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Defense or Domination: The Categories of Israel's Occupation

by Shahd Hammouri | 18 May 2021



In Sheikh Jarrah Palestinian man stands next to graffiti, which reads 'we will not leave'.

The story started with protests in Jerusalem against racist policies of the Israeli government, it escalated with the parallel threat of yet another act of displacement against Palestinian citizens in the Jerusalemite neighborhood



of [Sheikh Jarrah](#). The feeling of anguish escalated in the streets of Jerusalem, as [confrontations took place](#) in the holy space of Al Aqsa and the Ibrahimi Mosque, held as sacred symbols for Muslims across the world. In solidarity, Hamas fired a number of rockets from Gaza at Tel Aviv which led to the closure of airports and number of deaths and injuries. Israel responded with full force aerial bombardment of densely populated neighborhoods; the death toll reached [over two hundred](#) in a week. On the other side of the coin, Israeli settlers [came out](#) in defense of what they claim to be their right, and other Israelis fear the Arab, who has been [categorized as the violent “other”](#) in main stream Israeli education and media outlets.

In reality, Palestinians have minimal military power, and minimal economic power. This [documentary](#) shows their attempts to recycle weapons, just to have any form of self-defense. In the interim, Israel has one of [the most advanced defense systems in the world](#), and a leading home state for the [defense industry](#). This is an [asymmetry of power](#), which one cannot simply overlook when [assessing the situation](#). From the perspective of international law, Palestinians are under occupation. Occupation is not an armed conflict among equals, it denotes an act of domination. Yet, the legal optic assessing such asymmetry was last updated over 110 years ago, when the world looked very different, and domination had different faces. ^

In this short piece, I reflect on two categorizations used to describe the ongoing hostilities. I will demonstrate how such categorizations establish their legitimacy with a fake inference to international law as they travel across the parallel digital war of narratives and representations.

Israeli “Defense”

In his statement on the current events, Joe Biden claimed that [Israel has the right to defend itself](#). The term “defense” is derived from the “aggressor-defender” rhetoric found in Just War theory. A state has the right to use force to defend its legitimate interests. Use of the word defense presumes the existence of a legitimate interest to protect, likewise it presumes that the parties are on roughly equal military strength.

The transposition of just war theory into contemporary laws of war has been one of the main premises for calling this law out-dated and ill-suited for contemporary war economies. One important note to keep in mind is that the reality of “war” itself has changed since the end of the second world war. In some respect, the Kellog-Briand Pact marked the end of direct wars among economically advanced states. It welcomed an era of proxy wars in states of the global south, where considerable asymmetries of military capacity exist. Meanwhile, the advancements in defence technologies have reached the margins of Science Fiction, and such technologies are not available to all



belligerents. In this vein Baudrillard notes that cotemporary warfare has become 'an exercise in domination rather than an act of war'.^[1]

In a pre-emptive step, Anglo-American scholarly communities used the notion 'asymmetrical warfare' to describe 'new wars' dominated by armed-groups who resort to untraditional methods of warfare, leaving states actors in one form of a strategic disadvantage. Such new guerrilla techniques defied traditional templates of war, even unsettling the category of combatant, leaving the states forces at a disadvantage in strategy that rendered the conflict 'asymmetric' from such a perspective. This narrative fails to mention that resort to such strategies by the non-state actors was in part in reaction to the military upper hand of advanced states, such as Israel. This understanding of the term was revived under the context of the 'war against terror', to the point that suicides of inmate in Guantanamo bay were even claimed as acts of asymmetric warfare. Like other notions used in Anglo-American literature on the laws of war, the notion of asymmetric warfare does not have a direct normative basis.

Additionally, the disparity in the positioning of different actors is not an element that the laws of war calculate in their assessment of the battlefield. Likewise, the laws of war are almost de-sanitized from economic and social considerations in the assessment of harm. At this point,



one can also claim that the reluctance to advance the laws of war has allowed for the continuation of legal categories which respond to a different reality. The persistence of these categorisations has meant that the language of the laws of war can be used to construct a different narrative which supports the position of one actor over the other. In this context, Israel is undertaking efforts to keep the status quo of domination. This includes the defence of its citizens, but it also includes upholding a wide variety of systemic violations of international law.

“Terrorists”

The use of the notion of terrorist to describe Hamas or other actors in Palestinian resistance is a classic example of de-territorialisation. As in wilfully placing a given subject under the wrong category. The term terrorist is *de facto* interlinked with the term enemy. The logic of Just war theory requires the identification of the enemy, as those who fall under it are demonised, and deserving of escalated precarity.

The forefathers of the just war tradition including Cicero, Augustine, and Vitoria condemned the enemy for their difference, and the difference itself becomes a symbol of what is threatening. In contemporary times, the question of ‘who is the enemy?’ and whose territories deserve this violence? is globalised, televised and exploited. In its turn, difference is politically defined, eventually shaped by



hierarchies and inequalities that have become ingrained in the globalised economic system. Here, we can draw a link between globalised representational regimes shaping popular feelings and behaviours, the appeal to conserve 'the world order' and the identification of the 'enemy' under the notion of 'difference'. The 'other' according this 'difference' is then implicitly inferred to the enemy and placed at the space of escalated precarity. Eventually, these discourses come together to shape perceptions on which life is worthy of grief.

Describing Hamas as terrorists means placing them and the people of Gaza in a sphere where they deserve demonisation as the enemy. They are '[dehumanised](#)'. In reality, Gaza is an occupied city under siege which can be translated as a form of collective punishment. The list of international law violations committed by Israeli forces in Gaza is far too long for this blogpost. This is not a claim that Hamas is a perfectly rational actor in war, rather an appreciation of its disadvantaged positioning and the accumulation of Palestinian suffering for the fourth generation in a row.

The category of 'terrorist' is also linked with the question of "who has the right to the legitimate use of violence?". Is Israel entitled to bomb an urban setting in impunity because it is a state recognised by the United Nations? And Hamas is condemned for firing a number of rockets which cause incomparable damage to a well-protected city? The



tolerance of International Law towards the instrumentalization of indeterminate categories to define the parameters of which lives are grievable and which violence is legitimate in a manner which upholds domination, is a call for a reassessment of possible biases internalised in international legal bodies and practice.

[1] *“The imbalance of military means was such that this was not a conflict which the survival of both sides was in play, but an entirely asymmetrical operation”* Jean Baudrillard, *The Gulf War Did Not Take Place* (Indiana University Press 1995).

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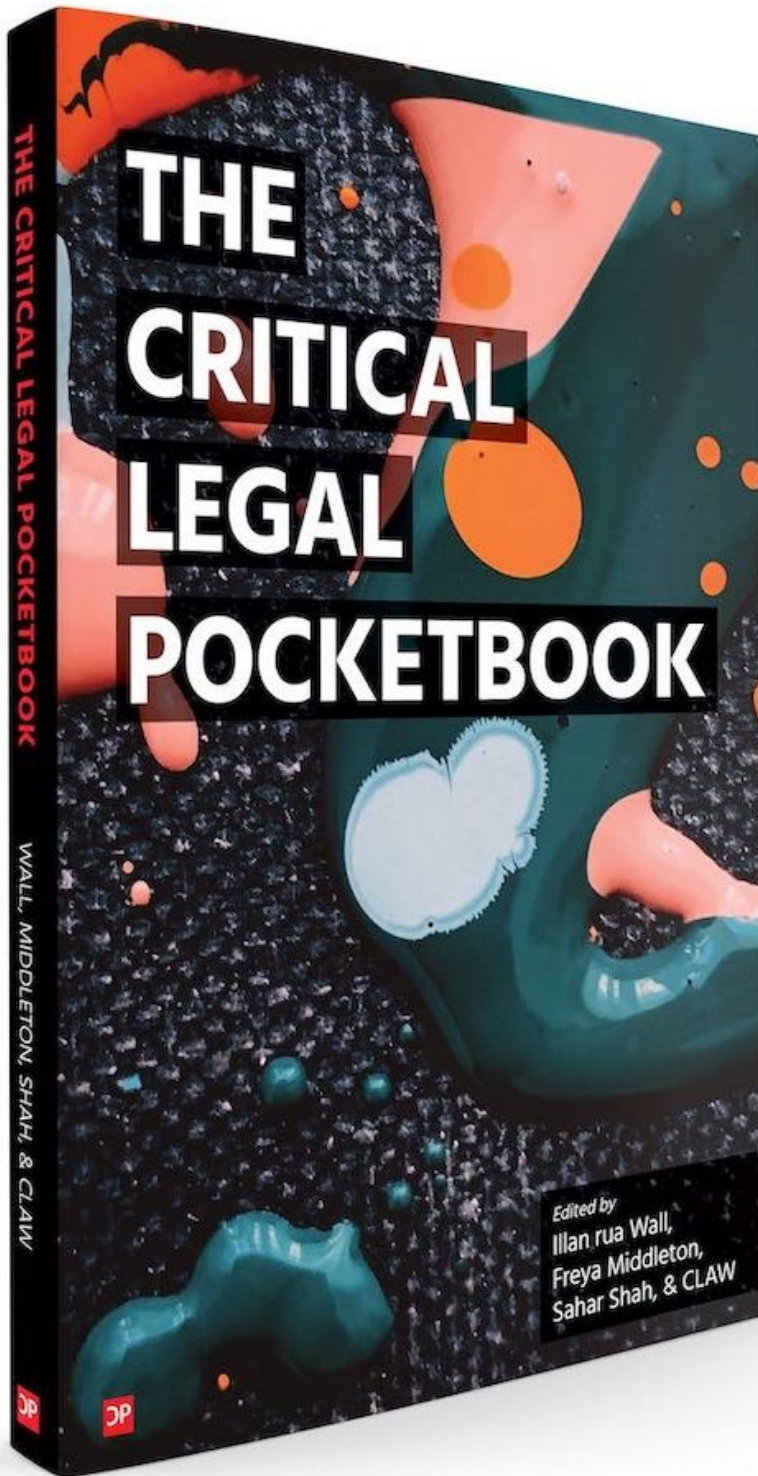
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