

## **Episode 26: Eyal Benvenisti**

**Guest: Professor Dr. Eyal Benvenisti** Academic Director, Center for Applied Research on Risks to Democracy, Tel Aviv University / Sidley Austin-Robert D. McLean '70 Visiting Professor of Law, Yale Law School

**Host:** Yusuf

**Bio:** Professor Eyal Benvenisti is one of the world's most respected authorities in international law, constitutional law, and human rights. Born in Jerusalem in 1959, he earned his LL.B. from the Hebrew University of Jerusalem (1984), followed by an LL.M. (1988) and J.S.D. (1990) from Yale Law School. He has held esteemed academic positions, including the Whewell Professorship of International Law and was the director of the Lauterpacht Centre for International Law at the University of Cambridge (2016–2024). Previously, he served as the Anny and Paul Yanowicz Professor of Human Rights at Tel Aviv University and the Hersch Lauterpacht Professor of Law at the Hebrew University of Jerusalem. Prof. Benvenisti has been a visiting professor at several prestigious institutions, including Yale, Harvard, Columbia, and the University of Toronto. His research focuses on the laws of occupation, sovereignty, and the interplay between national and international legal systems. He served as a legal advisor to Israel during the preliminary measures stage at the International Court of Justice in the South Africa v. Israel case.

**In this Episode:** In this insightful conversation, Professor Eyal Benvenisti delves into the legal and humanitarian dimensions of the October 7 attacks and their aftermath. He examines the classification of these events under international law, discussing whether they meet the threshold for genocidal intent. The discussion also covers Israel's military response, the implications of statements by Israeli leaders, and the humanitarian crisis in Gaza, including issues related to aid blockades and starvation. Professor Benvenisti provides expert analysis on the proceedings before the International Court of Justice, particularly the case brought by South Africa against Israel, and the provisional measures ordered by the court. He also addresses the controversial plans for Gaza's future, including the proposed "Humanitarian City" and the potential full occupation of the Gaza Strip. The episode concludes with a reflection on the genocide discourse within Israel and the international community, the recognition of Palestine by Western states, and the challenges facing international law in the current geopolitical climate.

### **Links:**

Prof. Dr. Eyal Benvenisti

<https://law.yale.edu/eyal-benvenisti> (Last accessed on October 21, 2025)

<https://english.tau.ac.il/profile/ebenve> (Last accessed on October 21, 2025)

<https://www.law.cam.ac.uk/people/eyal-benvenisti/76742> (Last accessed on October 21, 2025)

Provisional Measures of the ICJ (South Africa v Israel) from January 2024:

<https://icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> (Last accessed on October 21, 2025)

Advisory Opinion of the International Court of Justice on the Legal Status of the Occupied Palestinian Territories (July 2024):

[https://www.un.org/unispal/wp-content/uploads/2024/07/186-20240719-adv-01-00-en.pdf?utm\\_source=chatgpt.com](https://www.un.org/unispal/wp-content/uploads/2024/07/186-20240719-adv-01-00-en.pdf?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

On the Operation Gilead's Chariots:

<https://www.justsecurity.org/116459/israel-gaza-gideon-chariots-humanitarian-city/> (Last accessed on October 21, 2025)

Public Statement by International Law Experts on Oct 7 as potential Genocide:

[https://docs.google.com/forms/d/e/1FAIpQLSd4IrsDRg3HbJqoAf0BI Ae7BHJuzpQB\\_Le27Iureq9vpCoBkw/viewform](https://docs.google.com/forms/d/e/1FAIpQLSd4IrsDRg3HbJqoAf0BI Ae7BHJuzpQB_Le27Iureq9vpCoBkw/viewform) (Last accessed on October 21, 2025)

Omer Bartov describing Oct 7 as an „act of genocidal violence“: <https://www.zeit.de/2025/25/omer-bartov-benjamin-netanjahu-nahostkonflikt-kritiker-instrumentalisierung-holocaust/seite-2> (Last accessed on October 21, 2025)

Renowned international law scholar **Philippe Sands**, in conversation with Ezra Klein, argued that according to **Raphael Lemkin's original definition**, both the events of **October 7** and the situation in **Gaza** could be considered genocides. He is, however, more skeptical when it comes to the much narrower **legal definition under the Genocide Convention**. <https://www.nytimes.com/video/opinion/100000010328913/when-is-it-genocide.html> (Last accessed on October 21, 2025)

**Martin Shaw**, who the Washington Post calls „the leading sociological expert on genocide“ describes October 7 as a „genocidal massacre“ and Israel's response as an „asymmetrical counter-genocide“. As „ Hamas also knew that its mass atrocity against Israeli civilians would cause a huge, destructive response“, this „certainly makes the genocide a 'co-production', but Israel has the prime, direct responsibility.“ The term „genocidal massacre“ refers to Leo Kuper's concept of „a limited, local expression of what the Genocide Convention calls genocide 'in part'“. <https://jpr.winchesteruniversitypress.org/articles/164/files/6765c472d1841.pdf> (Last accessed on October 21, 2025) / <https://newlinesmag.com/spotlight/the-uses-and-abuses-of-the-term-genocide-in-gaza/> (Last accessed on October 21, 2025)

Resolution of the International Association of Genocide Scholars (IAGS): <https://genocidescholars.org/wp-content/uploads/2025/08/IAGS-Resolution-on-Gaza-FINAL.pdf> (Last accessed on October 21, 2025)

Criticism by former board member Sara E. Brown: <https://shorturl.at/1q4Zb> (Last accessed on October 21, 2025)

Petition of Scholars against the Resolution: <https://shorturl.at/W9qLd> (Last accessed on October 21, 2025)

IAGS Board's reaction: <https://shorturl.at/a6fWa> (Last accessed on October 21, 2025)

Report of the UN Human Rights' Counsel's Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel <https://shorturl.at/ld5o8> (Last accessed on October 21, 2025)

Independent UN Experts:

[https://www.un.org/unispal/document/un-experts-statement-07may25/?utm\\_source=chatgpt.com](https://www.un.org/unispal/document/un-experts-statement-07may25/?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

Amnesty International: [https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/?utm\\_source=chatgpt.com](https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

Human Rights Watch: [https://www.hrw.org/news/2024/12/19/israels-crime-extermination-acts-genocide-gaza?utm\\_source=chatgpt.com](https://www.hrw.org/news/2024/12/19/israels-crime-extermination-acts-genocide-gaza?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

Doctors Without Borders: [https://www.doctorswithoutborders.org/latest/gaza-death-trap-msf-report-exposes-israels-campaign-total-destruction?utm\\_source=chatgpt.com](https://www.doctorswithoutborders.org/latest/gaza-death-trap-msf-report-exposes-israels-campaign-total-destruction?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

B'Tselem: [https://www.btselem.org/press\\_releases/20250728\\_our\\_genocide?utm\\_source=chatgpt.com](https://www.btselem.org/press_releases/20250728_our_genocide?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

Physicians for Human Rights: [https://www.phr.org.il/en/genocide-in-gaza-eng/?utm\\_source=chatgpt.com](https://www.phr.org.il/en/genocide-in-gaza-eng/?utm_source=chatgpt.com) (Last accessed on October 21, 2025)

***Please also check out our other episodes in the political and legal debate chapter to explore multiple perspectives.***

**Dedication:**

*We dedicate this Podcast to all victims and survivors of October 7, the hostages and their families, to all innocent civilians killed and injured in Gaza and their grieving families and friends. To our dear guests Udi Goren, Khalil Sayegh, Sima and Mai who shared their losses so powerfully with us. To their families: Tal's wife Ella Haimi, their children Nir, Einav, Udi and Lotan, who never got the chance to meet his father. To Khalil Sayegh's mother and siblings, to Mai's and Sima's family, to her mother Bushra.*

*To the blessed memory of: Tal Haimi, Lara Sayegh, Jeris Sayegh, Mahmoud, Danny Darlington and Haim Perry.*

**Disclaimer:**

In each episode of this podcast, the invited guests speak on their own behalf. They share their experiences, assessments, and expert perspectives. These contributions are central to the multiperspectivity of the project but do not necessarily reflect the views of the editorial team or producers.

**Legal & Historical Anchor Episodes:**

This podcast may include controversial legal terms of specific technical significance. Their legal applicability requires a thorough expert contextualization; for this, we refer to our legal chapter. All relevant terms of international law, its institutions, current controversies, and the state of jurisprudence are explained in the anchor episode with Prof. Dr. Dr. h.c. mult. Claus Kreß LL.M. (Cambridge) (Episode 36). He is co-author of the Rome Statute, Special Advisor to the International Criminal Court, and Judge at the International Court of Justice in the parallel Gambia vs. Myanmar genocide case.

Historical matters are discussed from multiple perspectives in this podcast. Please check the cross-references in the shownotes of the respective episodes for details. All historically contested issues are addressed in the history anchor episode with Prof. Dr. Dr. h.c. Gudrun Krämer (Episode 21), author of the comprehensive work *A History of Palestine: From the Ottoman Conquest to the Founding of the State of Israel* (Princeton 2008), a standard reference in the field. For her scholarly achievements as a historian, she was awarded the *Preis des Historischen Kollegs* in 2025, the highest distinction in her discipline in Germany.