

Essay

# Weaponization and Denial - Israel's justifications for its devastation of Gaza feeds countervailing strain of untruth

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**Since October 7<sup>th</sup>, Israel's use of evidentiary claims as justification for its devastation of Gaza has fed a countervailing strain of untruth.**

*Still from video taken from the Hamas attack on the Nova rave in Southern Israel, October 7<sup>th</sup>, 2023.*

**IN EARLY DECEMBER**, the Israeli production company Yes Studios released a new film, *#NOVA*, which documents how the October 7<sup>th</sup> attacks unfolded for attendees of the Supernova trance music festival. The documentary, which is available on YouTube in Israel but has not yet been widely released, is composed almost entirely of mobile phone videos, recordings, and text messages from festivalgoers. It begins with an audio clip of one survivor calling her father as she tries to run away from the shooting. He tells her to hang up the phone and play dead. The next sequence is composed of video fragments from the hours leading up to the Hamas attack: Partygoers snap on their wristbands, show off their outfits in the mirror, sway to the thumping beat of the DJ set. In the dark, a girl waves a flag reading, "Universo Paralelo," *parallel universe*, the rave's tag line. The crowd is shown jumping in sync, neon lights flashing over their faces, a pair of digitized technicolor skulls nodding and shimmering overhead. The film then captures the moment, in the early hours of October 7<sup>th</sup>, when the music stops. A security guard comes up to the DJ and tells him to stop playing, that the party is over, red alert, and orders the crowd to disperse. One young man, still high from the rave, almost seems to be dancing to the beat of the explosions as they echo overhead, laughing as he chants: "bam bam, bam bam bam!" As the rockets continue, a woman tells herself, "You're screwed—who throws a party in Gaza?"

*#NOVA* is one of several documentary films that chronicle the killings and kidnappings of Israelis by Hamas fighters and their accomplices on October 7<sup>th</sup>. It was preceded by *Bearing Witness*, a film composed of footage taken from the body cameras and cell phone footage of Hamas militants and distributed by the Israeli military, which has been shown to parliaments and legislatures in the US, Canada, and Europe, and screened at universities, Israeli consulates, synagogues, and Jewish museums. Another documentary chronicling the attack on the rave, *Supernova: The Music Festival Massacre*, aired at the end of December in Israel and has been optioned for international distribution. Yet another [film](#) about the festival attack, co-produced by the BBC, is in production.

These films are memory objects which their creators also present as much-needed forms of proof. Within days of October 7<sup>th</sup>, the Israeli government—then in the process of deploying its annihilating military campaign against Gaza—began to warn of a virulent new tendency to deny the scale or veracity of the attacks on Israelis. By using the language of "denial," the government sought to invoke the precedent of Holocaust revisionism—a parallel that it soon made explicit. Ahead of the

first official screening of *Bearing Witness*, on October 23<sup>rd</sup> in Tel Aviv, an Israeli government spokesperson framed the film as an effort to counter a “Holocaust-like denial phenomenon.” This aspiration defines the whole cohort of documentaries. Noam Pinchas, one of the directors of *Supernova*, [told Haaretz](#) that “I very much hope it will prove that these things really did transpire.” Dan Pe’er, the director of *#NOVA*, told the paper that “the world needs to understand the holocaust we went through, documented by many who were there.”

Conspiracy theories that dismiss or diminish the violence against Israelis have indeed circulated online since October. *The Washington Post* [reported](#) in January that “a small but growing group denies the basic facts of the attacks, pushing a spectrum of falsehoods and misleading narratives that minimize the violence or dispute its origins.” Chief among these denialist narratives is the contention that October 7<sup>th</sup> was a “false flag” attack, a disguised effort by Israel, or perhaps by the US, to create a pretense to commence bombing Gaza. This conspiracy has doubtless drawn fuel from the fact that Israeli soldiers did indeed [kill Israeli civilians](#) that day—and that Israel has said it [will not investigate](#) those incidents until it concludes its war on Gaza. A similar dynamic has played out around conflicting accounts of gender violence committed on and after October 7<sup>th</sup>: Some have denounced every allegation that Israeli women were raped in the attack as a fabrication, despite the UN’s assertion that there are “[reasonable grounds to believe](#)” some such reports are credible.

These denialist currents may be alarming, but they have been fed by the disturbing reality that the violence of October 7<sup>th</sup>—especially the reports of sexual violence—has been marshalled almost from the moment it occurred to justify retribution at a vastly greater scale. The accusation of rape, [frequently racialized](#), has historically served to dehumanize the accused, dovetailing with Israeli officials’ claims that they are in an existential battle for their survival against, in the words of Minister of Defense Yoav Gallant, “human animals.” This drumbeat echoes through [reports](#) in mainstream media outlets alleging that Hamas made systematic [use of rape](#) as a “[weapon of war](#)”—growing louder even in the face of a [glaring lack of evidence](#) to support that heavy claim. Many reports are not only largely unverified but also unverifiable, given that many of the dead [were buried](#) before forensic examinations or autopsies were performed. Meanwhile, credible [reports](#) of Israeli soldiers raping, humiliating, and threatening Palestinian women in detention have also emerged. With the stakes of these depictions so high and the hard facts so limited, it’s no wonder that the weaponization of evidentiary claims has fed a countervailing strain of untruth.

Under such conditions, the status of “evidence” itself is dangerously undermined. Israeli government narratives have amply contributed to its weakened power: The day the International Court of Justice heard arguments in the case of *South Africa v. Israel* over Israel’s alleged violations of the Genocide Convention, the Israeli Ministry of Foreign Affairs [arranged](#) to have *#NOVA* screened just outside the Peace Palace. The message was clear: The real evidence, the display suggested, was not being presented inside the court, where the South African legal team argued that Israel is committing genocide against the Palestinian people, but rather outside, in the public square, where the Hamas atrocities against Israelis were broadcast for all to see. In this way, even as they aim to counteract one kind of denial, the films are also part of a media apparatus that amplifies another. They assemble filmic and photographic evidence not only to induce their viewers to look, but also to discourage them from considering what is occurring just outside the frame.

To watch the films, or to click through the evidence of the October 7<sup>th</sup> attacks that the Israeli government has compiled and posted online, is to be conscripted into something akin to what the scholar Maayan Ali calls “[visual lawfare](#),” in which “military actors and state representatives wield evidential imagery to advocate for the use of military force.” If lawfare—the mobilization of law as a weapon of war—is among the defining military tactics of our era, the concept of “visual lawfare” describes the degree to which imagery can similarly be circulated and deployed “to justify (or

condemn) a broad spectrum of military operations,” Ali argues. The more viewers are reminded of the horrors of October 7<sup>th</sup>, the more willing they may be to morally sanction unconscionable acts of war.

Or, the more those viewers refuse such conscription, the more they may reject the images that attempt to perform it—even at the cost of denying the testimony of their own eyes. Visual lawfare harnesses evidentiary mutability in the service of military logic: What Ali calls a “tug-of-war over meaning” becomes another battlefield, a churned-up terrain of informational murkiness. The louder the Israeli government cries out against denial while continuing to practice it—weaponizing the events of October 7<sup>th</sup> to at once justify and obscure the slaughter of Palestinians—the more it contributes to the questioning of crimes committed against its own residents. By rigidly constraining the camera’s aperture, the films that aspire to document have become less works of witness than justifications for war.

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**A PRIMARY AIM** of the Israeli campaign for the memory of October 7<sup>th</sup> is to make it coterminous with the memory of the Holocaust, a move that ultimately does injustice to both events. In this regard, the campaign already appears to have been frighteningly successful: After I watched the *#NOVA* film on YouTube, the platform suggested that I move on to testimonies of Israeli survivors of the attacks that had been filmed and posted by the USC Shoah Foundation, one of the largest archives of Holocaust survivor testimonies. I clicked on a video of an interview with Yarin Levin, a young IDF veteran who had attended the festival with his friends. He told the interviewer how he and hundreds of others were ambushed, how they did not know which way to run, how never in his life had he heard that much gunfire. Beneath the video, YouTube provided an explanatory panel offering “context” for his remarks: a box containing the Encyclopedia Britannica’s definition of “Holocaust” as the “systematic state-sponsored killing” of six million Jews during World War II. The panel collapsed time: What Levin was testifying to, it suggested, was not just the murders of Israelis that day, but also the murder of Jews during the Holocaust, and the murder of Jews throughout history. He hardly had the chance to articulate his own experience before it was swallowed up and “contextualized,” situated in a story of recursive destruction.

The proliferation of filmic versions of the attacks also operates in this vein, recalling the evidentiary films made about the Shoah. At Nuremberg, the film *Nazi Concentration Camps* captured the scenes that the American army confronted upon liberating the camps. It was the first film to be shown as part of a criminal proceeding. “We will show you these concentration camps in motion pictures,” announced Chief Prosecutor Robert H. Jackson in his opening statement at the tribunal. “Our proof will be disgusting and you will say I have robbed you of your sleep.” The film testifies to its own authenticity, as the legal scholar Lawrence Douglas has argued, showing not only the camps but also the American generals and soldiers who walked through them in horror, so that the viewer participates in “the spectacle of witnessing the act of witnessing.” (Today, as photographs of

audiences watching *Bearing Witness* circulate online, we have all become part of this spectacle. The most visceral and immediate reaction to the film's images can be conscripted, in this multi-dimensional project of visual lawfare, into an endorsement of the military response to the events they depict.)

But what does this spectacle of witnessing achieve? Among the lessons that the long history of Holocaust memory should have taught us, by now, is the fact that no amount of evidence is sufficient to stem denial. Despite all evidence to the contrary, despite all of the testimonies and photographs and footage that have been so diligently amassed to protect the memory of lost Jewish lives, there are still those who find the archive wanting, who demand further proofs, and who remain stubbornly unconvinced after those proofs are supplied. Those who have had their histories denied attempt to respond by deploying testimonies, forensics, fact-checks, adopting the language of the denier—language that demands empiricism only for the purpose of refuting its findings—in an attempt to defend the truth. The very labor of responding to the lie can legitimate its premise, lending credence to avenues of questioning that would not otherwise merit serious consideration. To refute the lie that there were no gas chambers in Auschwitz is to take it seriously—in fact, to conjure it—and to repeat and disseminate its claim.

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This inescapable relation is what the literary critic Marc Nichanian has called the “catastrophe of the survivor,” who is forced to look his murderers in the face time and time again and prove his own death, who is pushed into a state of “literal madness” as a result. “From the beginning, before the beginning even, the murderer is here, facing me, and he tells me: Prove it! Prove it then if you can! And I, for ninety years, I have stood up and proven it,” he writes in *The Historiographic Perversion*, his study of the negationist aftermath of the Armenian genocide. But not even 90 years of testimony will suffice. “Even when the totality of testimonies, for the entire world, says the truth about the truth, it so happens that there is still room for questioning, because there is room for interpretation,” Nichanian says. *Even when the entire world says the truth about the truth*, it is not enough.

The Jewish people have long been caught in the catastrophic, maddening loop of survivorship. And perhaps it is no surprise, then, that the Israeli government has dispensed with testimony as a means of “truth-telling,” but seized on it instead as material for *hasbara*, which literally means “explanation” but practically means “propaganda.” Meanwhile, Israel’s assault on Gaza has further ensnared another people in this impossible position, one that they too have been forced to inhabit since 1948. Nichanian reminds us that the Armenian genocide did not end with the mass killings, but continued with the destruction of records documenting subsequent efforts to hold the perpetrators to account. The genocidal will, he argues, does not only destroy entire peoples, but also torches their archives—the very documents that might otherwise have constituted evidence of both their existence and their elimination. “One demands proof where there is no grave,” he writes. Those who survive the ongoing atrocities against the Palestinian people in Gaza will, in the years to come, stand up time and again, facing audiences who will boldly demand, “Prove it!” Even the dead will be called

upon to participate, forced to labor in their graves to present the facts of their own murders. President Joe Biden made this painfully evident when he baselessly [declared](#) in October that he had “no confidence” in the death toll calculated by Gaza’s health ministry, which is widely considered reliable but conservative by international media and human rights organizations. “One of the forms of Holocaust denial is a focus on proving the number of deaths,” the Palestinian Canadian lawyer Diana Buttu told me. “It is so dehumanizing, it is so deeply wrong, yet that is where we are right now with Gaza . . . You are so dehumanized that you don’t die, because you still have to prove your own death.”

**IN FEBRUARY**, the Israeli Knesset approved a preliminary reading of a bill that would make denying what happened on October 7<sup>th</sup>, or diminishing the scale of the attacks, an offense punishable by up to five years in prison. In yet another effort to interpolate the Jewish past into the present, the right-wing politician Oded Forer, the bill’s sponsor, modeled the legislation upon Israel’s existing 1986 law prohibiting Holocaust denial, which carries the same penalty, remarking that the way October 7<sup>th</sup> was being discussed was “starting to resemble Holocaust denial.” “The campaign for the memory of October 7 must be conducted now and the forces that are trying to cover up the pure evil we saw on October 7 must not be allowed to break through,” Forer [stated](#), on X, the day the bill was read. “We cannot demand that the nations of the world ban the denial of the massacre, similar to the ban on denying the Holocaust, without us also acting. In this era, when false information is spread on steroids, we must start the fight now.”

Though the initial reading of the bill was unanimously approved by 29 members of the Knesset, it has met opposition within the Israeli government. Israeli Attorney General Gali Baharav Miara [came out](#) against the bill on the grounds that it “raises significant legal difficulties,” and could make it more difficult to prosecute perpetrators of the October 7<sup>th</sup> attacks. “Naturally, the evidentiary picture in relation to the nature and scope of the detestable acts is not complete,” she said in a statement. A law prohibiting denial of the attacks, she argued, might interfere with her office’s efforts to collect and investigate evidence. So long as the legal effort to establish the facts of what occurred on October 7<sup>th</sup> is ongoing, it would be counterproductive, not to mention practically impossible, to simultaneously pursue criminal prosecutions of October 7<sup>th</sup> deniers. In her statement, Miara also cautioned that laws prohibiting denial are usually passed decades after the crimes in question, after a “clear historical understanding” of the events had been established. “It should be noted that the law prohibiting Holocaust denial was established only in 1986, some forty years after the Holocaust of the Jewish people,” she wrote. In other words: You cannot prosecute denial before you have established what, exactly, is being denied.

The exchange between Forer and Miara restages the familiar confrontation between legislator and jurist, both of whom, by virtue of their positions, have been empowered to determine the “facts” of history in their own distinct way. If, once upon a time, it was the case that “to the historian alone befell the task of establishing facts, producing the evidence and delivering the truth,” as the French scholar Pierre Nora wrote over two decades ago, “Today, the historian is far from alone in manufacturing the past; it is a role he shares with the judge, the witness, the media and the legislator.” The historian collects evidence and pieces together a careful, retrospective narrative; the jurist is concerned with what the legal record will reflect; witnesses speak to what they saw and survived, knowing that no amount of testifying will suffice; the media offers its own spin. Yet while each of these participants can contribute to the “manufacture” of the past, only the legislator is empowered to impose his own interpretation of history upon his fellow citizens. The legislator alone can pass laws establishing what did or did not occur, wholly bypassing the messy domain of evidence and proof. He can act before the facts have been established—he can get ahead of them, so to speak, by delimiting the acceptable contours of the past before it is even past.

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Forer is one of many elected Israeli officials who are already manufacturing history by protesting efforts to collect the facts. Investigations into the cascading failures that led to October 7<sup>th</sup>, and which have continued in its aftermath, are currently “[on hold](#)” until the end of the war, because the government has argued that they would interfere with military activity. It is a convenient stance for the moment because it promises an “end” that may not come, gesturing to an imaginary moment when an imaginary Israeli government—one that has relinquished its vengeful campaign and ceased its assault not only on Gaza, but also on its own civil society—will reflect on where it went so wrong. It is also convenient because evidence corrodes with the passage of time; to sanction investigations only when the war “ends” is to welcome the erosion of truth in the meantime, to encourage the “tug-of-war over meaning” to continue distracting from the annihilating acts occurring off-screen.

Though Miara’s office is investigating the October 7<sup>th</sup> attacks and has participated in discussions about what court proceedings for alleged perpetrators might look like, there is as yet no consensus on what form those proceedings may take. (In another willful invocation of the Holocaust, the Eichmann trial is [frequently referenced](#) as a potential model, in part because of its public nature, and because Israeli public defenders have said that they will not represent Hamas. During the Eichmann trial, the defendant was represented by German lawyers.) Here, too, the “end” of the war is invoked as an imaginary horizon beyond which these questions may be resolved, and judicial procedure conjured as a form of closure. No matter what form the inevitable trials take—criminal or military, public or closed-door—they will only deliver a partial justice. The jurist, like the lawmaker, works with blunt instruments. Israel will attempt to hold Hamas to account with its laws, while international law strains in turn to hold Israel to account for its own crimes. Both forums are constrained by design: The former will mobilize national criminal law for the purposes of vengeance and nation-building, while the latter can only evaluate a vast terrain of wrongs through the pinhole lens of legal definition—to say nothing of the substantial questions surrounding the feasibility of enforcement of any ruling. When these efforts inevitably fall short of the immense expectations they carry, it will fall to the historian to pick up the scraps, to sift through the evidence that manages to survive.

Every war is, in some way, a war over memory. Israel’s memory war is well underway: Forer’s statement that “the campaign for the memory of October 7 must be conducted *now*” is a deceptively honest utterance, for it clearly articulates that, at this moment, the Israeli government is not primarily interested in understanding what occurred on October 7<sup>th</sup>, nor in the awful months that have followed. Instead, it is interested in furthering a “campaign for the memory of October 7,” in converting a catastrophe whose factual contours have not yet been definitively established into a political campaign that can be wielded for the purposes of the Israeli state and its vengeful war against Gaza. The proposed law is part of a “campaign for memory” that seeks to harness the destructive power of memory itself. “To claim the right to memory is, at bottom, to call for justice,” Nora warned over two decades ago. “In the effects it has had, however, it has often become a call to murder.”

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**P.S.**

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