

JEWISH TELEGRAPHIC AGENCY

Holocaust memory compels us to reject false genocide claims — and face Gaza's agony

An attorney and a historian refute Navi Pillay's genocide finding — and urge Jews to confront uncomfortable moral questions.

[Menachem Z. Rosensaft](#) [James McAuley](#) October 15, 2026



Tagreed Al-Dalu, a resident of Gaza, visits the rubble of her family's destroyed home in Gaza City, Sept. 14, 2026. (Saeed M. M. T. Jaras/Anadolu via Getty Images)

There is a rising and troubling consensus that the Jewish state may be guilty of the very crime that led in part to its establishment: “genocide,” a term and concept originally [introduced in 1944](#) to describe the industrial-scale murder of the European Jews at the hands of the Nazis.

The explosive allegation achieved a significant victory last week, with the awarding of the 2026 Nobel Peace Prize to the South African jurist Navi Pillay, the head of a United Nations commission that concluded in a 2025 report that Israel has committed a genocide in Gaza.

The trouble with the 2026 Peace Nobel is not that Pillay is sharply critical of Israel's conduct of the Gaza war; it is that the U.N. report in question, which shockingly failed even to address, let alone condemn, the Hamas atrocities of Oct. 7, is rooted in such an extreme anti-Israel bias as to render her an apologist for Hamas's terrorism and disqualify her as an honest broker.

Pillay's award puts her in line with multiple human rights organizations and genocide scholars that have reached the same conclusion, and the allegation has significant traction in public opinion. About [three in 10](#) American voters now believe that Israel has committed a genocide in Gaza, as does about [half](#) of the British public, according to recent polls.

The fierce battle over the term "genocide" is far more than a fight over the specific nature of alleged war crimes in a particular military campaign. It is nothing less than a fight for the memory of the Holocaust itself — to whom that memory most belongs, what its apparent lessons are or should be, and who is entitled to arbitrate its uses.

We write as two Jews who have long been deeply invested in this question, personally and professionally. One of us, Menachem Rosensaft, teaches the law of genocide at two Ivy League law schools and served on the United States Holocaust Memorial Council for 20 years. The other, James McAuley, interned at the United States Holocaust Memorial Museum in Washington early in his career before writing books on various aspects of Holocaust memory. We come from different generations and different backgrounds, but we write with the same profound heartbreak.

We do not believe that Israel's fierce, potentially disproportionate conduct in Gaza meets the legal criteria of genocide. Under the Genocide Convention, the crime requires the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." Moreover, such a goal must be the *dolus specialis*, or the specific purpose, for any finding of genocide rather than a tangential side effect or byproduct.

Israel waged its war against Hamas in Gaza after the ravages of Oct. 7 to remove that terrorist organization as an existential security threat after the most devastating attack in its history. Moreover, it is clear that the Israeli government did not intend to eliminate the Palestinian presence in Gaza, even if the [reckless rhetoric of some extremist ministers](#) suggested otherwise. There were some two million Palestinians living in Gaza prior to Oct. 7, and there remain just about the same amount after the ceasefire went into effect in October 2025.

But whatever position one takes on the issue, the nature of Holocaust memory is in crisis. To some, the horrors of the Holocaust are the ultimate justification for Jewish security and self-defense by any means necessary, an ostensible justification for Israel to

pursue its enemies however and as long as it sees fit. For others, the true lesson of the Holocaust is the moral imperative of human rights and human dignity for all, Jews and non-Jews alike. One “lesson,” as it were, is Judeocentric, the other universal.

Without question, many are all too eager to accuse the Jewish state of the very crime that led to its establishment; they are seemingly intent on delegitimizing its standing in the global arena by exploiting if not altogether delegitimizing the memory of the slaughtered Jews of Europe. But rejecting the charge of “genocide” against Israel — and saying nothing more in its place — far too often serves as a convenient semantic shield that avoids any confrontation with the inescapable reality that Gaza is indeed a humanitarian catastrophe. Merely because it may not qualify as a genocide or does not compare to the Holocaust does not mean it can or should be ignored.

Israel and its supporters should not use Holocaust memory as a justification for failing to confront military excesses on its part or the brutal violence of Israeli settlers against Palestinian civilians in the West Bank. At the same time, Israel’s enemies should not use the Jewish catastrophe as a cudgel to delegitimize the very existence of the Jewish state.

On Kol Nidre, Rabbi Elliot Cosgrove of New York City’s Park Avenue Synagogue urged his congregation, and Jews worldwide, to avoid what he called “[the fantasy of innocence](#),” and instead to claim agency in their lives as individuals and as a people. “We Jews, historically the targets of indiscriminate blame, can ourselves, at times, fall prey to the temptation to leverage our own hurt as a shield against moral accountability,” he said.

Religious leaders and elected officials often speak of the “lessons” of the Holocaust as if there was ever a consensus about what, exactly, these are. In fact, there was never such a consensus in the immediate aftermath of the war, and there is no such consensus today. But a lesson that we may not ignore is that we must decry injustice regardless of who its victims are, just as we must hold any and all perpetrators of such injustice accountable.

Whether or not there has been a genocide in Gaza, the horrific plight of Palestinian civilians there is undeniable, and we, whether as an international society or as Jews, have a collective obligation to recognize and alleviate their anguish and agony.

“We must remember the suffering of my people,” Auschwitz survivor Elie Wiesel [said](#) in his lecture when he won the Nobel Peace Prize in 1986, “as we must remember that of the Ethiopians, the Cambodians, the boat people, Palestinians, the Mesquite Indians, the Argentinian ‘desaparecidos.’” He continued: “There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.”

Our challenge to our fellow Jews and anyone else outraged by the term “genocide” with respect to Gaza is to follow Wiesel’s lead. If one particular word is unacceptable to you,

find others that aren't. Doing so does not mean turning your back on Israel — quite the contrary. It shows a deep love for Israel, and a belief in the Jewish state living up to its own vaunted values.

Nuance matters, but silence is not an option.