

Israel Does Not Have a Right to Exist

Israel's establishment as a state and its admission to the United Nations in 1949 were predicated on promises of peace, compliance with international obligations, and respect for the principles of justice and self-determination. Yet, over seven decades, Israel has systematically acted in bad faith, undermining its legitimacy as a UN member, violating international law, disregarding Jewish ethical commandments, and perpetrating actions that align with the legal definition of genocide. This essay asserts that Israel's persistent non-compliance, impunity, and misrepresentation as a Jewish state not only invalidate its moral and legal standing but also endanger Jewish people globally by associating them with atrocities. Furthermore, it affirms the Palestinian people's inalienable right to resist and self-determination, while arguing that Israel, as a state, has no inherent right to exist, a privilege reserved for individuals, not political entities.

Bad Faith Admission to the United Nations

When Israel applied for UN membership in 1948, it did so under the auspices of Article 4 of the UN Charter, which requires that members be "peace-loving states" capable of fulfilling Charter obligations. During the debates, Israel's representative, Abba Eban, made explicit assurances to comply with UN General Assembly Resolution 181 (1947), which outlined the partition of Palestine into Jewish and Arab states, and Resolution 194 (1948), which mandated the repatriation or compensation of Palestinian refugees. Eban declared, "Israel is prepared to cooperate with the organs and agencies of the United Nations in the implementation of Resolution 194" (UN Ad Hoc Political Committee, 47th Meeting, p. 282). These assurances were critical to securing the two-thirds majority vote for admission on May 11, 1949, via Resolution 273(III).

However, Israel's actions since 1949 betray a calculated bad faith. It has neither honored the partition plan's vision of coexistence nor facilitated the return of Palestinian refugees. Instead, Israel has pursued a policy of territorial expansion, ethnic displacement, and systematic oppression, rendering its initial commitments hollow. In common law, a contract entered under false pretenses or breached in bad faith can be voided. By analogy, Israel's failure to uphold its UN membership obligations—particularly its defiance of Resolutions 181 and 194—could be argued to invalidate its membership. As the Vienna Convention on the Law of Treaties (Article 26) mandates, "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Israel's persistent violations suggest a breach of this principle, undermining the legitimacy of its UN status.

Non-Compliance with UN Resolutions and ICJ Rulings

Israel's contempt for UN resolutions and International Court of Justice (ICJ) rulings is a cornerstone of its bad faith. The UN General Assembly has passed numerous resolutions con-

denying Israel's actions, including Resolution 194, which remains unimplemented, with over 7 million Palestinian refugees denied their right to return. More recently, the UNGA's Resolution 77/247 (2022) requested an ICJ advisory opinion on Israel's occupation, leading to the ICJ's July 19, 2024, ruling that declared Israel's occupation of the West Bank, East Jerusalem, and Gaza unlawful. The ICJ ordered Israel to: - End its occupation "as rapidly as possible." - Cease all new settlement activities. - Evacuate settlers. - Provide reparations (ICJ Advisory Opinion, 2024).

Yet, Israel has brazenly defied these mandates. Settlement expansion continues unabated, with 465,000 settlers in the West Bank and 230,000 in East Jerusalem by 2023, and no evacuations have occurred. The ICJ's January 2024 provisional measures, issued in response to South Africa's genocide case, required Israel to prevent genocidal acts and ensure humanitarian aid access in Gaza. However, Amnesty International reported on February 26, 2024, that Israel "has failed to take even the bare minimum steps to comply," obstructing aid and exacerbating starvation (Amnesty International, 2024). The UN warned on May 20, 2025, that 14,000 babies face imminent death from starvation due to Israel's blockade (The Guardian, 2025).

Israel's rejection of these rulings as "non-binding" or politically motivated reflects a deliberate disregard for international law. This defiance mirrors its dismissal of UN resolutions, such as those calling for ceasefires, which Israel has ignored, continuing military operations that have killed over 42,000 Palestinians, including 13,300 children, by October 2024 (Amnesty International, 2024).

Sabotaging the Partition Plan and Two-State Solution

Israel's actions have systematically undermined the partition plan and the two-state solution envisioned by Resolution 181. The 1947 plan allocated 56% of Mandatory Palestine to a Jewish state and 43% to an Arab state, with Jerusalem under international control. However, Israel's establishment in 1948 was followed by the Nakba, the ethnic cleansing of 750,000 Palestinians, and the seizure of 78% of Palestine, far exceeding the allocated territory. This expansionist policy continued with the 1967 occupation of the West Bank, East Jerusalem, and Gaza, which Israel has never relinquished.

The Oslo Accords (1993-1995), intended to pave the way for a two-state solution, were undermined by Israel's relentless settlement construction, which fragmented Palestinian territory and rendered a viable Palestinian state impossible. By 2024, the ICJ noted that Israel's settlement regime constitutes a de facto annexation, violating the prohibition on acquiring territory by force (ICJ Advisory Opinion, 2024). Israel's sabotage of peace processes, coupled with its blockade of Gaza since 2007, demonstrates a clear intent to prevent Palestinian statehood, contradicting the UN's vision of coexistence.

Violations of International Law and Jewish Commandments

Israel's actions in Gaza and the OPT flagrantly violate international law and Jewish ethical commandments, betraying its claim to be a Jewish state.

International Law Violations

Israel's conduct aligns with the definition of genocide under the 1948 Genocide Convention and Article 6 of the Rome Statute, which define genocide as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. Specific violations include: - **Killing Members of the Group:** Over 42,000 Palestinians, including 14,500 children, have been killed since October 2023, with indiscriminate attacks documented by Human Rights Watch (Human Rights Watch, 2024). - **Causing Serious Bodily or Mental Harm:** The blockade has caused malnutrition, with 60,000 pregnant women facing increased miscarriages (Human Rights Watch, 2024). - **Inflicting Conditions to Destroy the Group:** The siege, described by the UN as causing "catastrophic hunger," threatens 14,000 babies with starvation (The Guardian, 2025). - **Incitement to Genocide:** Statements like Defense Minister Yoav Gallant's "We are fighting human animals" and Prime Minister Benjamin Netanyahu's "Amalek" reference suggest genocidal intent (Amnesty International, 2024).

These actions also violate International Humanitarian Law (IHL), including the Fourth Geneva Convention's prohibition on collective punishment, and constitute war crimes and crimes against humanity, as noted by the UN Special Committee (OHCHR, 2024).

Violations of Jewish Commandments

Israel's actions contravene the ethical core of Judaism, rooted in the Torah, Talmud, and Halakha: - **Sanctity of Life (Pikuach Nefesh):** The Torah's command to "choose life" (Deuteronomy 30:19) prioritizes preserving human life. Israel's blockade, causing starvation, defies this principle. - **Prohibition on Destruction (Bal Taschit):** Deuteronomy 20:19-20 forbids destroying fruit trees during war, interpreted as a broader ban on unnecessary destruction. Israel's devastation of Gaza's infrastructure violates this. - **Compassion for Enemies:** Nachmanides taught, "We are to learn to deal kindly with our enemy" (My Jewish Learning). Dehumanizing rhetoric and collective punishment contradict this ethic. - **Protection of Noncombatants:** The Talmud mandates leaving a side open during sieges to allow civilian escape (Gittin 45b). Israel's siege of Gaza, trapping civilians, breaches this.

Jewish scholars like Rabbi Sharon Brous and organizations like Jewish Voice for Peace have condemned Israel's actions as antithetical to Jewish values, arguing that they betray the prophetic vision of justice (IKAR, 2023).

Palestinian Right to Resist and Israel's Lack of Self-Defense Rights

International law unequivocally grants people under occupation the right to resist, including through armed means, as part of their right to self-determination. The African Charter on Human and Peoples' Rights and UNGA Resolution 45/130 affirm that occupied peoples

may use “all available means” to achieve liberation, provided they adhere to IHL, which prohibits targeting civilians (Right to Resist, Wikipedia). Palestinians, under Israel’s occupation since 1967, have this right, yet Israel labels their resistance as terrorism, denying their legal protections.

Conversely, an occupying power like Israel does not have the right to claim self-defense against the people it occupies. The Fourth Geneva Convention obligates occupiers to protect civilians, not subject them to military force. Article 59(1) mandates facilitating humanitarian relief, yet Israel’s blockade and military operations violate this, constituting war crimes (AdHaque110, X Post, 2025). As stated by legal scholar Faisal Kutty, “Under international law, Israel has no right to defend itself from occupied people” (faisalkutty, X Post, 2024).

Genocide and Decades of Impunity

Israel’s actions in Gaza align with the Genocide Convention’s definition, a result of decades of impunity. The UN Special Committee noted in November 2024 that Israel’s warfare methods, including starvation, are “consistent with genocide” (OHCHR, 2024). This impunity stems from consistent international inaction, particularly US vetoes in the Security Council, which have shielded Israel from accountability. The failure to enforce ICJ rulings and UN resolutions has emboldened Israel’s violations, culminating in what Raz Segal calls a “textbook case of genocide” (Jewish Currents, 2023).

Palestinian Right to Self-Determination vs. Israel’s Lack of Right to Exist

The Palestinian people have an inalienable right to self-determination, enshrined in Article 1 of the UN Charter and affirmed by countless UN resolutions. This right includes the establishment of a sovereign state, free from occupation and oppression. In contrast, states like Israel do not have a “right to exist” under international law; this is a privilege reserved for individuals, whose right to life is protected by human rights law. As scholar John Quigley argues, “No state has a right to exist in international law; states exist by recognition and function, not by inherent right” (Quigley, 2006). Israel’s claim to exist as an occupying power, built on the dispossession of Palestinians, lacks moral or legal grounding when weighed against Palestinian self-determination.

Israel’s Misrepresentation as a Jewish State

Israel’s claim to be a Jewish state is a gross misrepresentation that sheds a bad light on Jewish people and endangers them globally. By associating Judaism with atrocities, war crimes, and genocide, Israel distorts the religion’s ethical foundations. The Torah’s command, “You shall not oppress a stranger, for you were strangers in the land of Egypt” (Exodus 22:21), is antithetical to Israel’s policies of displacement and oppression. Jewish organizations like IfNotNow and Jews for Racial & Economic Justice reject this conflation, as-

serting that criticizing Israel is not antisemitic but a defense of Jewish values (In These Times, 2024).

Equating criticism of Israel with antisemitism is a modern blood libel, falsely linking Jews to state crimes and stifling dissent. This endangers Jewish communities by fostering resentment and associating them with policies they may oppose. As Al Jazeera notes, “Criticism of Israel’s war and occupation is not anti-Semitism,” yet this conflation risks escalating antisemitic attacks (Al Jazeera, 2024).

Conclusion

Israel’s admission to the UN was secured through assurances of compliance with international law and UN resolutions, yet its actions—expansionist settlements, genocidal policies, and defiance of ICJ rulings—demonstrate bad faith. By analogy to common law, this breach could void its membership, though international law’s mechanisms face political barriers. Israel’s sabotage of the two-state solution, violations of Jewish commandments, and alignment with genocide definitions underscore its illegitimacy. Palestinians have an undeniable right to resist and self-determination, while Israel, as an occupying power, lacks the right to claim self-defense or existence at the expense of Palestinian rights. Its misrepresentation as a Jewish state endangers Jews worldwide, casting a shadow over a religion rooted in justice and compassion. The international community must act decisively to hold Israel accountable, uphold Palestinian rights, and restore the integrity of international law.

Key Citations

- UN General Assembly Resolution 273(III)
- UN General Assembly Resolution 181(II)
- UN General Assembly Resolution 194(III)
- ICJ Advisory Opinion, 2024
- Amnesty International on ICJ Ruling Compliance
- The Guardian on Babies at Risk
- Human Rights Watch on Gaza
- OHCHR on Genocide Findings
- Jewish Currents on Genocide
- Al Jazeera on Criticism
- Right to Resist, Wikipedia
- faisalkutty, X Post, 2024