawed and considered terrorist. We can say that the Palestinian resistance to occupation and ethnic cleansing faces even more difficult conditions than those faced by black South Africans in overthrowing the apartheid regime. Those who think that boycotting Israeli companies harms the Palestinians themselves have not yet realised that the Palestinians have nothing to lose and everything to gain. BDS tactics play a counter-propaganda role because they inform, educate and contribute to the delegitimisation of the Zionist state. They exert pressure on complicit governments; they aim to politically isolate Israel. The time for sanctions will come sooner or later. Let’s remember that the UN’s call in 1962 for sanctions against South Africa had no practical effect because, just as today Israel, neither the USA nor the United Kingdom, nor the other imperialist countries supporting the South African regime had an interest at that time in delegitimising South African apartheid. But they appeared later, in their own time, when these countries wanted to prevent power from falling into the hands of the black people. It was undoubtedly the masses of Vietnamese who drove American troops out of the country and won their independence; just as it was the masses of black and Indian workers who overthrew the apartheid regime in South Africa. But the contribution of international solidarity in supporting their liberation struggles is indisputable. We believe that the self-determination and liberation of Palestine will be the work of the Palestinian people, encouraged and supported by the solidarity of the peoples of the whole world, which is manifesting itself today on the streets and through the boycott, divestment and sanctions movement ■

<sup>15</sup> Chomsky, Noam, 2014: <https://www.thenation.com/article/archive/israel-palestine-and-bds/>

<sup>16</sup> Morken, Ben, In Defence of Marxism, 2023, <https://marxist.com/did-boycotts-divestment-and-sanctions-overthrow-the-apartheid-regime-in-south-africa.htm>

<sup>17</sup> Editorial, Lutte ouvrière, de 19/11/2012. (quotation translated by the author)

<sup>18</sup> Lutte ouvrière n° 236, 2023, [https://www.lutte-ouvriere.org/portail/mensuel/2023-12-10-lextreme-gauche-la-question-palestinienne-et-le-hamas\\_728115.html](https://www.lutte-ouvriere.org/portail/mensuel/2023-12-10-lextreme-gauche-la-question-palestinienne-et-le-hamas_728115.html) (quotation translated by the author)

<sup>19</sup> Tendency of the NPA which, in 2022, left the party to go its own way.

<sup>20</sup> NPA Révolutionnaires, 2024: <https://npa-revolutionnaires.org/lutte-contre-les-crimes-de-letat-disrael-a-propos-de-bds/> (quotation translated by the author)

<sup>21</sup>The Chinese government imposes the condition that Chinese labour is prohibited from working in settlements considered illegal. Vd. The Times of Israel, 2017, <https://www.timesofisrael.com/israel-signs-deal-to-bring-chinese-construction-workers-but-they-wont-work-in-west-bank/> and Helmy, Nadia, Modern Diplomacy, 2024, <https://moderndiplomacy.eu/2024/02/16/chinese-refusal-to-send-its-workers-to-israel-after-calling-the-israeli-reserve-in-the-war-against-hamas/>

Anita Helena Schlesener\*  
Vicente Estevam Sandeski\*\*  
Carliane de Oliveira Carvalho\*\*\*

## A time of barbarism - a time of chrysalises: general notes on Palestine

### ABSTRACT

This paper presents some philosophical and political reflections on the most recent events regarding the conflicts in the Middle East, more specifically concerning Palestine, in the form of an essay, due to the scope and complexity of the topic. It starts with a definition of genocide to develop some general notes on the history of Palestine, and to conclude with a confrontation between the notion of barbarism as irrationality and authoritarianism, and the chrysalises' time as the germination of resistance and freedom.

### KEYWORDS

Political philosophy  
History  
Palestine

\* PhD in History, Federal University of Paraná (UFPR); Professor of the Master's and Doctoral Program in Education at the Tuiuti University of Paraná. Scholarship holder of the CNPq Research Productivity Program.

\*\* PhD in Education (UTP). Professor at the Federal Institute of Paraná.

\*\*\* PhD in Law (UFBA). Federal Attorney at the IFPR. Member of the ANAFE Women's Committee.

Anita Helena Schlesener  
Vicente Estevam Sandeski  
Carliane de Oliveira Carvalho

### INTRODUCTION

*The premises from which we begin are not arbitrary ones, not dogmas, but real premises from which abstraction can only be made in the imagination (Marx; Engels, 2022 [1947], p. 7).*

This text presents some philosophical and political reflections on the most recent events regarding the conflicts in the Middle East, more specifically concerning Palestine, in the form of an essay, due to the scope and complexity of the topic. We are living in a time of barbarism, structural crises, and extreme social inequality with the reconfiguration of capitalism, with signs since 2008, of a terminal hegemonic crisis of the United States power, with a systematized ascension of neoliberal conservatism and what we call neofascism. What Rosa Luxemburg, paraphrasing Marx's *Communist Manifesto*, stated in 1899 about the bourgeoisie is confirmed: it

*"has imploded all bonds among human beings and left each one to their fate, their misery, and their ruin, only to remember them after dehumanizing them – spiritually or bodily, by murder or by suicide".*

And she goes on to highlight the implemented madness:

*"only the bourgeoisie withdrew the horror of genocide by making it vulgar, brutalizing the senses of both of victims and executioners, covering the drama of human existence with triviality", the normalization, the scariest and most macabre cynicism (Luxemburg, 2011, p. 115, nonofficial translation').*

In a study of the writings of young Gramsci, Gervasoni (1998) examines his reading of French Romantics, at a time when, on the threshold of socialism, the young Sardinian, inspired by "*Il canto delle crisalidi*" ("The Song of the Chrysalis"), a poem by Carlo Michelstaedter, wrote the article "*La vita e la morte*", a text published in *Avanti!* in 1916. In it, Gramsci seems to outline the beginning of a reflection on the movement of history: as the World War continued, an outline of hope for the transformation and a "feeling of new life" (Gervasoni, 1998, p. 35; in the original quotation, "*sentimento de vida nova*") and regeneration appeared in socialism.

On his path to socialism, Gramsci addresses the matter of genocide in the text *Armenia*, regarding a people ignored because unknown, "turned upon one's own pain"; "For a people, for a race, it means slow dissolution, [...] an abandonment to one's own lot, defenseless and wretched before those whose only reason lies in the sword [...]". Armenia, in its massacres, "[...] received only the most platonic expressions of sympathy for its suffering, or of scorn for its executioners" (Gramsci, 2016 [1916], p. 89-90). In more recent times, there are Pasolini's considerations on genocide, far beyond brute force:

*I think that the destruction and replacement of values in today's Italian society is leading, although without massacres and mass shootings, to the suppression of large areas of society itself.*

*Moreover, this is by no means a totally heretical or heterodox assertion. In Marx's Manifesto there is a passage that clearly and precisely describes the extremes of genocide that are carried out by the bourgeoisie with relation to certain strata of the ruled classes, above all the classes that are not working class, but sub-proletarian or various colonial populations (Pasolini, 1974).*

Pasolini's text, which results from a lecture given in 1974 and published later on, shows us that a genocide is not only characterized by the violent death of human beings cynically cornered and murdered, used as targets for testing new technologies. A genocide leaves incurable physical, psychological and cultural wounds that may be irreversible. For Pasolini, it is the implementation of a system that, from a simulacrum of freedom and tolerance, executes the cultural death, producing a terrifying aphasia and a political passivity that immobilizes the working classes. Among the contradictions that this genocide highlights is the liberal idea of democracy, which presents itself as a mystifier of international political relations, with rules that seem valid to few, transgressed with such cynicism that it turns real democracy into a myth and a simulacrum.

The genocide of Palestinians is one among many, but this one is witnessed in real time by static, inert populations, incapable of reacting to a barbarity that is being naturalized and taking over our daily lives. The occupation of Palestine by Zionist settlers can be identified as a true occupation colonialism in the 21<sup>st</sup> century, as it expels or kills the Palestinian population that already occupies that region for centuries, in such proportions that it characterizes a genocide in a clear process of ethnic cleansing. The Palestinian resistance exploded as a fight for freedom and emancipation of the Palestinian people, cornered and reduced to the small territory of the Gaza Strip.

Never has a government imposed itself so arrogantly based on its economic and military power as Israel, supported by the United States — which imposes the rules of the world order and intends to determine the direction of world politics. In times of tension and conflicts, the bourgeois democracy, in the U.S. mold, drops its mask and shows itself as a true simulacrum of freedom and political participation. A democracy which has as a point of accomplishment the vote, which, with the mass media and the implementation of new technologies, can be infinitely manipulated. On the assumption that the one with the best economic investment conditions wins the election, we move toward the consolidation of plutocracies, distorting the meaning of the demos.

Reflecting on democracy in the context of installed barbarism is not an easy task. The concept has received abusively flexible interpretations to fit the interests of those who speak out in the discourse, often in favor of the invasion of other States. In the German context between wars, Luxemburg (2008, p. 85-86) highlights that the Constituent Assembly and the right to vote are not enough for the exercise of democracy; it is also important to guarantee "[...] a healthy public life and of the political activity of the laboring masses: freedom of the press, the rights of association and assembly".

1 Original quotation: "implodiu todos os laços entre os seres humanos e deixou cada um ao seu destino, à sua miséria e à sua ruína, para somente depois de tê-lo desumanizado – espiritual ou corporalmente, pelo assassinato ou pelo suicídio – lembrar-se dele. [...] apenas a sociedade burguesa é que retirou o horror do genocídio por tê-lo tornado cotidiano, embrutecendo os sentidos, tanto das vítimas quanto dos verdugos, cobrindo o drama da existência humana com a trivialidade".

Rosa Luxemburg (2020) describes how the bourgeois legality serves to imprison the proletariat, as Law shapes an entire system of oppression, giving the appearance of a unity of the proletariat, which, nonetheless and in fact, nothing can achieve. She demonstrates this in her analysis of German politics when she indicates that social democracy had congregated three million men, who could do nothing to promote the popular interests, since the Parliament remained in the bourgeoisie's hands. The decision-making power was never in people's hands, except in some special moments, enabled by great revolutions.

While the capitalist State centralises and unifies politics according to the interests of a class, the paths of resistance demand the proposition of another form of political management and, as Gramsci (1919) states, based on the Factory Councils, "[...] a new type of state, generated by the experience of association of the proletarian class, and the substitution of this for the democratic-parliamentary state". Democratic instruments only work if there is an integrality of factors, among them, the possibility of free choice by the people, which demands true and broad information over the facts, and, mainly, a political education that allows the subaltern classes to autonomously decide their fate.

The limits of the Western democratic matters do not correspond to the goals of a democratic order in the East, although there have been attempts such as the uprising named "Arab Spring", which, after great popular mobilisations, led to reformist or even dictatorial regimes that restored the old political order. The weight of their traditions played a significant role in this restoration process. The case of Palestine has different characteristics, and its history strongly emerges at this moment of recomposition of the world political order.

The two decades of the 21<sup>st</sup> century are characterized by a new political setting that meets the demands of the recomposition of capitalism, now supported by technologies that allow the amplification of the concentration of capital through financialisation, subordinating the productive sector to generalised speculation. These new forms of exploitation and concentration of surplus value act on the strengthening of new hegemonic agents. The violence and horror against the Palestinians in the Middle East are inserted in this context, which we discuss in general terms ahead in this text.

## THE HISTORICAL MOVEMENT AND ITS PERSPECTIVES

*[...] for they allow us to recognize the sea on which we navigate and the shore from which we push off. It is here, therefore, that the "critique" of the nineteenth century –to say it in one word– ought to begin. The critique of [...] its narcotic historicism, its passion for masks [...] (Benjamin, 1999, K1a, 6, p. 391).*

"The new stage of genocide and ethnic cleansing perpetrated by Israel in Palestine since 7 October 2023 has developed in the face of the failure of the international community", which includes "governments that show solidarity with the Palestinians, to act materially towards a ceasefire and the real promotion of peace in the region" (Huberman; Fernandes, 2023, p. 16).

The tragic genocide that is watched live in mass media and that

brings the Palestinian drama to the center of debates demands a critical reflection on ideology as a practice of power and mystification of reality, naturalising the conditions of barbarism. According to Traverso (2024), Israel is generally depicted as a democratic State, a description that is an assumption of corporate media. In parallel, Hamas is described as a terrorist organization, inspired by bloodthirsty fanaticism, a formulation that is also extended to other Arab movements.

It is worth explicating, though briefly, what is understood as democracy in this beginning of century: the implementation of neoliberalism from 1970 on and the financialization of economy brought to the political scene "gigantic transnational companies, the 'new Leviathans', whose planetary scale and extraordinary economic, social, and ideological gravitation" transformed the real bases of liberal democracies (Boron, 2001, p. 175, nonofficial translation<sup>2</sup>). In this context, attributing to Israel, a State that has long violated international rights and imposed its group interests by resorting to military force, the title of democracy has become an expression of true cynicism.

According to Rancière (2014, p. 7) "[...] the arguments used to back up the military campaigns devoted to the worldwide rise of democracy reveal the paradox concealed by the dominant usage of the word today". On one side, the "[...] arbitrary government, government without limits — which, depending on the moment, is referred to either as tyranny, dictatorship, or totalitarianism". On the other, the strenuous efforts of social and political groups to build an effective democratic life.

Genocide as an instrument of ethnic cleansing has been recurrent in political history. Here we return to Gramsci (2002, p. 26), regarding the massacre in Armenia, to emphasize that it is rather unfair to not be acknowledged and not have its own history, since those who do not know, do not feel. However, sometimes, knowing it distortedly, in a manipulated manner that makes communication another war instrument, also generates great mistakes. The situation in Gaza is characterised as a genocide since it involves an army armed with the most advanced technologies of target identification that deliberately aim at the unprotected civil society, systematically decimating mostly women, children, and elderly citizens.

To understand the Palestinian genocide, it is necessary to revisit some points of its history since 1948 to reveal the forms of a process of decades of occupation and colonialism, racism, and ethnic

*"The Israeli state preaches the impossibility of a Palestine and accuses the world in solidarity with the Palestinians of imaginary violence in the face of the possibility of the dissolution of the Israeli state and paths that involve other governance configurations besides the Zionist state" (Huberman e Fernandes, 2023, p.23).*

violence, which caused the inevitability of the resistance organization. We begin with the observations of Arlene Clemesha (2024, p. 211), on the position of the Palestinian people, who, for about a century, continuously resisted to their dehumanisation, uprooting and dispossession, rejecting the implantation of

colonialism in their lands. And this is not about opposition to the Jewish people, with whom they have peacefully lived throughout time, but about an ongoing process of violent and expansionist repression by the Zionist Israeli government.

The conflict between Zionists and Palestinians did not start in October 2023, but it has a long history rooted in great mistakes caused by international agreements on the self-determination of peoples, systematically disrespected by Israel. The "Palestinian struggle and resistance, which emerged with the 1917's Declaration of Balfour, cultivates its own roots, prior to October 7, 2023". Since then, Palestinians have defended themselves against the colonialist invasion and the "Zionist plans to forcefully expel Palestinians from their homes, claiming the land, based on an exclusive Jewish religious identity" (Addameer, 2024, p. 37, nonofficial translation<sup>3</sup>).

The regions of Gaza and the West Bank belonged to Palestinians for a long time and became an object of imperialist aggression following 1948's international decisions that introduced into their geographic space, into their body, a foreign body called the State of Israel. The Gaza Strip emerged from the forced displacement of native Palestinians, who mostly headed to neighboring lands; "[...] the Sinai desert formed a natural impediment to long-distance mass migration", so that a large part "[...] gathered in a tiny slice of historic Palestine that remained under Egyptian administration", an area that has since been known as the Gaza Strip (Attalah, 2024, p. 173).

The martyrdom of the Palestinian people then began, in a continuous process of dispossession of their lands, and violent repression perpetrated by Zionism established in a colonisation process that generated progressive isolation and forced displacement of the Palestinian population to other States in the region and to the Gaza Strip. The evidence of intention and attempt of ethnic cleansing realised by Israel's Zionist regime took shape mostly from 1948 on; since then, the persecution of Palestinians has produced more than two million refugees scattered in 32 camps in the West Bank and Gaza, with a consequent loss of identity, culture, and land to the Israeli settlers (Addameer, 2024, p. 37).

Countless international agreements aimed at restricting the use of force by Israel or creating the autonomous State of Palestine were disregarded by Israel, which has systematically ignored not only UN resolutions, but also human rights organisations.

The Palestinian people were left solely with the path of clandestine resistance, which erupted in 2023 and led to Israel's military invasion of Gaza, with disproportionate violence and a clear intention of ethnic cleansing, destroying all existing infrastructure, attacking hospitals and civil systems of protection, deliberately killing women and children with accurate headshots, that is, professedly committing war crimes, with the protection and benevolence of the United States.

On the Palestinian side, a movement of resistance has taken great proportions from civil society, social movements, and their fight for human rights. The entire social and intellectual life of Palestinians has been hindered and controlled by the occupying State since its creation, based on the 1948 resolutions. Ever since, the Palestinian people have bravely faced the invader to defend their lands and their lives, with the most varied forms of resistance. Hiding its past and demonstrating a lack of memory, after years of authoritarian repression, Israel dates the beginning of everything to October 2023, and attacks with monstrous weapons as if it were a victim defending their rights. With the support of the United States, it no longer disguises its colonial goals, and announces its progress in expanding Israel's limits to form a single State.

According to Clemesha (2024, p. 209, nonofficial translation), after destroying the Gaza Strip, Israel makes its intention of annexing the West Bank clear, with an increase of violence, accentuating that "bands of armed settlers have invaded homes (mostly in coveted locations in East Jerusalem) and attacked Palestinian villages"<sup>4</sup>, which amplifies brutal actions in terms of violence against the settlers. The statements of the Israeli government incite hatred against Palestinians in a clear situation of inhumanity that borders on cynicism.

*The normative definition of the crime of genocide was stipulated by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948, in force since 1952), and it was on this basis that the International Court of Justice issued its opinion of January 26, 2024 on the plausibility that a genocide is underway in the Gaza Strip, as well as provisional measures to prevent its consummation, all of which were ignored by Israel Israel (Clemesha, 2024, p. 210, note 9, nonofficial translation)<sup>5</sup>.*

In the face of colonialism and violence perpetrated by a regime that ignores and violates human rights, the International Court of Justice, which establishes the obligations that arise from international law and delimits the "principles and rules concerning the basic rights of the human person", such as "protection against slavery, racial discrimination", and war crimes (Trindade, 2017, p. 81, nonofficial translation<sup>6</sup>), received the complaint filed by South Africa accusing Israel of genocide. This action paved the way for other very important political manifestations for the Institution to make the decision to affirm that the attack on Palestine is indeed a genocide, a war crime.

What is happening in Palestine is clearly a genocide perpetrated throughout the years, since the "approval of Palestine's partition by the UN to carry out a plan that predicted its dispossession for the creation of a State ethnically and mostly Jewish"<sup>7</sup>. It regards an ongoing ethnic cleansing action that has been expanded since 1948 and that took the event of October 2023 as a pretext for the violent extermination of the civilian population of Gaza and subsequently, of the West Bank (Clemesha, 2024, p. 215, nonofficial translation).

2 Original quotation: "gigantescas empresas transnacionais, os 'novos Leviatãs', cuja escala planetária e extraordinária gravitação econômica, social e ideológica".

3 Original quotations: "[...] luta e resistência palestina, surgidas com a Declaração Balfour de 1917, cultiva raízes próprias, anteriores ao 07 de outubro de 2023. [...] planos sionistas para expulsarem os palestinos de suas casas à força, reivindicando a terra, com base em uma identidade religiosa judaica exclusiva". Addameer's official website seems to be currently down.

4 Original quotation: "bandos de colonos armados têm invadido casas (principalmente em locais cobijados de Jerusalém oriental) e atacado vilarejos palestinos".

5 Original quotation: "A definição normativa do crime de genocídio foi estipulada pela Convenção das Nações Unidas para a Prevenção e a Repressão ao Crime de Genocídio (1948, em vigor desde 1952), e foi com base nela que a Corte Internacional de Justiça emitiu o parecer de 26 de janeiro de 2024 sobre a plausibilidade de que um genocídio esteja em curso na Faixa de Gaza, bem como medidas provisionais para impedir sua consumação, todas elas ignoradas por Israel".

6 Original quotation: "princípios e regras atinentes aos direitos básicos da pessoa humana [...] proteção contra a escravidão, a discriminação racial".

7 Original quotation: "aprovação da partilha da Palestina pela ONU para realizar um plano que previa a sua desocupação para a criação de um estado étnico e majoritariamente judeu".

The argument created and disseminated by large media corporations is to instrumentalise history by accusing of anti-Semitism any and all criticism of the genocide committed by the Zionists in power, to justify the horror that is being committed in the expulsion, exile and dispersion (Said, 1992) of the Palestinians expropriated from their lands. Anti-Semitism exists “in the rhetoric of specific neo-Nazi and neo-fascist groups, with nefarious and violent consequences” based on the actions of rising far-right parties, extending itself in the form of racism and exclusion of Arabs and Muslims; “The old anti-Semitic myths have been readapted and now directed at Arabs” (Clemesha, 2024, p. 2017, nonofficial translation<sup>8</sup>).

The Palestinian matter has to be understood in the context of the new setting of the capitalist world order: neoliberal practices facilitate the application of new forms of labor exploitation and expropriation, in precarious labor resources, unemployment, and legislative flexibilisation, which fall upon the working class, which daily suffers from the increase of social inequality. There is the emergence of new forms of colonialism. There is also a geographic setting that becomes more important as natural resources are discovered and trade relations are propelled at a crucial spot for general trade. The confrontation between the two forces that dispute world hegemony is intensified: the system dominated by the U.S. has been confronted by the design of a new social order led by China in the movement known as Global South.

The decimation of the Palestinian people, with the support of the U.S., has as a backdrop the natural resources of that region and the dispute over control of the Mediterranean. In this process, economic interests diminish the respect for the lives and existence of specific ethnic groups, as is the case of Palestinians nowadays and as was the case of Kurds and African populations in the past. The resistance of oppressed peoples does not appear as such in the dominant discourse. The organic crisis compromises U.S. hegemony, and the use of force seems to be the path to global geopolitical control. The military apparatus is used as a threat, while the control of the financial system and common sense are disputed, with the implementation of new communication technologies.

The far-right dominates the formation of common sense since it knows and uses new mass communication technologies, a space that for some left-wing activists, seems like a riddle; this is a space of dispute that can only be confronted with continued education and political organisation of the popular classes. In this context, the rise of neo-fascist proposals is reinforced by the new digital colonialism, which is accompanied by the loss of autonomy in this area by dependent countries:

*“It will not be easy to think of solutions for peaceful coexistence in the region again after the genocide that is currently taking place in the Gaza Strip and that will leave its irreparable mark for generations. I suggest that we first look at the past to understand, honestly, how we got here, where the course of*

*history is heading, and how big is the challenge that lies ahead” (Clemesha, 2024, p. 219, nonofficial translation<sup>9</sup>).*

The future solution, which depends on international relations, is the implementation of Oslo decisions regarding the creation of two States or, in the wake of the radical and genocidal stance of Israel, the establishment of a single Palestinian State. “There is no doubt that, in the future, Gaza war will find its historians” (Traverso, 2024, nonofficial translation<sup>10</sup>); time will also reveal media’s distortions, the complicit connivance of those who had the power to interfere and prevent the worst and remained in silence. In the current circumstances, the least that must be done is to publicise the indignation at the horror of the genocide, disguised as a “right to defense”, an “anti-Semitic persecution”, a cynical and perverse narrative that hides the killing of thousands of civilians, most of them women and children. Denouncing barbarism and thinking that the movement of history is also the movement of the germination of resistance.

#### A TIME OF BARBARISM, A TIME OF CHRYSALISES

*The life that becomes death, and the death that will create new life. The chrysalises are the most alive symbol of this moment of world life (Gramsci, CT., p. 235, nonofficial translation<sup>11</sup>).*

In the context of Critical Theory, reflections on barbarism were inspired by the decline of the Weimar Republic, which concentrated in its politics a series of contradictions that culminated in the failure of insurgent movements and the restoration of conservative order in 1919’s Germany. At that time, both violence of the forces linked to power and poverty, misery, and social injustice were called barbarism. The theme is rekindled in the debates with the rereading of Marx based on the publication of *History and Class Consciousness* (1974), by the young Lukács, in 1923.

The general goal is to understand the essence of Marx’s method (1974, 2009), with the conviction that the thoughts of this author offer “the *true method* by which to understand society and history”, and that its most “pre-eminent aim is *knowledge of the present*”, based on a method that presents “an unendingly fertile source of solutions to otherwise intractable dilemmas” (Lukács, 1923, p. 3). Lukács emphasises the importance of returning to a traditional of interpretation of Marx, stressed by Engels and Plekhanov, but mostly to Hegel’s logic for Marx’s methodological proposition. From this premise, he encourages a resumption of Marx’s writings, with an emphasis on the concepts of commodity fetishism and alienation, fundamental for the comprehension of historical crises and their confluence in the present.

At the same time, philosophy, along with politics and history, questions the origins and meanings of violence and its consequences in historical and social coexistence. Several approaches, from Hanna Arendt (1994), through Adorno and Horkheimer (1985), and even Sorel (1992), delve deeper into the theme, accentuating the deepening of the opposition between rational and irrational, reaching the limit of contradiction as a negation of humanity.

Anita Helena Schlesener  
Vicente Estevam Sandeski  
Carliane de Oliveira Carvalho

Philosophic reflections follow this path, moving from the observation that enlightenment is totalitarian (Adorno; Horkheimer, 1985) to the assertion that the State is totalitarian (Arendt, 1989) and can produce the “totalitarian horror, which is nothing other than the time of barbarism (Santos; Pires; Helfer, 2009, p. 113, nonofficial translation<sup>12</sup>). Barbarism as institutionalized irrationality, as a practice of power that spreads in state structures that should implement human rights, in the expansion of violence (wars, security, social control, etc.), and that generates and reproduces violence, which erupts in civil society as racial hatred, prejudices (religious, identity-based, etc.), on the path to amplification and naturalization of irrationality in the absence of any ethical parameter.

Thus far, violence is understood as the brutal force of those who hold power and control society. But violence takes on other more subtle and effective forms that are not explicit aggression; they are educational and produced by cynicism, mockery, public humiliation, etc. In other words, every form of violence is corrosive and causes not only social but also individual harm. In a genocide, the best situation is that of those who are fatally decimated; those who remain, even if not physically mutilated, may suffer irreparable psychological trauma. This is what we call barbarism, which, in turn, justifies attitudes of insurgency and resistance to the aggressor.

A time of barbarism, but also a time of chrysalises, a time for the germination of new forms of social and collective life, from insurgent energies that can rise in the movement of history, opening new horizons. The suffering of the Palestinian people, which “have resisted for a century to their dehumanization, uprooting and dispossession” (Clemesha, 2024, p. 2019, nonofficial translation<sup>13</sup>) of their lands, their culture, their lives, reject and resist the implemented colonialism, and that vindicate their right to life by resorting to fight and armed resistance. By making their suffering and history known, they shall make the world awake from its numbing slumber to build new international relations that truly guarantee the accomplishment of human rights.

#### A BRIEF CONCLUSION

We define the time of barbarism as the primacy of irrationality and authoritarianism, against which we must counterpose the experience of rationality and freedom, in order to make humanity prevail. It is known that, in the context of capitalism, this is not possible, since the “bourgeois society spread the veil of invisibility over its crimes”. And, in its consolidation, it “has taken the shudder away from their mass murder because it has made it commonplace”. The naturalization of horror, the trivialization of violence, “million-headed and yet headless people, with a million beating and yet heartless hearts, encompassing millions of human and yet inhumans, deaf, blind monsters—civil society!” (Luxemburg, 1899).

On another part, the disenchantment for the loss of the sense of humanity, but the necessity to fight and try to survive chasing fear and indifference away from many in the face of the evil that befalls a people:

*“The things that occur do not occur because some people exer-*

*cise their will, but because the multitude abdicates its own will and lets things be, allowing for knots to form that it will take a sword to unfasten” (Gramsci, 2016 [1916], p. 129).*

Society is wrapped in lethargy, a numbness fueled by mass media, which we can say, paraphrasing Benjamin (1999), is the great narcotic of the century.

But this is also the time of chrysalises, of fight and persistence of insurgent movements, which draw their strength from the need to survive, to create a new world for new generations, to engender forms of resistance and overcome all that is morbid and pathological in this society: the Palestinian resistance exploded as a fight for freedom and emancipation of the Palestinian people, in defense of their lands and their history. New international relations need to germinate and, sooner or later, the world shall acknowledge the historical injustices committed against these people and their strength and determination in the defense of their right to life ■

8 Original quotation: “na retórica de certos grupos neonazistas e neofascistas, com consequências nefastas e violentas. [...] Os velhos mitos antisemitas foram readequados e dirigidos agora aos árabes”.

9 Original quotation: “Não será fácil voltar a pensar em soluções em prol da convivência pacífica na região a partir do genocídio que hoje se vive na Faixa de Gaza e que deixará sua marca irreparável por gerações. Sugiro olhar primeiro para o passado para entender, honestamente, como chegamos até aqui, para onde aponta o curso da história e qual o tamanho do desafio pela frente”.

10 Original quotation: “Não existem dúvidas que, no futuro, a guerra de Gaza encontrará seus historiadores”.

11 Original quotation: “A vida que se torna causa de morte e a morte que criará nova vida. As crisálidas são o símbolo mais vivo deste momento da vida mundial” / “La vita che diventa morte, e la morte che creerà la nuova vita. Le crisalidi sono il simbolo più vivo di questo momento della vita mondiale”.

12 Original quotation: “terror totalitário, que não é outra coisa senão o tempo da barbárie”.

13 Original quotation: “resiste há um século à sua desumanização, desenraizamento e expropriação”.

## REFERENCES

- ADDAMEER (Addameer Prisoner Support and Human Rights Association). Na sombra do holocausto – Genocídio em Gaza. Contrabando Ed., 2024.
- ADORNO, Theodor W.; HORKHEIMER, Max. *Dialética do Esclarecimento*. Rio de Janeiro: Jorge Zahar Ed., 1985.
- ARENDT, Hannah. *Sobre a violência*. Rio de Janeiro: Relume-Dumará, 1994.
- ATTALAH, Lina. The Sinai solution: ‘Pacifying’ Gaza between 1967-1973. 2023. Available at: <https://www.madamasr.com/en/2023/10/29/feature/politics/the-sinai-solution-pacifying-gaza-between-1967-1973/>. Accessed 28 June 2025.
- BENJAMIN, Walter. *Passagens*. Belo Horizonte: Ed. UFMG, 2009.
- BENJAMIN, Walter. The Arcades Project. 1999. Available at: <https://archive.org/details/arcadesproject0000benj/page/n5/mode/>. Accessed 02 March 2025.
- BORON, Atílio. *A coruja de Minerva*. Petrópolis: Vozes, 2001.
- CHOMSKY, Noam. *Mídia: propaganda, política e manipulação*. Translated by Fernando Santos. São Paulo: Martins Fontes, 2014.
- CLEMESHA, Arlene. Pensar a Palestina após Gaza. CIEDA and CEIS20’s journal, in a partnership with GPE and RCE, n. 28, 2024.
- GRAMSCI, Antonio. Armenia. 2016 [1916]. Available at: <https://archive.org/details/GramshiFinal3/page/n89/mode/>. Accessed 02 March 2025.
- GRAMSCI, Antonio. *Escritos Escolhidos (1915-1920)* - (translated by Ana Paula Schlesener and Anita Helena Schlesener). Marília: Lutas Anticapital, 2022.
- GRAMSCI, Antonio. *Quaderni del Carcere*. Torino: Einaudi, 1977.
- GRAMSCI, Antonio. *L’Ordine Nuovo (1919-1920)*. Torino: Einaudi, 1975.
- GRAMSCI, Antonio. *Cronache Torinese (1913-1917)*. Torino: Einaudi, 1980.
- GRAMSCI, Antonio. The conquest of the state. 1919. Available at: <https://www.marxists.org/archive/gramsci/1919/07/conquest-state.htm>. Accessed 02 March 2025.
- HUBERMAN, Bruno; FERNANDES, Sabrina. Descolonizar futuros palestinos: o papel da comunidade internacional para a resolução justa da Questão Palestina/Israel. *Revista Marx e o marxismo*. V. 11, n. 21, 2023. [file:///Users/anitas/Downloads/2\\_574.+Artigo\\_Huberman\\_Fernandes%20\(1\).pdf](file:///Users/anitas/Downloads/2_574.+Artigo_Huberman_Fernandes%20(1).pdf)
- LUKACS, Georg. *History and Class Consciousness*. 1923. Available at: [https://www.marxists.org/ebooks/lukacs/history\\_and\\_class\\_consciousness\\_georg\\_lukacs.pdf](https://www.marxists.org/ebooks/lukacs/history_and_class_consciousness_georg_lukacs.pdf). Accessed 02 March 2025.
- LUKACS, Georg. *História e consciência de classe*. Lisboa, Escorpião, 1974.
- LUXEMBURG, Rosa. *Just a Human Life*. 1899. Available at: <https://thefutureinthepresent.com/just-a-human-life/>. Accessed 02 March 2025.
- LUXEMBURG, Rosa. *Textos Escolhidos (1899-1914)*, V. 1, São Paulo: Ed. INESP, 2011.
- LUXEMBURG, Rosa. *Rosa Luxemburg, or: The Price of Freedom*. 2008. Available at: [https://www.rosalux.de/fileadmin/rls\\_uploads/pdfs/Themen/Rosa\\_Luxemburg/Rosalux-en.pdf](https://www.rosalux.de/fileadmin/rls_uploads/pdfs/Themen/Rosa_Luxemburg/Rosalux-en.pdf). Accessed 02 March 2025.
- LUXEMBURG, Rosa. *Rosa Luxemburgo ou o preço da liberdade / Jörn Schütrumpf (org); translated by Isabel Loureiro, Karin Glass, Kristina Michahelle, and Monika Ottermann: 2nd broadened edition*. São Paulo: Fundação Rosa Luxemburgo, 2015.
- LUXEMBURG, Rosa. *Primatas. Sozialdemokratische Korrespondenz (Berlim)*, n. 115, November 6, 1914. Translated by Kristina Michahelles. 2020. Available at: <https://rosalux.org.br/rosa-luxemburgo-livros-para-download-gratuito/> Accessed 15 February 2025.
- MARTINELLI, Martín. El apartheid em Palestina e Israel, una analogia com Sud África. *Revista Claroscuro*, n. 20, 2021.
- MARX, Karl. Prefácio à Crítica da Economia Política. In: *Pensadores*. São Paulo: Editora Abril, 1974.
- MARX, Karl. *Manuscritos Econômicos e Filosóficos*. São Paulo: Boitempo, 2009.
- MARX; ENGELS. *The German Ideology*. 2022 [1947] Available at: <https://foreignlanguages.press/wp-content/uploads/2022/11/C37-The-German-Ideology-Marx-1st-Printing-FINAL.pdf>. Accessed 02 March 2025.
- PASOLINI, Pier Paolo. *Genocide*. In: *Corsair Writings*. 1974. Available at: <https://files.libcom.org/files/Corsair%20Writings%20%E2%80%93%20Pier%20Paolo%20Pasolini.pdf>. Accessed 02 March 2025.
- PASOLINI, Pier Paolo. *O genocídio*. Translated by Anita Helena Schlesener. *Revista Germinal: marxismo e educação em debate*. V. 14, n. 2, p. 706-710, 2022.
- RANCIÈRE, Jacques. *Hatred of democracy*. London; New York: Verso, 2014. Available at: <https://archive.org/details/hatredofdemocrac0000ranc/page/6/mode/2up/>. Accessed 27 June 2025.
- SAID, Edward W. *La question Palestina*. Mondadori-Debate. 1992.
- SANTOS, Antonio C.; PIRES, Cecília; HELFER, Inácio (Orgs.). *História e Barbárie*. Aracaju: Editora UFS, 2009.
- SOREL, Georg. *Reflexões sobre a Violência*. São Paulo, Martins Fontes, 1992.
- TRAVERSO, Enzo. *Gaza faces History*. New York: Other Press, 2024.
- TRINDADE, Antonio Augusto Cançado. *Princípios do Direito Internacional Contemporâneo*. Brasília: FUNAG, 2017.

Irene Sotiropoulou\* International law: A legal system like no other and its restitution in Palestine

ABSTRACT

The article investigates international law as a legal system that is decentralised, has been co-opted by colonial powers but it now sheds the co-optation institutions and rhetoric, because the resistance in Palestine and their allies followed the structure of this law in order to be enforced.

The article uses basic law theory to explain how a legal system without established enforcement works and why the failure of the UN's system to prevent the genocide in Palestine was an in-built characteristic of the organisation but not of the legal system. The study focuses on resistance and its function in international law and how the rules concerning resistance not only provide pathways for success to the oppressed but also support the legal rules to be truly implemented. Resistance in the Eastern Mediterranean separated the legal system from its co-opted representations and offered a material chance of restoring it.

KEYWORDS

international law  
decentralised  
Palestine  
Yemen  
law theory  
resistance

*Old ideas have a capacity for revival in new guises.*  
Muthucumaraswamy Sornarajah, 2006

INTRODUCTION

One of the major gifts to the oppressed of this world by the Palestinian people and their resistance has been the restitution of what we call international law<sup>1</sup> to a state of existence that it had decades if not centuries to see. Despite some statements that international law is dead<sup>2</sup>, it is alive and kicking even by the most conservative understanding of it. Or, when someone says that international law is a fraud<sup>3</sup> that we should better forget about, one can also observe that still for a (supposedly) imperial fraud, this legal system does not stop being in the thoughts and comments of many.

In this study I explore some basics about this legal system and its functions concerning resistance to occupation and colonialism and how the resistance in Palestine and its allies created a historical breakthrough, a once-in-a-thousand-years legal possibility to get rid of several serious co-optations this legal system suffered from lately<sup>4</sup>.

This study is written from the perspective of the Mediterranean tradition but that does not mean this tradition is the only one. That western European colonials were mostly familiar with it and co-opted and misused this tradition does not make it better and by no means did this co-optation help it to evolve. The effort by the Global South to establish some universality of international law from the point of view of the oppressed<sup>5</sup> reflects more variability in legal traditions than the Eurocentric universality we see in mainstream legal discourse.

Section two explains some basic notions and section three deals with international law as a decentralised legal system. Section four discusses how co-optation by centralisation failed and section five presents some basics about the right of resistance. Section six discusses how international law returns to its original decentralised design. Conclusions are presented in section seven.

2. SOME BASIC NOTIONS

When we talk about law, we mean rules or demands by a collective that are obligatory and enforceable and the collective thinks of them as important enough to be enforceable. If there are laws, we mean that if someone does not want to abide by it, we have

means, but also entitlement, to make that person abide by the rules. Or, at least, to make all others abide by the law, even if one person broke it.

Enforcement means violence, but it does not necessarily mean physical violence although in most sets of legal rules there is this threat, even if symbolic. Depending on the seriousness of the rule that is broken, a certain type of violence is ascribed to be used. The use of extensive violence for the implementation of a rule also goes in the reverse direction; if the punishment is seen as severe, this gives information to the collective about the priorities of the legal system – what the rules protect most.

Very often we see critiques about international law that it is impossible to be implemented<sup>6</sup>. In other cases, we see it be conflated with soft law, i.e. a set of rules that are adopted and implemented for political purposes by the legal subjects on their own initiative. There is soft law in international law and its importance is extensive because a lot of norms are adopted on an experimental or trial-and-error basis before becoming accepted as binding rules<sup>7</sup>. Soft law in the international realm can emerge because states don't want to relinquish sovereignty; because some international actors want to become role models or build reputation by using cultural or economic power to contrast with the states that prefer not to have any rules about an activity; or because there is pressure by social movements and the states offer a compromise, i.e. to recognise the legal good that needs to be protected but assign no obligatory rules to that protection. Still, soft law can become very much implemented and well enforced when power relations are such that those who have an interest in a soft rule can impose repercussions to those who don't abide by it.

However, when we talk about human lives, we have no luxury to have soft law about it. We cannot say and literally no one ever said "oh, we have a soft law that it is better not to commit genocide and it depends on each state's good will to abide with it". In legal terms, we have obligatory law, *ius cogens*<sup>8</sup>, which is customary and inescapable, i.e. no one can say "I did not agree to this rule, so I am not obliged to respect it".

What is the use of having obligatory rules if they are not respected?. This is a crucial debate of legal theory and holds for all legal systems. It is interesting to see statements of the logic "if rules are violated in international law, it does not exist" while no one would dare to say about national legal systems that if someone violates the prohibition of murder, the legal system and the prohibition don't exist<sup>9</sup>. Therefore, we both have law on an international level and all the important rules of it are obligatory.

\* Irene Sotiropoulou is an independent scholar and holds a law degree (University of Athens), a degree in Turkish and Modern Asian Studies (University of Athens), a Masters degree in International and European Studies (University of Athens), a Postgraduate Diploma in Development Economics (University of Manchester), and a PhD in Economics (University of Crete).

1 This study is about public international law, i.e. the international law referring to sovereignty, governance, human rights, war and peace, diplomacy and international agreements, use of common resources, law of the sea, international trade. The private international law, that deals with issues and disputes between individuals or between states acting as individuals and refers to cases that have more than one jurisdiction involved is still international law but deals with private matters, or public issues that appear as private matters in legal terms, e.g. private property of a state in another country.

2 Hindi, Ata R. International Law is Dead. Third World Approaches to International Law Review – Extra, 20.11.2023, accessible at <https://twailr.com/international-law-is-dead/>; Kinstler, Linda. Are we witnessing the death of international law?, The Guardian, 26.7.2025, accessible at <https://www.theguardian.com/law/2025/jun/26/are-we-witnessing-the-death-of-international-law>

3 Le Boeuf, Romain. Of Doubts and Confusions, European Journal of International Law, 32 (4), pp. 1361–1363.

4 When I say lately, I mean the last 500 years at least, but in terms of this legal system's (known) history, it is really a recent time (Neff, 2003; Koskenniemi, 2011; Onuma, 2000; Koh, 1996).

5 Eslava, Luis & Pahuja, Sundhya. Between resistance and reform: TWAIL and the universality of international law. Trade, law and development, 3(1), 2011, pp. 103–130; Rajagopal, Balakrishnan. International law and the development encounter: Violence and resistance at the margins. In Proceedings of the ASIL Annual Meeting vol 93. Cambridge University Press, 1999, pp. 16–27.

6 Goldsmith, Jack L. & Posner, Eric A. The Limits of International Law Fifteen Years Later, Chicago Journal of International Law, 22(1), 2021, Article 10; Goldsmith, Jack L., & Eric A. Posner. The limits of international law. Oxford University Press, 2005. Guzman, Andrew T. & Timothy L. Meyer. International soft law. Journal of Legal Analysis, 2 (1), 2010, pp. 171–225.

7 Koh, Harold Hongju. Why Do Nations Obey International Law?, Yale Law Journal, 106, 1996, pp. 2599–2659; Guzman, Andrew T. & Timothy L. Meyer. International soft law. Journal of Legal Analysis, 2 (1), 2010, pp. 171–225; Shelton, Dinah L. Soft Law, in Handbook of International Law. Routledge Press, 2009, pp. 68–80.

8 In Latin it means the law that drives or keeps in the right path, the law that constrains.

9 D' Amato, Anthony. Is international law really law. Northwestern University Law Review, 79, 1984, pp. 1293.

Before discussing enforcement and compliance we need to clarify that 'nation' in the 'international' word is a quite modern notion, going together with the rise and establishment of nation states in Europe. I often use the term 'intercommunity law' which is more accurate because it shows that this legal system does not necessarily presuppose states. It also shows that this legal system understands that a conflict between two communities in the same territory cannot be hidden under the label of the nation (state). This is why we have international legislation about protection of minorities and of Indigenous communities. That 'nation' is often thought of as not encompassing minorities or Indigenous peoples<sup>10</sup>, shows how problematic the 'international' term is. This discussion, however, would deserve a separate study and I will keep using the term 'international' here for the sake of communication.

In usual international law theory, the state as subject of the legal system is accepted to be the default. Yet, if one examines the rules of international law as such, one sees that groups (communities) or individuals are also subjects of international law. When for example, we talk about law of war or the prohibition of genocide, or of the law of the sea, private individuals, enterprises, and groups have an obligation to implement international law. In many cases, this functions as an obligation imposed by international law against rules or orders that the individuals and groups might receive by their employer, supervising officer or state.

Another example is the right of resistance: in practice it exists only for humans<sup>11</sup>, but not for states although we might say for example, "Iraq resisted USA aggression". The statement is still good enough and does not make the resistance less legal or the legality untrue. If we want to be absolutely precise, we say that states have a right to defence. They can also support their people to wage resistance. Still, resistance is conceptualised as a collective human right, not a right of institutions<sup>12</sup>. The centrality of resistance in international law proves how much the subjectivity of states is not the default. That in public discourse this legal system is being presented as state-induced, managed and controlled, has more a political and historical explanation rather than an actual structural basis in the legal system itself and its rules.

### 3. A DECENTRALISED LEGAL SYSTEM

International law is structured to not be dependent on states because it is decentralised by design. That makes it function in a very different way to how most national legal systems work. A decentralised legal system is one that does not assign mo-

nopoly of violence for legal enforcement to a central authority. In most national legal systems this role is undertaken by states with their judiciary, policing and punishment implementation institutions, like jails, fines, or deprivation of certain rights.

Decentralised systems don't usually have any permanent service for law implementation. Nevertheless, just like any legal system, they have people who develop legal expertise that can be used, paid or unpaid, in dispute resolution (professional job or unremunerated community service) when needed. What is missing is the permanent institutionalisation of the roles.

If one looks into the decentralised structure of international law, one will see that in some analyses this decentralisation is often accompanied by the label "primitive"<sup>13</sup> or "anarchy"<sup>14</sup> with a negative meaning for both words. This negative depiction would be enough to set off the alarm that there is something in this structure that does not fit the needs of colonialism.

Colonial perceptions of law 'see' legal systems that are written, centralised and hierarchical. Hence, when a legal system is oral, decentralised and without a pyramidal structure of legal implementation, those same colonial perceptions don't see the legal system as such. In that way, many extremely old, complex and effective legal systems of Indigenous peoples are erased as inexistent even if they very much exist<sup>15</sup>. When colonial perceptions - whether they come from an empire or from its poor cousin, the nation state - cannot get rid of those legal systems by erasure or destruction, they impose rules to eradicate the material basis of the local legal system, and they do a good deal of propaganda against it.

This does not mean that survivors of colonialism and postcolonial arrangements do not also express local and regional legal thought or that legal systems in the Global South do not contain the results of successful social and anticolonial struggles in the legal realm. However, one thing is the agency and brilliance of those who resisted colonial legal systems and another thing is the core structure of a legal system that is the default in a state territory. To that one could add epistemological colonialism and the dilemmas scholars have to make when they learn a field and when they try to develop it. That the crime-against-humanity of colonialism led to hybrid legal systems today in both Global South and Global North should be very carefully taken into account. Colonial legal systems<sup>16</sup> have been very pervasive and in combination with economic and political power are still affecting the lives of most people today because they tend to be the legal systems that are taken as templates for constructing official legal orders, even if the rules received pressures to

improve. That other legal systems survived in parallel to those, whether recognised by states or not, does not change the fact of colonial legal rules persisting as well<sup>17</sup>.

International law is one among many decentralised, oral, customary legal systems but it is quite different because it does not have rules to interfere with everyday life of families, production, businesses, or administration of a community. For example, it does not have any obligatory rules about marriage and divorce or whether the productive enterprise should be owned by its workers or by a capitalist.

As a consequence, international law does not have a preference for a certain social, economic or political system, although we can detect propensities. However, we should bear in mind that if genocide is prohibited, then ecocide is prohibited too. If human rights are *ius cogens* then the treatment of workers in the companies that don't pay them enough to survive or don't have adequate health and safety measures is obviously and undisputedly illegal, irrespective of the claim by the local state or the powerful transnational corporation that 'have their own rules'.

So international law makes it acceptable to have almost any system, provided that you abide with *ius cogens*<sup>18</sup>. It also makes it clear that you cannot hide behind an ideologically progressive label and violate *ius cogens* because you are supposedly progressive and your victims are conservative. The freedom of any community to arrange for its affairs has limitations set by international law itself.

### 4. THE ATTEMPT TO CENTRALISE A DECENTRALISED LEGAL SYSTEM

Given that in decentralised legal systems there are no specialised groups who implement the law, everybody is obliged and entitled to implement the law. This means that the victims of a crime are not seen as unable to understand justice or too emotional to make decisions about it. Not only the victims but everyone has an obligation to implement the law and make others implement it. Some approaches, especially the ones that see decentralised systems as primitive, declare that this arrangement brings too much violence and makes violence an endless cycle<sup>19</sup>. They say that centralising the implementation of law leads to less violence and better law implementation, given the specialisation of the people who work in the entire law enforcement system<sup>20</sup>. Obviously, anyone can reflect on the centralised legal system they know, and decide whether it brings less violence and more objective legal implementation.

I will use the example of international law, which, despite being decentralised, was submitted to centralisation in the last one and a half centuries or so. That the centralisation failed again and again did not persuade many theorists, let alone politicians to admit the failure and ask for organising the legal system as it is structured, i.e. in a decentralised manner<sup>21</sup>.

Apart from the failure of the centralising effort however, that same effort has been an insidious co-optation of the legal system.

As any first-year law student learns, law is an education tool. Hence, the creation of the United Nations (and of the League of Nations before it) was used to educate that instead of the disorganised (or "disorganised") world we had some centuries ago, we now have a centralised institution with the Security Council leading and thanks to it we now have less violence on international level.

The reality is very different and needs no explanation, especially after the last 24 months. But even much earlier than that, we could see why the UN was not able to prevent any genocide. Instead, it was the UN that gave some appearance of legality to the colonisation of Palestine and the genocide of the Palestinian people<sup>22</sup>.

Despite the practical and theoretical efforts to centralise international law, it was impossible to erase, distort or ban the basic principles of it, which literally allow wronged peoples to turn against their oppressors and resist the injustice and oppression inflicted upon them. The rights to defence and to resistance were not touched, with the great support and persistence of the anticolonial movements of the Global South. It also helped that no empire could deal with the right to resist oppression, occupation and colonisation because you cannot ban a customary right at will<sup>23</sup>.

What western colonialism tried to do was to create a parallel legal system that was as the colonial powers liked it: centralised, written and in appearances too sophisticated for everyday people to understand, so that they could be easily silenced about it by experts and "experts".

The other thing the colonials did was to transfer the focus on that co-optation system and forget conveniently that the decentralised, oral and customary legal system never ceased to exist, nor any empire ever had the power to make it disappear. The discussion of turning an oral law into written law is huge and goes beyond the scope of this study but the main idea is that nation states tried to ban customary laws by issuing laws like "all

<sup>10</sup> Smith, Andrea. Against the Law: Indigenous Feminism and the Nation-State. In G.Coulthard, J.Lasky, A.Lewis, & V.Watts (Eds.). *Affinities: A Journal of Radical Theory, Culture, and Action* 5(1) Special Issue on Anarch@Indigenism, 2011, pp. 56-69.

<sup>11</sup> Depending on the cosmology or legal tradition one uses as a basis to read international law, the right of resistance might exist for non-human living creatures too.

<sup>12</sup> Blunt, Gwyllim David. Is there a human right to resistance? *Human Rights Quarterly*, 39 (4), 2017, pp. 860-881; Buchanan, Ruth. Writing Resistance into International Law. *International Community Law Review*, 10 (4), 2008, pp. 445-454; Chimni, Bhupinder S. Third World Approaches to International Law: A Manifesto. *International Community Law Review*, 8, 2006, pp. 3-27; Acquaviva, Guido. Subjects of International Law: A Power-Based Analysis. *Vanderbilt Journal of Transnational Law*, 38 (2), 2005, pp. 345 - 396; Menon, Phillip K. The International Personality of Individuals in International Law: A Broadening of the Traditional Doctrine. *Florida State University Journal of Transnational Law & Policy*, 1 (1), 1992, pp. 151-182; United Nations. *United Nations Charter*. 1945. Accessible at <https://www.un.org/en/about-us/un-charter/full-text>

<sup>13</sup> Watanuki, Ryo. Interdependency between 'Primitiveness' and 'Change' in International Law: International Law of Self-Defence and the Overuse of 'Exception' after September 11. *The Journal of Social Science*, 80, 2015, pp.37-65.

<sup>14</sup> Erakat, Noura. Justice for some - Law and the question of Palestine. Stanford: Stanford University Press, 2019, pp. 11-20; Helal, Mohamed. *Anarchy, Ordering Principles, and the Constitutive Regime of the International System*. *Global Constitutionalism*, 8 (3), 2019, pp. 470-505; D' Amato, Anthony. Is international law really law. *Northwestern University Law Review*, 79, 1984, pp. 1293.

<sup>15</sup> De Vos, Hugo, Boelens, Rutgerd & Bustamante, Rocio. Formal Law and Local Water Control in the Andean Region: A Fiercely Contested Field. *Water Resources Development*, 22 (1 - March), 2006, pp. 37-48.

<sup>16</sup> When I say colonial law I mean the law of the colonisers. I cannot blame the colonised and their scholars who in order to survive have to negotiate with the coloniser in legal terms. This creates the peculiar situation in which everyone contributes to the colonial law (the colonised most than anyone, with land, resources, legal thought and their mere work that is appropriated by the colonisers) but it still remains a legal system that reproduces the coloniser at the expense of the colonised.

<sup>17</sup> Bazán, Cesar. Decolonising legal theory: The rule of law and the legalisation of legal pluralism, *Via Iuris*, 36, 2024, pp. 37 - 67; Davies, Margaret. Decolonising (and) legal pluralism. *Journal of Law and Society*, 2025; Himonga, Chuma & Diallo Fatimata. Decolonisation and Teaching Law in Africa with Special Reference to Living Customary Law *Potchefstroom Electronic Law Journal - Potchefstroomse Elektroniese Regsblad*, 2017, 20 (1); Krishnan, Eesvan. Decolonising the Common Law: Reflections on Meaning and Method. *Auckland University Law Review* Vol 26, 2020, pp. 37-53; Malkani, Bharat. Legal pluralism, decolonisation and socio-legal studies. *Journal of Law and Society* (2025); Monaghan, Osca. Indigenous lawyering - Colonial Legal Formations and Decolonial Manoeuvres. In N.Watson & H.Douglas (eds), *Legal education through an Indigenous lens*, 2024, Routledge, pp. 23-38; Ruska, Pekeri & Nielsen, Jennifer. Decolonizing the common law - Beyond Colonial Thinking. In N.Watson & H.Douglas (eds), *Legal education through an Indigenous lens*, 2024, Routledge, pp. 151-168.

<sup>18</sup> That we could and should have a debate about intercommunity law in times of climate crisis and collapsing capitalism and whether some economic practices must be prohibited just like slavery is prohibited (although as a practice it is very extensive) is something that I support but goes beyond the scope of this study.

<sup>19</sup> D' Amato, Anthony. Is international law really law. *Northwestern University Law Review*, 79, 1984, pp. 1293.

<sup>20</sup> McCrary, Justin & Premkumar, Deepak. *Why We Need Police*, in T.R.Lave & E.J.Miller (eds) *The Cambridge Handbook of Policing in the United States*, Cambridge University Press (2019); Miller, Eric J. The concept of the police. *Criminal Law & Philosophy* (2023) 17, pp. 573-595.

<sup>21</sup> Rostow, Nicholas. *International Law and the Use of Force: A Plea for Realism*. *The Yale Journal of International Law*, 34, 2009, pp. 549-557.

<sup>22</sup> Foda, Ezzeldin. Israeli belligerent occupation and Palestinian resistance in international law. Beirut: PLO Research Center, 1970, pp. 25-30; Sayegh, Fayez A. *The United Nations and the Palestine Question*. Beirut: PLO Research Center, 1996.

<sup>23</sup> Wood, Michael. International law and the use of force: What happens in practice? *Indian Journal of International Law*, 53, 2013, pp. 345 - 367.

customs that go against this law are now void". This was impossible and rather unthinkable concerning international law. One reason is that the Global South would not accept it, although the anticolonial movements were those that persisted in the written recording of the law of war, particularly with the protocols of Geneva of 1977<sup>24</sup>.

The oppressed understand that writing the laws makes them accessible but also they did not want to limit the protection international law gives to the oppressed and the vulnerable<sup>25</sup>. Example: the definition of genocide in the Geneva Convention on the Prevention and Punishment of the Crime of Genocide (1948)<sup>26</sup> is the minimum limited definition that does not preclude more protection from customary law. Methods of genocide not mentioned in the Convention are very much covered by the oral customary prohibition of genocide no matter how the crime is committed, e.g. with cultural destruction<sup>27</sup>, with ecocide or with artificial intelligence tools killing the political, academic and cultural leaders of a people. The oral prohibition covers what the written convention does not cover and what any future better conventions will not be possible to cover and predict.

In the same way the decentralisation in resistance was not changed in legal terms, although in practical terms it depends on the resources of the oppressed and on their ability to form alliances, as we learned at the law school. Yet, the colonial west and its theorists tried to muddy the waters by conflating the legal term of resistance with the political term of terrorism<sup>28</sup>. However, it was not easy to change the fact that bombing and occupying another country is aggression prohibited by both unwritten and written international law. This is why most imperial aggressions since 1945 did not have any sanction or cover by the UN.

That misinformation through political discourse, mass media and the arts can create false perceptions about a legal system means that many people might think they know how it works while they don't. This holds for both supporters and haters of international law and for both supporters of the oppressed and of the oppressors.

However, there is a category of people who cannot afford not to know international law very well: the oppressed<sup>29</sup>. If you are oppressed and your life and the lives of your community are in danger, you cannot afford to take any propaganda about international law at face value. You need to resist oppression, so you know that you need a legal framework that will ensure that your resistance is not futile.

Resistance is a means, a tool, that will enable you and your effort to have the result you need: become free from oppression. The

question is not whether resistance is legal but whether people will be able to liberate themselves and not be forced to live in resistance for ever. The oppressors try to present their violence as legitimate so that the resistance violence is presented as prohibited and the oppression is normalised. The question is how to implement a legal system, so that the oppressed don't live anymore in this situation, i.e, how to denormalise oppression and how resistance will be successful<sup>30</sup>.

International law is exactly the legal framework that understands the need of the oppressed to stop oppression.

In all societies or communities we have laws to stabilise an arrangement without resorting to violence all the time. This is why when a legal system normalises oppression as legal we talk about systemic violence because everything seems non-violent to all observers unless you are the oppressed.

The supporters of centralised systems often tell us that if we don't centralise the legal system the powerful will always try to use violence to oppress the weak. What they don't want to discuss is that centralised legal institutions are very easy to be controlled and co-opted by the powerful. By centralising law enforcement, the oppression can very easily be legitimised by the very people who are supposed to stop it.

The situation with international law right now is a burning example of the centralised UN institutions that don't really want to stop genocides: a paralysed General Assembly that hides behind a colonial Security Council and does not call for a general mobilisation to protect people in Palestine and Sudan; international judges who delay investigations, warrants, rulings for years while the genociders kill hundreds every day; and politicians and experts who explain that this is the procedure, this is the legal system and we have to wait.

International law is saying, do what you can to stop the massacres as soon as possible. Use any means, economic or even military, to deter the genociders, stop supplying them with weapons and fuel, use universal jurisdiction to persecute war criminals, seize the assets of those who participate in the crime, deprive the criminals of their means of destruction.

Decentralising judiciary procedures is the default in this legal system but we don't discuss this enough and even less do we discuss the rationale of the decentralisation. How possible is it to blackmail, threaten, or buy out a dozen of judges in an international court and how possible is it to do the same with all judges everywhere?

Decentralising legal action also allows citizens to try to stop the genocide their governments commit, by using legal procedures, protests or direct action permitted or even demanded by international law. In a sense, the decentralisation means that if corruption exists among the elite of governance and judiciary, the resources of the powerful will never be enough not only to buy out but not even to predict where resistance and justice will emerge.

Lack of predictive capacity for the oppressors is really the basis of their demise. No centralised system will ever allow us to deprive them of their knowledge about who will be the dishonest law implementer. The genociders' rage against Yemen or against students in the USA universities shows exactly how much they could not anticipate who will take a stance. Think about the most striking example the last two years: Yemen is a master teacher and executive of international law because Yemen understands how it works. The Yemeni people, survivors of genocide themselves, understand they don't need anyone's permission to stop a genocide or to defend their community.

## 5. THE RIGHT TO RESISTANCE IN A DECENTRALISED LEGAL SYSTEM

First, one doesn't need anyone's permission, approval or legitimisation statement to resist oppression, whether it is by one's own state, or by an invader, temporary or coloniser. Even if the entire world supports one's oppressor, legally one doesn't need anyone's permission to resist. The law gives it to the oppressed. In practice, it is important to build coalitions, given that the obligation of other people, groups and states to support a resisting people is as much enshrined in international law as the right of resistance itself<sup>31</sup>. But coalitions don't create the right to resist. The alliances make the right to resistance easier to use, but the right will exist whether you have allies or not and whether your resistance succeeds or not. The right will especially exist if your resistance does not immediately succeed, hence you need to try once more.

Second, the decentralisation of implementation legitimises the alliances of the subalterns. So, if the Lebanese people want to support the Palestinian resistance, they don't need permission from anyone (unless the Palestinian resistance refuses the help) to provide support. Neither the Lebanese state, nor the UN nor anybody else can delegitimise the alliance with the colonised people of Palestine who resist.

In other words, international law, by legitimising the enforcement of law by everyone, essentially says 'alright, maybe the subalterns have less power, but legally they have enough rights so that they resist in an organised manner'. The perception that we cannot do anything until the police and the judge take over does not exist in a decentralised system.

This is also the big vulnerability or weakness of the decentralised system, just like it is its strength. If the people who share a common legal system<sup>32</sup> do not want to get busy with tackling injustice there is no one to help the oppressed. The legal system exposes the decision of the community members to stop or not stop a crime by seeing their action or inaction as their legal position because they don't depend on the decision of a court to do the right thing.

Third, the structure of distributing rights of violence like this means that the powerful cannot ever be sure that what they see as submission and paralysis is the real situation. Legally the oppressed can wage resistance, even armed resistance, to injustice any time. If there is no required procedure for them to wage resistance or form alliances, it means that all oppressions are not only illegal but also politically precarious. It is a huge service to liberation that the international law builds in its system the unpredictability and independence of resistance. Without needing any country, organisation or tribunal to confirm that one's resistance is legitimate, the oppressors cannot control legitimisation of resistance.

In practice the oppressors can do that to some extent, with the resources, propaganda, blackmails and allies they (oppressors) accumulate. Still, it is one thing to persuade the world to believe that the Palestinians need anyone's approval to wage resistance and another thing to make the approval legally necessary. The perception of so many progressives in the West since October 2023 that the resistance must be of certain ideology, must write texts appealing to the cultural needs of the West, or that it must follow a certain pathway to get legitimisation is not supported by international law.

Fourth, some people, including experts<sup>33</sup>, even supporters of Palestine, see resistance as an exception in international law and to the general ban on aggression. They copy for this, the legal construction of self-defence in national laws and even the delimited character of the right of resistance when it is integrated in national legal systems. However, even the national patriarchal, capitalist, centralised, hierarchical legal systems needed to copy rules from the decentralised ones, in order to avoid absurdities in legal structure but also in order to prevent social unrest. Unfortunately, it is more possible to see police brutality or domestic violence be acquitted as self-defence than acquit protesters or domestic violence victims for their actual self-defence.

International law gives the right to self-defence to everyone who is aggressed and the right to resistance to everyone who is oppressed without any prerequisite of exhausting other legal means or of fulfilling any terms and conditions when and how and under which banner the resistance will be waged<sup>34</sup>. Therefore, the Palestinians did not need to exhaust peaceful means of dispute resolution in order to be legal in their resistance, while their people were and are killed. That they indeed used all means

24 Alexander, Amanda. Revolutionary War and the Development of International Humanitarian Law. In B.Cuddy & V.Kattan (eds) Making endless war: The Vietnam and Arab-Israeli conflicts in the history of international law. Ann Arbor: University of Michigan Press, 2023, pp. 112-144; Erakat, Noura. Justice for some - Law and the question of Palestine. Stanford: Stanford University Press, 2019, pp. 107-117; see also Additional Protocol (I) to the Geneva Conventions, 1977, relating to the protection of victims of international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

Additional Protocol (II) to the Geneva Conventions, 1977, relating to the protection of victims of non-international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

25 King, Charles R. Revolutionary War, Guerilla Warfare, and International Law. Case Western Reserve Journal of International Law, 4, 1972, pp. 91-123.

26 Geneva Convention on the Prevention and Punishment of the Crime of Genocide, 1948. Accessible at [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

27 Novic, Elisa. The concept of cultural genocide - An International Law Perspective. Oxford: Oxford University Press, 2016.

28 DeFabo, Vincent. Terrorist or Revolutionary: The Development of the Political Offender Exception and Its Effects on Defining Terrorism in International Law. American University National Security Law Brief, 2 (2), 2012; Marsavelski, Aleksandar. The crime of terrorism and the right of revolution in international law. Connecticut Journal of International Law, 28, 2013, pp. 241-295.

29 Kearney, Michael. Lawfare, legitimacy and resistance: The weak and the law. The Palestine Yearbook of International Law, 16, 2010, pp. 79-130; Sornarajah, Muthucumaraswamy. Power and justice: Third World resistance in international law. Singapore Year Book of International Law, 10, 2006, pp. 19-57.

30 Brett, Peter. Revolutionary legality and the Burkinabè insurrection. Journal of Modern African Studies, 59 (3), 2021, pp. 273-294.

31 Ghasemi, Golamali. The Palestinian People's Right to Armed Resistance from the Perspective of International Law. Iranian Journal of International and Comparative Law, 2 (1), 2024, pp. 6-22; Sornarajah, Muthucumaraswamy. Power and justice: Third World resistance in international law. Singapore Year Book of International Law, 10, 2006, pp. 19-57.

32 I could not find any good translation in English for "κοινωνία", as we say in Greek legal theory. The phrase means the people who share the same law, the same legal system and/or the same perception of justice or at least the understanding that their quest of justice is common and shared among them. In practice it is the members of the same community but in this phrase the community is made or perceived through the shared perception of what is right and what is wrong or what the aims of justice are.

33 See Razmetaeva, Yulia. The right to resist and the right to rebellion. Jurisprudence, 21(3), 2014, pp. 758-784. See also a brief history of the debate in Roberts, Adam. Resistance to military occupation: An enduring problem in international law. American Journal of International Law, 111, Symposium on revisiting Israel's settlements, 2017, pp. 45-50.

34 See also Caney, Simon. Responding to Global Injustice: On the Right of Resistance. Social Philosophy and Policy, 32 (1), 2015, pp. 51-73; Rostow, Nicholas. International Law and the Use of Force: A Plea for Realism. The Yale Journal of International Law, 34, 2009, pp. 549-557.

of peaceful protest<sup>35</sup> was their political choice and not a legal requirement.

In practice resistance is peaceful and a cornerstone of peace even if it is armed and uses violence. Why? Because there is no peace when there is oppression, occupation or colonisation. Restoring freedom and justice is the only pathway to peace. Resistance, armed or unarmed, is a legal tool to restore peace and maintain it<sup>36</sup>.

Fifth, that many oppressors, occupations and empires do use the rules of self-defence to claim legitimacy for their crimes does not make the resistance an exception to the rule of no aggression. Quite the opposite, it exposes all those who in front of the public acts and crimes don't take an equally public and clear stance. All those who claimed and still claim that the occupation in Palestine has a right to self-defence against the local people who live in a cage fool themselves if they think that the more they say it the more the facts will change. In October 2023 all permanent members of the UN Security Council said the same outrageous legal misinformation that the occupation has a right to self-defence against the people it occupies. Yet, this statement of the UNSC members<sup>37</sup> did not change neither the rules of international law<sup>38</sup>, nor the character of the occupation nor the fact that public crimes can be examined and named by everyone irrespective of what the most powerful say.

Therefore, the public character of international law and of the facts it deals with do not leave many margins for legal manipulation<sup>39</sup>. That in political or discursive terms many try to muddy the waters and create scripts that present a legal system in ways it is not<sup>40</sup> shows exactly the clarity of the law and how much for important issues it does not assign permission to anyone to doubt what rule applies once the facts are established.

Sixth, the resistance of a people does not need to fulfil the political, ideological, metaphysical or practical aspirations of any outsider. Outsiders don't have a say whether the resistance must be secular or religious, leftist or right wing, affine to one's favourite political group or not. The fact that there is oppression and there are outsiders who stand by instead of stopping it makes them unable to have an opinion about the resistance of a people or about the legitimization of that resistance.

That obviously people and governments around the world might have a preference for a type of resistance or for a specific resist-

ance group does not mean that international law can be inferred based on political, ideological, or opportunist sympathies and antipathies. International law does not distinguish between bad and good resistance, much less based on western political criteria<sup>41</sup>.

The only obligation the resistance has is to not commit war crimes. This practically says that fascists and nazis are not legitimate resistances, as you cannot plan, implement or promote genocides and be expected to be legal and legitimate.

Therefore, not all ideologies have a pass, and not all actions have a pass once some group self- defines as resistance or defence force. There are many historical examples in which the oppressors pretend to be victims or use the rules of self-defence to commit more aggression. Hence, international law looks at facts in order to decide who is who and who does what. You cannot have a people to whom self-determination is publicly and continuously denied and pretend that their colonisers are the victims in this situation<sup>42</sup>.

Seventh, law of war, i.e. one of the oldest and core sets of rules of international law, is clearly in favour of occupied peoples, especially in favour of resistance as action and resistance as people who try to keep their community alive and free. So, international law is not neutral at all. For international law the aggressor is already at fault and the entire legal system is structured to create a situation in which the aggressor is treated as such.

This is evident if we look at how international law treats occupying powers and resistance to them. For example, in terms of war crimes, the resistance can continue even if some combatants are brought to justice for war crimes because the right to resistance belongs to the occupied population and in all cases. In contrast, the occupation is not made legal and will never be legitimate to continue even if the occupying force complies with the law of war in running the occupied territories. That is, international law gives the right to resistance even if the occupying force is good in following the law of war. Because it is already an international crime to rule another society and possess their territories.

Moreover, resistance fighters and revolutionary movement combatants have permissions by international law that no other combatant enjoys<sup>43</sup>. The favourable treatment of resistance fighters by the law of war proves that the legal system recognises the imbalance of power between the two combating sides and tries to balance the deprived side with legal privileges that no regular army ever has.

Additionally, the invader or occupying force has an entire set of obligations to protect the occupied population, irrespective of whether there is resistance or not, irrespective if there is armed resistance and irrespective if the armed resistance is popular among the local population. The occupied population has no obligation to side with the occupier to have their lives and rights protected. As a sovereign people, they can both resist and support the resistance and still claim their rights to safety, freedom, justice and access to all goods and services they would have from their own state if it was not under occupation<sup>44</sup>. International law recognises that even if everyone supports the resistance there are by default population groups that cannot undertake combat, like the children, the elderly, people with disabilities and people who might have no training to do that.

By the way, throwing stones to the occupier's tanks is not combat, just like undertaking of civil protests of any type is not combat. When we talk about combatants, we talk about people who have access and proper training to use weapons according to the technological situation of the era and place.

Moreover, the civilians who might have weapons when allowed by international law to protect themselves, are still not combatants. For example, the personnel of healthcare facilities may have weapons for their own protection, because the occupying forces might attack a medical unit, even if the attack is prohibited by international law<sup>45</sup>.

It is virtually impossible to attack a hospital or medical vehicles legally because the prerequisites for such an attack are very strict and when the question is raised about an occupation attacking medical units, the question would rather be "why is the occupation there in the first place?". If there is no clear evidence, in advance, of the extensive military function of a medical unit, the unit is assumed to be a medical one, virtually saying that all attacks to medical units are war crimes at least (ar. 52 par 3 of Additional Protocol I 1977 to the Geneva Conventions).

To make sure that politicians, mass media or imperial experts don't bothside an occupation, international law systematically shifts the burden of proof on the attacker and if this is an occupier, then all the obligations to prove what is happening and who does what, are on the occupying force's side. This means that all war or civilian crimes against the population under occupation are assumed to be the responsibility of the occupier, unless proven otherwise. The occupier is also responsible for whatever happens to its own citizens or unarmed people they brought to live in the occupied territory, irrespective if they are settlers or are there for any other reason.

The occupying force is responsible to provide policing and judiciary services that will abide with human rights legislation, local and international. So, if an occupying force is detaining members of the population under occupation without a proper judiciary process or if it arms or weaponises common criminals to steal aid from the occupied population, these are all war crimes<sup>46</sup>.

## 6. RESISTANCE MOVEMENTS AS LAW MAKERS AND RESTORERS OF INTERNATIONAL LAW

If international law has such rules and structure, it then makes sense that so many people took to the streets everywhere and persist still in protesting for Palestine. It is interesting to observe not only the protests, the boycotts and the symbolic incursions on weapons factories, but also how on the internet everyday people know international law much better than their governments, academics, politicians and mass media personas. Palestine, its people, their resistance and their allies forced everyone to take a stance or at least become exposed for not taking one, but they also forced everyone to learn history and law.

We would need a separate study to discuss why worker classes know better international law than the elites<sup>47</sup>. Here we need to point out that the most oppressed, the wretched of the earth, not only know international law better than anyone else but they also teach it, especially the last 24 months in ways that surpassed any other academic text or expert analysis.

It is also interesting to see that despite the justified, grounded critique to international law by the Palestinians, their resistance and their allies, they carefully rebuild it the way it is supposed to be. There is a significant amount of theory in the statements of the Palestinian resistance and of their allies, in the statements of people in Gaza writing on social media, in the statements of all the oppressed trying to understand whether there is hope that the massacres will stop and how. And there are loads of theory in the praxis of the oppressed, which is literally what constitutes the rules of international law.

You might say that international law does not exist, and you might sit on your sofa whining why the world is like that, then continue not supporting the people in your community who block ports to stop arms trade. Or, you might say that international law does not exist but if you take it to the occupation with your bare hands and feet, you are the person who makes the legal system exist and be implemented. Resisting is what makes international law work, whether you like this legal system or not, whether you believe it exists or not.

35 National Lawyers Guild. Treatment of Palestinians in Israeli Occupied West Bank and Gaza. Report of the National Lawyers Guild 1977 Middle East Delegation. New York, 1978.

36 Quigley, John. The case for Palestine. Durham & London: Duke University Press, 2006, pp. 187-197; United Nations General Assembly. Definition of aggression. Resolution 3314. 14 December 1974.

37 China is until the moment the only permanent UN Security Council member that revised its position about the situation in Palestine and since January 2024 recognised the Palestinian resistance as legal.

38 Wilde, Ralph. Israel's war in Gaza is not a valid act of self-defence in international law. *Opinio Juris*, 9 November 2023. Accessible at <https://opiniojuris.org/2023/11/09/israels-war-in-gaza-is-not-a-valid-act-of-self-defence-in-international-law/>

39 The discussion however concerning revolution as such, i.e. resistance against a people's own rulers is not so definitive. There is no-one to deny that there is a right of resistance to invaders and colonisers, but concerning revolution the opinions differ (Keenan, 2011; Khan, 1987). However, saying that the right to resist oppression by own rulers does not exist brings all other international law basic rules in contradiction. For example, if a people cannot revolt against oppression, are they really sovereign? Why do they lose sovereignty if they have rulers? Why are their rulers the only sovereign in the country? and other contradictions that require a separate study to investigate.

40 Kumar, Vidya. On Scripts and Sensibility: Cold War International Law and Revolutionary Caribbean Subjects. *German Law Journal*, 21, 2020, pp. 1541-1569; Rajagopal, Balakrishnan. International law and the development encounter: Violence and resistance at the margins. In Proceedings of the ASIL Annual Meeting vol 93. Cambridge University Press, 1999, pp. 16-27; Sornarajah, Muthucumaraswamy. Power and justice: Third World resistance in international law. Singapore Year Book of International Law, 10, 2006, pp. 19-57.

41 See article 4 Geneva Convention IV relative to the protection of civilian persons in time of war, 12 August 1949. Accessible at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> and <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>; and the Additional Protocol I to the Geneva Conventions, 1977, relating to the protection of victims of international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

42 Falk, Richard. International Law and the United States Role in Viet Nam: A Response to Professor Moore. *Yale Law Journal*, 75, 1966, pp. 1122-1159; Quigley, John. Self-determination in the Palestine context. In S.M.Akram, M.Dumper, M.Lynk & I.Scobbie (eds) International law and the Israeli - Palestinian conflict - A rights-based approach to Middle-East peace. London & New York: Routledge, 2011, pp. 209-228.

43 King, Charles R. Revolutionary War, Guerilla Warfare, and International Law. *Case Western Reserve Journal of International Law*, 4, 1972, pp. 91-123; Foda, Ezzeldin. Israeli belligerent occupation and Palestinian resistance in international law. Beirut: PLO Research Center, 1970, pp. 101-148.

44 Ford, W.J. Resistance movements and international law. *International Review of the Red Cross* (1961-1997), 7, 1967, pp. 515-531; Yahia, Faris. The Palestine Question and international law. Beirut: PLO Research Center, 1970, pp. 179-186; Foda, Ezzeldin. Israeli belligerent occupation and Palestinian resistance in international law. Beirut: PLO Research Center, 1970, pp. 55-100; See also Geneva Convention IV relative to the protection of civilian persons in time of war, 12 August 1949. Accessible at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> and <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>

45 See the Additional Protocol I 1977, article 52 and first chapters, especially articles 12-15. Additional Protocol (I) to the Geneva Conventions, 1977, relating to the protection of victims of international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

46 See Geneva Convention IV relative to the protection of civilian persons in time of war, 12 August 1949. Accessible at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> and <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>; Additional Protocol (I) to the Geneva Conventions, 1977, relating to the protection of victims of international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf);

Additional Protocol (II) to the Geneva Conventions, 1977, relating to the protection of victims of non-international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf) 1977; Quigley, John. The case for Palestine. Durham & London: Duke University Press, 2006, pp. 198-205; Human Sciences Research Council. Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law. Middle East Project, Cape Town, 2009; Foda, Ezzeldin. Israeli belligerent occupation and Palestinian resistance in international law. Beirut: PLO Research Center, 1970, pp. 55-148.

47 Hammoudi, Ali. The conjunctural in international law: the revolutionary struggle against semi-peripheral sovereignty in Iraq. *Third World Quarterly*, 37 (11), 2016, pp. 2028-2046; Hinely, Susan. The Global "Parliament of Mothers": History, the Revolutionary Tradition, and International Law in the Pre-War Women's Movement. *Chicago-Kent Law Review*, 87, 2012, 439-461; Kearney, Michael. Warfare, legitimacy and resistance: The weak and the law. *The Palestine Yearbook of International Law*, 16, 2010, pp. 79-130; Sornarajah, Muthucumaraswamy. Power and justice: Third World resistance in international law. Singapore Year Book of International Law, 10, 2006, pp. 19-57.

A decentralised legal system based on material action could only suffocate in the UN system and in public statements that try to persuade workers they don't know enough and have to wait until some court somewhere tells them if a genocide is genocide and if a resistance is resistance. Workers know they don't have so much time as the Yemeni people proved.

That most countries in the world and most people still don't follow the example and teaching of the Palestinian and Yemeni and Lebanese and Iraqi people is indeed a failure but also two years ago everyone thought that international law is a joke. Now most people recognise the role of Yemen in its implementation, because they saw it with their own eyes. Two years ago, people thought that international law was made by the colonial powers and now they watch in real time the supposed creators of this legal system to be unable to destroy it, delete it from our thoughts or even explain it in a way that would delegitimise the resistance in Palestine. That oppression in the western colonial countries intensifies is because there is no argument to persuade the workers that international law is what the empire says and not what the resistance in Palestine says.

No matter how much the international courts delay their verdicts and irrespective of what the verdicts say, most people know to recognise a genocide, their own obligations, the obligations of their governments, the rights of the oppressed and the legal urgency to implement those rights. It is indeed a matter of resources and organising when the law will be implemented for good and the violence will stop. It is amazing that the more the colonials try to destroy international law the more people take a more radical stance about it and about what needs to be done in the case of Palestine, i.e. that the full sovereignty of Palestinian people must be restored, something that was not widely mentioned two years ago.

## 7. INSTEAD OF CONCLUSIONS: A COLLECTIVE DISCUSSION ABOUT INTERCOMMUNITY LAW

Restoring a legal system to function properly is not an easy task and it should not fall on the oppressed. It was and is the responsibility of all the rest to make the law work. International law has mechanisms of accountability that have many forms<sup>48</sup> that I could not present in this study. However, it also "knows"<sup>49</sup> that most people, when not harmed personally, will not resist the oppression of others, so the legal system has a structure in which those who make the law are those who resist. Those who resist are always the oppressed and among them the most oppressed are those who know that they have to implement the law or they are doomed.

Free Palestine is a legal claim, now seen everywhere, exactly because it encompasses the return to people's sovereignty, the claim for land back and the demand to implement the law of war. Palestinian people with their resistance, just like any other resistance and anticolonial movement in the past, showed how international law works and how legal systems work in general. It is not easy to go back now for example in the West, in a time

when the responsibility for colonial crimes was only a theoretical discussion. International law is now clearly in conflict with many national legal systems that persecute those who try to stop a genocide. The right to resist became again a central political issue<sup>50</sup> on international, transnational, national and intracommunity levels drawing rules, principles and examples from international law, because in some cases it is the only legal system available to resolve legal contradictions while a genocide is unfolding. The restoration of such a legal system is happening on so many levels that even the most optimist could not anticipate two years ago. It shows that we have a legal system that depends on the oppressed rather than the elites. Which means that academics, lawyers, and any other experts can only help but cannot lead the restoration of the legal system. That said, we need more collective action in international law rather than theory. When we take into account the decentralised character of the legal system, the decentralised character of theorising about it becomes clear. We should prioritise action if we are serious about upholding, learning and developing it ■

## ACKNOWLEDGEMENTS

I am grateful to the editors and reviewers of the Workers of the World-International Journal on Strikes and Social Conflict for their comments, advice and critique while I was working on improving a previous version of this study. All deficiencies of the paper are the sole responsibility of the author.

## REFERENCES

Acquaviva, Guido. Subjects of International Law: A Power-Based Analysis. *Vanderbilt Journal of Transnational Law*, 38 (2), 2005, pp. 345 – 396.

Additional Protocol (I) to the Geneva Conventions, 1977, relating to the protection of victims of international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

Additional Protocol (II) to the Geneva Conventions, 1977, relating to the protection of victims of non-international armed conflicts. 8 June 1977. Accessible at [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0321.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf)

Alexander, Amanda. Revolutionary War and the Development of International Humanitarian Law. In B.Cuddy & V.Kattan (eds) *Making endless war: The Vietnam and Arab-Israeli conflicts in the history of international law*. Ann Arbor: University of Michigan Press, 2023, pp. 112-144.

Bazán, Cesar. Decolonising legal theory: The rule of law and the legalisation of legal pluralism, *Via Iuris*, 36, 2024, pp. 37 – 67.

Blunt, Gwyllim David. Is there a human right to resistance? *Human Rights Quarterly*, 39 (4), 2017, pp. 860-881.

Brett, Peter. Revolutionary legality and the Burkinabè insurrection. *Journal of Modern African Studies*, 59 (3), 2021, pp. 273-294.

Buchanan, Ruth. Writing Resistance into International Law. *International Community Law Review*, 10 (4), 2008, pp. 445-454.

Caney, Simon. Responding to Global Injustice: On the Right of Resistance. *Social Philosophy and Policy*, 32 (1), 2015, pp. 51-73.

Chimni, Bhupinder S. Third World Approaches to International Law: A Manifesto. *International Community Law Review*, 8, 2006, pp. 3-27.

D' Amato, Anthony. Is international law really law. *Northwestern University Law Review*, 79, 1984, pp. 1293.

Davies, Margaret. Decolonising (and) legal pluralism. *Journal of Law and Society*, 2025.

De Vos, Hugo, Boelens, Rutgerd & Bustamante, Rocio. Formal Law and Local Water Control in the Andean Region: A Fiercely Contested Field. *Water Resources Development*, 22 (1 - March), 2006, pp. 37-48.

DeFabo, Vincent. Terrorist or Revolutionary: The Development of the Political Offender Exception and Its Effects on Defining Terrorism in International Law. *American University National Security Law Brief*, 2 (2), 2012.

Erakat, Noura. Justice for some – Law and the question of Palestine. Stanford: Stanford University Press, 2019.

Eslava, Luis & Pahuja, Sundhya. Between resistance and reform: TWAIL and the universality of international law. *Trade, law and development*, 3(1), 2011, pp. 103- 130.

Falk, Richard. International Law and the United States Role in Viet Nam: A Response to Professor Moore. *Yale Law Journal*, 75, 1966, pp. 1122-1159.

Foda, Ezzeldin. Israeli belligerent occupation and Palestinian resistance in international law. Beirut: PLO Research Center, 1970.

Ford, W.J. Resistance movements and international law. *International Review of the Red Cross* (1961-1997), 7, 1967, pp. 515-531.

Geneva Convention on the Prevention and Punishment of the Crime of Genocide, 1948. Accessible at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

Geneva Convention III relative to the treatment of prisoners of war, 12 August 1949. Accessible at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

Geneva Convention IV relative to the protection of civilian persons in time of war, 12 August 1949. Accessible at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> and <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>

48 See for example, King, Charles R. *Revolutionary War, Guerilla Warfare, and International Law*. Case Western Reserve Journal of International Law, 4, 1972, pp. 91-123; Or, Helmick, Raymond G. *Negotiating outside the law – Why Camp David failed*. London & Ann Arbor: Pluto Press, 2004.

49 I use international law as a subject in sentences but indeed I follow the usual understanding that if not stated otherwise a legal system is a collective creation. Especially about international law and its old core sections like law of war or law of the sea, we don't know when and who came up with the idea to create it. So after so many centuries of existence, violations and restorations, we can say that these old parts of this legal system contain some material knowledge, probably collective, stemming from the historical experience the rules encode. It does not mean that the knowledge is perfect, value free or not expressing a certain social antagonism.

50 Young, Robert J.C.. The right to resist. In A.Oboe & S.Bassi (eds) *Experiences of Freedom in Postcolonial Literatures and Cultures*. Routledge - Taylor & Francis Group, 2011, pp. 43-58.

Ghasemi, Golamali. The Palestinian People's Right to Armed Resistance from the Perspective of International Law. *Iranian Journal of International and Comparative Law*, 2 (1), 2024, pp. 6-22.

Goldsmith, Jack L. & Posner, Eric A. *The Limits of International Law Fifteen Years Later*,

*Chicago Journal of International Law*, 22(1), 2021, Article 10.

Goldsmith, Jack L., & Eric A. Posner. *The limits of international law*. Oxford University Press, 2005. Guzman, Andrew T. & Timothy L. Meyer. *International soft law*. *Journal of Legal Analysis*, 2 (1), 2010, pp. 171-225.

Hammoudi, Ali. The conjunctural in international law: the revolutionary struggle against semi-peripheral sovereignty in Iraq. *Third World Quarterly*, 37 (11), 2016, pp. 2028-2046.

Helal, Mohamed. Anarchy, Ordering Principles, and the Constitutive Regime of the International System. *Global Constitutionalism*, 8 (3), 2019, pp. 470-505.

Helmick, Raymond G. *Negotiating outside the law – Why Camp David failed*. London & Ann Arbor: Pluto Press, 2004.

Himonga, Chuma & Diallo Fatimata. *Decolonisation and Teaching Law in Africa with Special Reference to Living Customary Law Potchefstroom Electronic Law Journal – Potchefstroomse Elektroniese Regsblad*, 2017, 20 (1).

Hindi, Ata R. *International Law is Dead*. *Third World Approaches to International Law Review – Extra*, 20.11.2023, accessible at <https://twailr.com/international-law-is-dead/>

Hinely, Susan. The Global "Parliament of Mothers": History, the Revolutionary Tradition, and International Law in the Pre-War Women's Movement. *Chicago-Kent Law Review*, 87, 2012, 439-461.

Human Sciences Research Council. *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law*. Middle East Project, Cape Town, 2009.

Kearney, Michael. *Lawfare, legitimacy and resistance: The weak and the law*. *The Palestine Yearbook of International Law*, 16, 2010, pp. 79-130.

Keenan, Thomas. The Libyan uprising and the right of revolution in international law. *International and Comparative Law Review*, 11 (1), 2011, pp. 5-29.

Khan, Ali. *A legal theory of revolutions*. *Boston University International Law Journal*, 5 (1), 1987, pp. 1-28.

King, Charles R. *Revolutionary War, Guerilla Warfare, and International Law*. *Case Western Reserve Journal of International Law*, 4, 1972, pp. 91-123,

Kinstler, Linda. *Are we witnessing the death of international law?*, *The Guardian*, 26.7.2025, accessible at <https://www.theguardian.com/law/2025/jun/26/are-we-witnessing-the-death-of-international-law>

Koh, Harold Hongju. *Why Do Nations Obey International Law?*, *Yale Law Journal*, 106, 1996, pp. 2599-2659.

Koskenniemi, Martii. *Histories of international law: dealing with eurocentrism*. *Rechtsgeschichte – Legal History*, 2011, pp. 152-176.

Krishnan, Eesvan. *Decolonising the Common Law: Reflections on Meaning and Method*. *Auckland University Law Review Vol 26*, 2020, pp. 37-53.

Kumar, Vidya. *On Scripts and Sensibility: Cold War International Law and Revolutionary Caribbean Subjects*. *German Law Journal*, 21, 2020, pp. 1541-1569.

Le Boeuf, Romain. *Of Doubts and Confusions*, *European Journal of International Law*, 32 (4), pp. 1361-1363.

Malkani, Bharat. *Legal pluralism, decolonisation and socio-legal studies*. *Journal of Law and Society* (2025).

Marsavelski, Aleksandar. *The crime of terrorism and the right of revolution in international law*. *Connecticut Journal of International Law*, 28, 2013, pp. 241-295.

McCrary, Justin & Premkumar, Deepak. *Why We Need Police*, in T.R.Lave & E.J.Miller (eds) *The Cambridge Handbook of Policing in the United States*, Cambridge University Press (2019).

Menon, Phillip K. *The International Personality of Individuals in International Law: A Broadening of the Traditional Doctrine*. *Florida State University Journal of Transnational Law & Policy*, 1 (1), 1992, pp. 151-182.

Miller, Eric J. *The concept of the police*. *Criminal Law & Philosophy* (2023) 17, pp. 573-595.

Monaghan, Osca. *Indigenous lawyering - Colonial Legal Formations and Decolonial Manoeuvres*. In N.Watson & H.Douglas (eds), *Legal education through an Indigenous lens*, 2024, Routledge, pp. 23-38.

National Lawyers Guild. *Treatment of Palestinians in Israeli Occupied West Bank and Gaza*. Report of the National Lawyers Guild 1977 Middle East Delegation. New York, 1978.

Neff, Stephen C. *A short history of international law*. *International law* 3 (3), 2003, pp. 3-31.

Novic, Elisa. *The concept of cultural genocide - An International Law Perspective*. Oxford: Oxford University Press, 2016.

Onuma, Yasuaki. *When was the Law of International Society Born? – An Inquiry of the History of International Law from an Intercivilizational Perspective*. *Journal of the History of International Law*, 2, 2000, pp. 1-66.

Quigley, John. *The case for Palestine*. Durham & London: Duke University Press, 2006.

Quigley, John. *Self-determination in the Palestine context*. In S.M.Akram, M.Dumper, M.Lynk & I.Scobbie (eds) *International law and the Israeli – Palestinian conflict – A rights-based approach to Middle-East peace*. London & New York: Routledge, 2011, pp. 209-228.

Rajagopal, Balakrishnan. *International law and the development encounter: Violence and resistance at the margins*. In *Proceedings of the ASIL Annual Meeting vol 93*. Cambridge University Press, 1999, pp. 16-27.

Razmetaeva, Yulia. *The right to resist and the right to rebellion*. *Jurisprudence*, 21(3), 2014, pp. 758-784.

Roberts, Adam. *Resistance to military occupation: An enduring problem in international law*. *American Journal of International Law*, 111, Symposium on revisiting Israel's settlements, 2017, pp. 45-50.

Rostow, Nicholas. *International Law and the Use of Force: A Plea for Realism*. *The Yale Journal of International Law*, 34, 2009, pp. 549-557.

Ruska, Pakeri & Nielsen, Jennifer. *Decolonizing the common law - Beyond Colonial Thinking*. In N.Watson & H.Douglas (eds), *Legal education through an Indigenous lens*, 2024, Routledge, pp. 151-168.

Sayegh, Fayez A. *The United Nations and the Palestine Question*. Beirut: PLO Research Center, 1996.

Shelton, Dinah L. *Soft Law*, in *Handbook of International Law*. Routledge Press, 2009, pp. 68--80.

Smith, Andrea. *Against the Law: Indigenous Feminism and the Nation-State*. In G.Coulthard, J.Lasky, A.Lewis, & V.Watts (Eds.). *Affinities: A Journal of Radical Theory, Culture, and Action* 5(1) Special Issue on Anarch@Indigenism, 2011, pp. 56-69.

Sornarajah, Muthucumaraswamy. *Power and justice: Third World resistance in international law*. *Singapore Year Book of International Law*, 10, 2006, pp. 19-57.

United Nations. *United Nations Charter*. 1945. Accessible at <https://www.un.org/en/about-us/un-charter/full-text>

United Nations General Assembly. *Definition of aggression*. Resolution 3314. 14 December 1974.

Watanuki, Ryo. *Interdependency between 'Primitiveness' and 'Change' in International Law: International Law of Self-Defence and the Overuse of 'Exception' after September 11*. *The Journal of Social Science*, 80, 2015, pp.37-65.

Wilde, Ralph. *Israel's war in Gaza is not a valid act of self-defence in international law*. *Opinio Juris*, 9 November 2023. Accessible at <https://opiniojuris.org/2023/11/09/israels-war-in-gaza-is-not-a-valid-act-of-self-defence-in-international-law/>

Wood, Michael. *International law and the use of force: What happens in practice?* *Indian Journal of International Law*, 53, 2013, pp. 345 – 367.

Yahia, Faris. *The Palestine Question and international law*. Beirut: PLO Research Center, 1970.

Young, Robert J.C.. *The right to resist*. In A.Oboe & S.Bassi (eds) *Experiences of Freedom in Postcolonial Literatures and Cultures*. Routledge - Taylor & Francis Group, 2011, pp. 43-58.

**Sandra Pereira Vinagre\*** Nameless graves, regulated funerals, and cemetery erasure: Memoricide in Palestine

**ABSTRACT**

For more than half a century, Israeli authorities have withheld Palestinian bodies, burying them anonymously in concealed ‘cemetaries of numbers’. Drawing on legal records, forensic assessments and ethnographic research, this article documents systemic mismanagement that breaches the Geneva Conventions, the Hague Regulations and Israeli jurisprudence on the dignity of the dead, and examines restrictions on funerals and the erasure or repurposing of Palestinian burial grounds. Framed by necropolitics (Mbembe), necropolitical violence (Bargu) and grievability (Butler), it argues that these practices, by normalising sovereign control over death and mourning, constitute memoricide – the deliberate erasure of collective memory.

**KEYWORDS**

Palestine  
Memoricide  
Necropolitics  
Mourning

For decades, the State of Israel has withheld the bodies and human remains of Palestinians killed at different stages of the conflict, burying them in secret burial grounds located within closed military zones and therefore inaccessible to civilians. Both the total number of these sites and their precise locations remain unknown, apart from four that have been discovered (Abdallah 2022: 13-14). Palestinians refer to them as ‘cemetaries of numbers’, because each grave bears a numbered metal plate rather than a name. Israeli security authorities designate these sites ‘cemetaries of enemy combatants’, yet those buried there include not only combatants, honoured by Palestinians as martyrs, but also individuals labelled by Israel as ‘infiltrators’, that is, displaced persons who attempted to return to their homes or land after 1948 and who were arrested, imprisoned, and died in custody.

Israeli authorities generally do not inform families whether a person has died, nor do they notify relatives if that person has been buried in a ‘cemetery of numbers’. Many families are left in prolonged uncertainty, sustaining the hope that sons, husbands, brothers, or parents might one day return. This deliberate withholding of information disrupts mourning rituals, prolongs grief, and inflicts psychological harm on families and communities, effectively denying Palestinian and other Arab families the opportunity to perform funeral rites, to mourn publicly, and to visit the graves of their relatives.

Against this backdrop, the Jerusalem Legal Aid and Human Rights Center (JLAC) is an organisation dedicated to assisting Palestinian families in recovering the human remains of their relatives. In 2008, they launched The National Campaign to Retrieve War Victims and Unravel the Fate of Those Missing: We have Names, We have a Homeland (JLAC 2015). After a two-year legal struggle, a family succeeded, for the first time in six decades, in recovering the remains of a relative through a petition to the Israeli Supreme Court. The case concerned Mashhoor Al-Arouri, a fighter killed in 1976 during a resistance operation and buried in one of the ‘cemetaries of numbers’ (JLAC 2015: 30-33). The family waited 34 years to bury him, which illustrates both the profound human cost of Israel’s policy of withholding human remains and the broader political significance of reclaiming the right to mourn and honour the dead.

The successful return of Arouri’s remains revealed an additional dimension: the conditions in which remains were kept in the ‘cemetaries of numbers’. This concerned not only failures of identification but also the overall state in which remains were stored. An expert assessment prepared by Professor Yehuda Hess of the National Center of Forensic Medicine, in the context of the exhumation of Arouri’s remains, documented serious deficiencies in the administration and general conditions of these cemetaries. According to JLAC, the report found that:

*[...] some bodies were alarmingly “lost” and a number of graves ended up being empty due to missing remains. In certain cases, even when the remains were found in the graves, they were unable to be identified. The procedure used to identify the deceased was to store the remains in plastic bags, labeled with an identification number using a felt-tip pen. Unfortunately, the bags and the labeling had eroded over time. [...] Some bodies*

*and remains were not even placed in bags or identified at all. The layout of the graves also obscured the ability to identify the remains as they are in very close proximity to each other, causing the remains of a body to be found in more than one grave [...] In some cases, graves were dug in a single long grave with no soil separating the bodies and remains. [...] some graves were identified using numbered plates; however, the plates themselves were not bound to the graves [...] there were traces of cows’ dung... (JLAC 2015: 16-17)*

Taken together, these findings point to systemic shortcomings: remains went unaccounted for; labelling and packaging degraded over time; some remains were unlabelled or not bagged at all; the proximity of graves and the use of single long trench graves led to commingled remains; and markers were not securely attached to specific graves. Such conditions hinder reliable identification, compromise chain-of-custody and record-keeping, and fall short of internationally recognised standards for the dignified management of the dead. These deficiencies are consistent with testimonies by residents living near these cemetaries who witnessed Israeli forces bringing bodies for burial, and with information provided by the Head of Research at the NGO Al-Marsad, who was part of the team that discovered one of the ‘cemetaries of numbers’ in 1985, explaining that, when it was first found, there were no visible signs that it was a cemetery.<sup>2</sup> It appeared to be an abandoned field, without barbed wire, where bodies wrapped in sheets had been buried. Once this was exposed, Israeli authorities promptly formalised the site: they fenced it with barbed wire, numbered the graves, and placed a sign reading ‘cemetery of dead enemies’.

Beyond burial conditions and record-keeping failures, ethnographic work inside Israel’s forensic apparatus has documented practices that further entrench the dispossession of Palestinian dead. Anthropologist Meira Weiss was among the first to examine how Palestinian bodies were treated within the Israeli forensic system as part of militarised and colonial practices. Her conclusions, based on six years’ observation at the Israeli National Center of Forensic Medicine (NCFM), also known as Abu Kabir, were published in a monograph titled *Over Their Dead Bodies* (Weiss 2014), in which she notes the following:

*In the first Intifada, the [Israeli] army allowed the centre [NCFM] to harvest organs from Palestinians using a military regulation that an autopsy must be conducted on every killed Palestinian. Autopsies were accompanied with organs harvest. The Skin Bank and other organ banks used these organs for transplantation, research and teaching medicine. Many of the centre workers referred to the first intifada (1987–1993) as the “good days”, when organs harvesting was conducted consistently and freely, compared to other periods. (Weiss 2014: 149; quoted in Daher-Nashif 2019: 18)*

According to a 2009 interview, Professor Yehuda Hess – who, in the context of the exhumation of Mashhoor al-Arouri’s remains, prepared the report documenting the treatment of Palestinian remains in the ‘cemetaries of numbers’ – acknowledged that skin, corneas, heart valves, and bones had been harvested from deceased Palestinians without the knowledge or consent of

\* Sandra Pereira Vinagre is a researcher at the Centre for Classical Studies, University of Lisbon, focusing on how ancient theatre is interpreted, adapted and staged in politically and socially turbulent contexts. She holds a master’s degree and earned her PhD in Classical Reception in 2022, awarded summa cum laude, from the School of Arts and Humanities, University of Lisbon. She has published several articles and book chapters, and is the author of “As Mulheres Troianas da Síria” (Syrian Trojan Women), published in 2024.

<sup>1</sup> Drawing on ethnographic research, archival material, and family testimonies, this study offers a comprehensive account of the ‘cemetaries of numbers’ since the 1960s.

<sup>2</sup> These testimonies can be heard in France 24’s Reporters segment, ‘Israel’s Secret Cemeteries’ (15 October 2010), video report, from 07:00 onwards, available at: [https://www.youtube.com/watch?v=PpPU4uOwy\\_s](https://www.youtube.com/watch?v=PpPU4uOwy_s) (accessed 1 October 2025).

their families.<sup>3</sup> These accounts of forensic practice intensify the ethical stakes concerning consent, dignity, and the custody of the dead.

From a legal standpoint, the practice of withholding the remains of deceased enemies and the conditions in which they were kept stand in violation of Israel's obligations under relevant international treaties and conventions – including the Geneva Conventions and the Hague Regulations – which set out rules concerning the dignified treatment of withheld bodies and human remains. Nevertheless, the principle of the dignity of the deceased constitutes JLAC's core legal argument for demanding the return of remains to families. This is particularly significant given that Israeli law itself upholds the principle of 'dignity of the dead', grounded in the Basic Law: Human Dignity and Liberty (1992) and affirmed in several judicial rulings. In litigation relating to victims of the 2002 Israeli military offensive in the Jenin Refugee Camp, Israeli courts affirmed that the dignity of the deceased is paramount regardless of the deceased's alleged role. In other cases, courts have held that this principle extends to those interred in the so-called 'cemeteries of numbers'.<sup>4</sup>

Yet despite these norms, the practice persists, highlighting a broader pattern in which legal rules are selectively applied or strategically reinterpreted to justify policies of control. A striking example is a 2017 ruling by the Israeli High Court concerning three cases involving withheld Palestinian bodies. The Court acknowledged that no legal authority permitted the practice, rejected the government's argument of 'reciprocity' (that is, withholding Palestinian bodies because Hamas holds Israeli captives), and ordered the release of the remains. The Court simultaneously suspended its decision for six months to allow the government to enact legislation that could retrospectively authorise the practice (JLAC 2025: 3). The outcome was paradoxical: the Court recognised the practice as unlawful while creating the conditions for its legalisation. This contradiction underscores how humanitarian principles can be set aside when political considerations are given priority over universal rights.

For Palestinians, however, the withholding of bodies is not merely a legal anomaly but a deliberate form of collective punishment that extends suffering beyond the individual to the family and the community. By denying relatives the possibility of burying their dead, Israel is perceived as seeking to discipline and humiliate families and to prolong grief – a practice explicitly prohibited under international humanitarian law, including the Geneva Conventions and the Hague Regulations, and one that also raises profound ethical concerns.

In October 2015, this practice was reinstated in modified form: instead of burying Palestinians in the so-called 'cemeteries of numbers', bodies began to be stored in freezers (Daher-Nashif 2018: 181).<sup>5</sup> This shift did not represent a break with previous policies but rather a continuation of the same logic of control, whereby the bodies of the deceased are withheld from families

and communities, denying them the possibility of dignified burial and collective mourning. The UN Committee against Torture also addressed the issue, albeit only in 2016, calling on Israel to 'return the bodies of the Palestinians [...] as soon as possible so they can be buried in accordance with their traditions and religious customs, and to avoid that similar situations are repeated in the future'.<sup>6</sup> This recommendation carries considerable moral weight but has limited coercive effect.

For the Israeli state, however, the withholding of Palestinian human remains serves a dual purpose: it functions as a bargaining chip in political negotiations while being framed as a matter of security. Even when bodies are returned, release is made conditional on the strict regulations of funerals and mourning rituals. Families are frequently required to hold burials at night, limit attendance, refrain from establishing mourning houses, and, in some cases, cooperate with the Israeli authorities in organising the ceremonies. These restrictions are officially justified on the grounds of preventing funerals from turning into mass demonstrations or recruitment opportunities for resistance movements. Yet, in practice, they extend collective punishment into the sphere of mourning. Within Butler's framework, these measures do not merely repress mourning; they actively constitute the public sphere. By ensuring that certain images do not circulate, that the names of the dead are not publicly spoken, and that particular losses are not acknowledged, they render Palestinian suffering invisible, derealising the violence inflicted while reinforcing a nationalist order that depends on such erasure (Butler 2004: 37-38).

By contrast, for many Palestinians, funerals are less about recruitment than about reaffirming collective identity, memory, and continuity, as attested by Nuhad, whose husband died in an Israeli prison: 'When we managed to get him home, all the people came [...] His death and his loss made them all want to continue his struggle, his cause, his aim... They all promised that his death would push all Palestinians to never surrender' (Shalhoub-Kevorkian 2014: 23). These dynamics directly challenge Israeli attempts to suppress commemoration: as the experience of loss becomes inseparable from the broader political struggle, spaces of power are generated and transformed into resistance and hope. As Shalhoub-Kevorkian observes,

*The mourning expected at a funeral is rewritten as a celebration of resistance, which is transformed into a 'wedding', an event that represents continuity, rather than endings. In its settler colonial ambitions of destruction and replacement, Israeli policies assume death to signify an ending [...] The practices of honouring the dead, and of fighting for proper burial spaces and rituals, intervenes and 'haunts' the official state policy of eliminating Palestinian place and history. (Shalhoub-Kevorkian 2014: 27)*

In response to Israeli restrictions, many Palestinian families have chosen to resist by refusing conditions imposed on the return of

the human remains of their relatives, even postponing funerals rather than accepting terms that would mute their grief and depoliticise their loss.<sup>7</sup> These negotiations around mourning have also shifted social roles: as Daher-Nashif (2020: 952) notes, women played an active role in these discussions and, for the first time in many Palestinian communities, carried the coffins of their sons and daughters, a practice traditionally reserved for men. Other families and communities have resorted to even more immediate strategies to prevent the Israeli authorities from seizing the body. In one such case, 20-year-old Ali Shiyoukhi was buried within minutes of his death, still dressed in the bloodstained clothes in which he had been shot and without any traditional or religious rites, leaving his family no opportunity to say goodbye (Wahbe 2020: 2). His friends covered him with a blanket and carried him directly to the town cemetery, knowing that, had they waited to prepare his body according to customary practices (washing, shrouding in white and holding a funeral), the authorities might have intervened and placed him in a freezer.<sup>8</sup>

These varied forms of resistance underscore the centrality of mourning as a site of political struggle. Precisely because funerals and burial rituals hold such collective significance, Israeli policies have not only withheld bodies but have also targeted cemeteries themselves, erasing or repurposing spaces of memory and heritage. Significant portions of Jerusalem's Mamilla Muslim cemetery – in use since at least the seventh century and traditionally believed to contain the graves of companions of the Prophet Muhammad, alongside remains from the pre-Islamic and Crusader periods encompassing both Muslim and Christian burials – were demolished to make way for parking lots, streets, a shopping mall, and, eventually, the Museum of Tolerance. The cemetery's historical and religious importance had long been acknowledged: in 1927 the Supreme Muslim Council formally declared it a historic site, and in 1944 the British Mandate authorities designated it an antiquities site. Despite sustained objections from Palestinian families, international lawyers, heritage organisations and scholars (including petitions submitted to various UN bodies to protect the sacred site), construction nevertheless proceeded. On its website, the institution presents its 'vision' as follows:

*The Museum of Tolerance Jerusalem is located in the holy city of three major religions. Dedicated to promoting tolerance and human dignity, the museum shares lessons from world history and universal Jewish values, while creating powerful dialogue between individuals from all cultures and religions.<sup>9</sup>*

The dissonance between this declared mission and the effective erasure of one of Jerusalem's oldest Muslim cemeteries underscores a profound contradiction.<sup>10</sup> Similar controversies have arisen at the al-Yusufiyah cemetery, a twelfth-century cemetery, where excavations and levelling associated with a planned

national/biblical park prompted allegations of grave destruction; and in Jaffa, where an eighteenth-century Muslim cemetery was partially demolished in 2020 amid litigation over a municipal shelter project. Since 2023, military operations in Gaza have damaged or razed multiple cemeteries, with Israel invoking military necessity (including alleged tunnel use by Hamas), while critics emphasise cultural-religious protection and potential violations of international law.

Taken together, the withholding of human remains in the 'cemeteries of numbers', the restrictions imposed on funerals, and the destruction or repurposing of burial grounds point beyond the management of individual remains to what has been described as 'memoricide'<sup>11</sup>, i.e., the deliberate erasure of spaces of collective memory, which further constrains public mourning, memory, and place. As Wahbe notes,

*The creation of a site of commemoration of the Jewish Shoah through the Museum of Tolerance mimics a reburial, in which the memory of Shoah victims is transported and placed in Jerusalem as their proper burial ground, giving them a rightful claim over the territory. Such an act, therefore, is not coincidental but rather an assertion of settler hierarchy even in death – in which Palestinian-Arab traditions and history are inferior to those of the Jewish dead. (Wahbe 2020: 329)*

The practices described – the withholding of bodies in 'cemeteries of numbers' or in freezers, the regulation of funerals, and the reconfiguration of cemeteries – exemplify the extension of sovereign power over death that Mbembe theorises as necropolitics: 'the ultimate expression of sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who must die' (Mbembe 2003: 11). In this sense, sovereign power subjects life to the power of death, producing 'death-worlds' in which vast populations are reduced to the status of the 'living dead' by the conditions of life imposed upon them (Mbembe 2003: 40). Daher-Nashif (2018) develops these insights for the Palestinian context, tracing how necropolitics operates not only by deciding who may live or die but also through the management of dead bodies and the regulation of burial and mourning practices.

More recently, Bargu (2016) has used the term 'necropolitical violence' to refer to practices that target the realm of the dead – the corpse, burial and mourning rituals, graves and cemeteries. For Bargu, the issue is not the reduction of the living to the status of 'living dead', as in Mbembe's account, but rather 'the dishonouring, disciplining and punishment of the living through the utilisation of the dead as postmortem objects and sites of violence' (Bargu 2016). In short, these are practices that deploy the dead in order to govern and punish the living. The Palestinian case outlined in this article – numbered graves, freezer retention, restrictions on burials, and the destruction or repurposing of cemeteries – exemplifies this necropolitical violence. Butler's theorisation of grievability (2004; 2009) is equally

3 For discussion of these allegations, see Scheper-Hughes and Boström (2013), which documents a troubling history of illicit practices involving cadavers at the Israeli National Center of Forensic Medicine (Abu Kabir).

4 For the legal arguments advanced before the Israeli courts, see JLAC (2015). For an up-to-date status note on the legal track, see JLAC (2025).

5 Daher-Nashif (2018) documents that, during the 2015 'al-Quds' uprising, more than 80 Palestinians, 15 of them women and girls, were killed and their corpses held in freezers. Drawing on interviews with families, the article theorises necropolitical and biopolitical control over burial, grief, and the temporal and spatial order of death.

6 UN Committee against Torture, Concluding observations on the fifth periodic report of Israel, 3 June 2016, UN Doc. CAT/C/ISR/CO/5, para. 43. Available at: <https://docs.un.org/en/CAT/C/ISR/CO/5> (Accessed: 1 October 2025).

7 For further details and additional testimonies, see Daher-Nashif (2020).

8 For an overview of mourning rituals and death rites practiced in Palestine, including gendered roles, see Abu-Rabia and Khalil (2012).

9 Museum of Tolerance Jerusalem (MOTJ), 'Vision', official website, n.d. Available at: <https://motj.org.il> (accessed 1 October 2025).

10 For the Mamilla cemetery and the Museum of Tolerance controversy, see Belli (2022). Using legal, planning, and archival sources, Belli argues that the 2007 Israeli High Court of Justice decision regarding the Museum of Tolerance and the Court's 2008 clarification effectively codified, in law, the supremacy of Jewish bodies and afterlives over non-Jewish ones in the name of Israel's values.

11 On 'memoricide', see Masalha (esp. 135-147), who details repeated raids and document seizures by Israeli forces – for example, the Palestinian Research Center in Beirut (1982) and the Arab Studies Society archive in East Jerusalem (2001) – and notes that, in 1958, Israeli authorities destroyed approximately 27,000 books, most of them pre-1948 Palestinian textbooks, 'claiming that they were either useless or threatened the state'. See also Amit (2011) for an account of the Jewish National and University Library's 'book salvage' operation, which incorporated tens of thousands of privately owned Palestinian volumes into its holdings.

crucial here, particularly given prohibitions on funerals and restrictions on public grieving. Refocusing attention on mourning and recognition, Butler shows that grievability is not intrinsic but conferred by cultural and political frames that determine which losses may appear. Restrictions on rituals (night-time burials, limits on attendance, bans on mourning houses) do not merely suppress grief; they actively constitute a public sphere in which Palestinian loss is derealised. Thus, the same apparatus that administers the dead (Mbembe) and weaponises the post-mortem realm (Bagu) also produces ungrievable lives (Butler), turning death and mourning into a field of control. At the same time, such prohibitions can galvanise resistance – precisely what the Israeli state seeks to forestall through such measures.

As Mbembe (2003) argued, the colonial occupation of Palestine constitutes the most accomplished form of necropower, combining disciplinary, biopolitical and necropolitical logics. The analysis presented here – from the ‘cemeteries of numbers’ to freezers, from court rulings to restrictions on funerals, and from the erasure or repurposing of Palestinian burial grounds – demonstrates the continuity and progressive normalisation of state governance over death, mourning and memory, and, following Bagu (2016), the use of the dead to punish and discipline the living.

In this light, the current genocide in Gaza should not be read as an isolated exception but as an intensification of a long-standing apparatus that neutralises names, rituals, burial sites, and collective remembrance. In sum, this is a politics of memoricide ■

## REFERENCES

- Abdallah, S. L. (2022). *Des Morts en Guerre: Rétention des Corps et Figures du Martyr en Palestine*. Paris: Karthala.
- Abu-Rabia, A., & Khalil, N. (2012). Mourning Palestine: death and grief rituals. *Anthropology of the Middle East*, 7(2), 1–18. <https://doi.org/10.3167/ame.2012.070202>
- Amit, G. (2011). Salvage or plunder? Israel’s “collection” of private Palestinian libraries in West Jerusalem. *Journal of Palestine Studies*, 40(4), 6–23. <https://doi.org/10.1525/jps.2011.xl.4.6>
- Bagu, B. (2016). Another Necropolitics. *Theory and Event*, 19(1 suppl.) <https://www.muse.jhu.edu/article/610222>
- Belli, M. N. (2022). The ethno-necrocratic state: Mamillah and the afterlives of ethnocracy in Israel. *International Journal of Middle East Studies*, 54(4), 623–646. <https://doi.org/10.1017/S0020743822000526>
- Butler, J. (2004). *Precarious Life: The Powers of Mourning and Violence*. London and New York: Verso.
- Butler, J. (2009). *Frames of War: When Is Life Grievable?* London and New York: Verso.
- Daher-Nashif, S. (2018). Suspended death: on freezing corpses and muting death of Palestinian women martyrs. *Third World Thematics: A TWQ Journal*, 3(2), 179–195. <https://doi.org/10.1080/23802014.2018.1502050>
- Daher-Nashif, S. (2019). The work of transnational forensic medicine experts in colonized zones: the Palestinian case. *Human Remains and Violence*, 5(2), 17–33. <https://doi.org/10.7227/HRV.5.2.3>
- Daher-Nashif, S. (2020). Colonial management of death: to be or not to be dead in Palestine. *Current Sociology*, 69(7), 945–962. <https://doi.org/10.1177/0011392120948923>
- Jerusalem Legal Aid and Human Rights Center (JLAC) (2015). *We Have Names, We Have a Homeland: The National Campaign to Retrieve War Victims and Unravel the Fate of Those Missing*, 2nd edn. Jerusalem: JLAC. Available at: <https://dealingwiththepast.org/wp-content/uploads/2016/10/jathameen-en.pdf> (Accessed: 1 October 2025)
- Jerusalem Legal Aid and Human Rights Center (JLAC) (2025). *Summary on Israeli Policies of Retaining the Bodies of Martyrs: Data and Developments in the Legal Track*. 26 May 2025. Available at: <https://makaberalarqam.ps/public/files/Publications/Summary%20on%20Israeli%20Policies%20of%20Retaining%20the%20Bodies%20of%20Martyrs%5B1%5D.pdf> (Accessed: 1 October 2025)
- Masalha, N. (2012). *The Palestine Nakba: Decolonising History, Narrating the Subaltern, Reclaiming Memory*. London: Zed Books.
- Mbembe, A. (2003). Necropolitics. Translated by Libby Meintjes. *Public Culture*, 15(1), 11–40. <https://doi.org/10.1215/08992363-15-1-11>
- Scheper-Hughes, N., & Boström, D. (2013). The body of the enemy. *The Brown Journal of World Affairs*, 19(2), 243–263.
- Shalhoub-Kevorkian, N. (2014). Living death, recovering life: psychosocial resistance and the power of the dead in East Jerusalem. *Intervention*, 12(1), 16–29.
- Wahbe, R. M. (2020). The politics of *karameh*: Palestinian burial rites under the gun. *Critique of Anthropology*, 40(3), 323–340. <https://doi.org/10.1177/0308275X20929401>
- Weiss, M. (2014). *Over Their Dead Bodies: Power, Knowledge and the Institute of Forensic Medicine in Israel*. Tel Aviv: Resling Books (in Hebrew).

OUT OF DOSSIER BOOK REVIEW

Jonas van Vossolle\*

## The Return of Nature

by John Bellamy Foster

### KEYWORDS

Eco-Marxism  
Metabolism  
Nature

*The Return of Nature* (Monthly Review Press, 2020) was the much-awaited sequel to Foster's most famous work, *Marx's Ecology* (2000). In *Marx's Ecology*, Foster presented Marx as an ecological thinker, challenging the long-standing perception of Marx as an anti-ecological philosopher whose ideas stemmed from the universality of class and a productivist understanding of economics. Drawing on Marx's Epicurean intellectual origins and his analysis of the metabolic rift, Foster offered a compelling argument that Marx's thought had always contained an ecological dimension. From this perspective, an eco-socialist worldview was the original aim of Marx's critique of capitalism.

*The Return of Nature* begins where *Marx's Ecology* ended—at the funerals of Marx and Darwin. It serves primarily as an intellectual history tracing the dialogue between Marxism and ecology in the decades following Marx's death. The book examines the interaction between Marx's and Darwin's main fields of inquiry—socialism and biology—and how these shaped later scientific and political thought. Written in a biographical style, Foster's narrative focuses on a selection of prominent socialist scientists—many of whom were already mentioned in the Epilogue of *Marx's Ecology*. Through their life stories, Foster explores key theoretical developments and interconnections within the emergence of a Marxist ecological worldview.

The book opens with figures directly connected to both Marx and Darwin. Particular attention is given to the Left-Darwinist zoologist E. Ray Lankester, one of only eight people present at Marx's funeral. Foster examines not only the relationship between Marx and Lankester, but also the contributions of Ray and Edwin Lankester as biologists studying the links between social conditions, pandemics, and microbiology. Another central figure in the early chapters is the Romantic Marxist William Morris, whom Foster uses to illustrate literary utopianism, the preservation of the natural countryside, and the alienation of art and labour under capitalism.

From a conceptual and theoretical perspective, the most stimulating part of *The Return of Nature* is the section on Engels's ecology, likely the core of Foster's original plan for the book as a sequel to *Marx's Ecology*. According to Foster, Engels's ecological thought is built upon three central pillars, each based on one of Engels's main works: *The Condition of the Working Class in England* (1845); *Dialectics of Nature* (written 1873–1886, published posthumously in 1925); and *The Origin of the Family, Private Property and the State* (1884).

\* Jonas Van Vossolle is a sociologist, economist and doctor in Political Science. He is an individual researcher at the Center for Social Studies of the University of Coimbra, Portugal, and and co-coordinator of its Political Ecology - ECOSOC research group. His current research project - Nature and Labour - aims to understand and propose Trade Union democracy as an alternative to the Democratic and Ecological crisis of Capitalism.

The first component draws on Engels's *The Condition of the Working Class in England*. While most interpretations of this work have traditionally understood it as a study of social inequality and poverty, Foster argues convincingly that Engels's analysis also reveals a profound socio-environmental dimension. The "conditions" Engels described—urban overcrowding, poor sanitation, pollution, and the alienation of labour from its natural environment—are all deeply ecological in nature. The development of industrial capitalism in Great Britain required a reserve army of labour, triggering rapid urbanization and the abandonment of the countryside. This process led to the pauperization of the proletariat in urban and suburban slums, where people endured extremely poor housing and working conditions: cave dwellings, houses flooded by nearby rivers, open sewers spreading disease and polluting waterways, and deteriorating food quality. All these developments, in one way or another, expose the relationship between human activity and nature—between humans and space, humans and rivers, humans and pathogens, humans and plants. Engels's achievement was not only to document and critique these inhumane conditions at an early stage of industrial capitalism but also to place the development of capitalism at the centre of understanding the structural relationship between nature and society.

The second part of *The Return of Nature* concerns Engels's *Dialectics of Nature* and relates both to this unfinished work and to his *Anti-Dühring*. These represent Engels's more "mature" writings, composed toward the end of his life. He was never able to complete *Dialectics of Nature*, as following Marx's death he devoted most of his time to editing and finalizing the second and third volumes of *Capital*. *Dialectics of Nature* was Engels's response to the dominant philosophical and scientific paradigms of his time—namely, religious-teleological and mechanistic-positivist interpretations of nature. In this work, Engels sought to integrate Hegel's dialectical method (as developed in the *Logic*) with the materialist scientific revolution inaugurated by Darwin's *On the Origin of Species*. According to Foster (2020), *Dialectics of Nature* represents the same kind of theoretical operation Marx had performed on political economy in *Capital*, but now applied to the natural world as a whole. Taken together, Marx's and Engels's works constitute a new, revolutionary approach to science—one that unites materialism, history, and dialectics. Engels argued that natural relations can only be understood dialectically and historically. The relationship between nature and society is dialectical: while nature, from a materialist standpoint, clearly exists independently of human thought, humans can only perceive and interpret nature through their own cognitive faculties—which are themselves a product of nature. Hence, nature cannot be understood through shallow empiricism or abstract universalism. As Foster (2020, p. 254) observes, "Dialectical reason demands that we think about the world of nature as including both nature as external to human action and the human place within nature." At the same time, the relationship between society and nature is dynamic and constantly evolving. It changes alongside shifting systems of production and environmental conditions. Consequently, Engels's approach demands a historicization of both society and nature, whereby the so-called "eternal laws of nature" of positivist science are instead recognized as historically specific and evolving phenomena (Foster, 2020, p. 268).

For Engels, labour is the central element of human existence. As a practical activity that transforms nature in accordance with human purpose, labour serves as the mediating link between society and nature—the foundation of what Foster calls Engels's "ecological anthropology." In what would have been the concluding chapter of *Dialectics of Nature*, "The Part Played by Labour in the Transition from Ape to Man" (often published separately), Engels argued that it was labour—the development of the hand, the use of tools, and cooperative work—rather than mere brain expansion, that drove the evolution of humanity. Labour also becomes central in Engels's later anthropological writings. Inspired by Lewis Henry Morgan, Engels's *The Origin of the Family, Private Property and the State* (1884) contributes fundamentally to understanding the relationship between labour, property, and nature, and their implications for the position of women and the organization of reproductive work.

In the period following Engels, Foster turns his attention to the British scientific left and its engagement with Marxism and ecology, particularly around the Second International Congress on the History of Science and Technology (London, 1931). This congress, influenced by Soviet scientists under the leadership of Bukharin, became a key moment in shaping the Marxist approach to science in the twentieth century. Figures such as Joseph Needham, Lancelot Hogben, J. B. S. Haldane, Julian Huxley, J. D. Bernal, and Christopher Caudwell are central to Foster's account. He traces their political trajectories—many of them joined the Communist Party of Great Britain (CPGB)—and their roles in major historical events such as the Spanish Civil War and World War II. During this period, these Marxist scientists achieved a hegemonic position within scientific and intellectual life, one that was later undermined in the 1950s by internal divisions within the left (especially over Stalinism and the Soviet invasion of Hungary in 1956) and by the rise of McCarthyism during the Cold War.

Foster concludes by emphasizing that the intellectual project of the scientific left—and his own recovery of this tradition—helps reconnect the social and the ecological, two dimensions that became separated in the European left with the rise of the welfare state. He argues that in the peripheries of capitalism, these dimensions have remained inseparable: struggles for social justice and ecological survival are intertwined. The legacy of Engels and the Marxist scientific tradition, as reconstructed in *The Return of Nature*, thus provides a crucial historical foundation for rethinking socialism as an eco-socialist and care-centred project, grounded in the unity of labour, nature, and social reproduction.

### CRITICAL REFLECTIONS

While *The Return of Nature* represents a monumental effort to recover the historical dialogue between Marxism and ecology, it ultimately reads more as a biographical reconstruction of Marxist ecology than as a Marxist analysis of ecology itself. Foster's narrative offers a compelling intellectual history of the scientists and thinkers who sought to bridge socialism and natural science, yet the book gives little sustained attention to the political economy of ecology—that is, to the ways in which nature, labour, and value function within the process of capital accumulation. The focus on individual lives and intellectual trajectories often overshadows the

structural and material dynamics of capitalism and class struggle that should, from a Marxist standpoint, constitute the foundation of any ecological critique. As a result, the book at times feels more like a collective biography of socialist scientists than an integrated analysis of the historical development of ecological materialism.

Moreover, Foster's focus remains overwhelmingly Anglocentric. The narrative rarely ventures beyond Britain, with only brief mentions of the Russian Revolution and its influence through figures such as Bukharin and the later controversies surrounding Lysenkoism. Absent are deeper engagements with the broader Marxist tradition's reflections on nature and dialectics during the same period—no meaningful discussion is given to thinkers such as Lenin, Luxemburg, Gramsci, or Mariátegui, all of whom made critical contributions that could help us understand the relation between nature, production, and social transformation. This limited geographical and theoretical focus narrows the horizon of what could otherwise have been a global genealogy of Marxist ecological thought.

Equally, while *The Return of Nature* briefly touches on scientific debates on eugenics and race, these discussions remain confined to the intellectual domain and neglect the ecological dimensions of colonialism, imperialism, and underdevelopment. The interconnection between the capitalist appropriation of nature and the racialized exploitation of human populations—central themes in contemporary eco-socialist and decolonial thought—is scarcely explored. Similarly, the book misses an opportunity to interrogate the ecological implications of the welfare state, particularly how post-war social democracy institutionalized an extractive relation with nature through industrial modernization and technocratic management.

Foster himself acknowledges in the introduction one of the book's major absences: the absence of women as central figures in the history of socialist ecology. Beyond scarce references to Eleanor Marx and Mary Burns, women appear largely at the margins of the narrative. More striking, however, is the lack of sustained engagement with the relationship between patriarchy, reproduction, and ecology—a field that, through Social Reproduction Theory and Marxist ecofeminism, has become central to contemporary debates on Marxism and ecology, and which traces its intellectual lineage precisely to Engels's work on the family and reproduction. Despite Engels's foundational role in linking gendered labour and the natural world, Foster devotes barely a few pages to the theme of reproduction and the politics of care within ecological thought. This omission leaves the reader with a sense that half of the historical materialist understanding of nature—its gendered and reproductive dimensions—remains unexamined.

Finally, although the book's cover invokes a "call for revolution," *The Return of Nature* offers no concrete guide for practical transformation or the development of a Marxist ecological program appropriate to the crises of the present. Foster's recovery of historical figures is undoubtedly valuable, but the narrative rarely moves from reconstruction to projection—from history to strategy. In this sense, the book ends with a gesture toward revolution without charting its material or political conditions. What remains, therefore, is an immensely rich intellectual history that revives the memory of socialist ecology but stops short of articulating how such a tradition might be mobilized today in the face of planetary ecological breakdown ■

## REFERENCES

Engels, F. (1845). *The condition of the working class in England*. Progress Publishers.

Engels, F. (1878). *Herr Eugen Dühring's revolution in science (Anti-Dühring)*. Progress Publishers.

Engels, F. (1884). *The origin of the family, private property and the state*. Progress Publishers.

Engels, F. (1925). *Dialectics of nature* (W. C. A. Kerr, Trans.). Progress Publishers. (Original work written 1873–1886)

Foster, J. B. (2000). *Marx's ecology: Materialism and nature*. Monthly Review Press.

Foster, J. B. (2020). *The return of nature: Socialism and ecology*. Monthly Review Press.

