

Boycott Israel (BDS), A Moral Duty

Part 2: Boycott

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"It would be a perversion of [the rich history of political boycotts] to reduce boycotts of Britain, South Africa, Myanmar, or Israel to forms of national origin discrimination rather than appreciating how they are a time-honored form of political protest against human rights violations" (Katherine Franke: "Boycotts are an essential form of democratic protest — don't ban them", Boston Globe, July 18).

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5. Boycott, a moral duty

“The question of Palestine was created by the world — mostly the western part of it — and it is the world that must rise to its moral responsibility to resolve it” (Omar Barghouti).¹

5.1. According to Larry Derfner, a prominent American-turned-Israeli journalist and publicist, in his new memoir, *“No Country for Jewish Liberals”*, the occupation is not just a flaw *“but a morally fatal flaw.”* The only solution to put an end to it, in his view, is BDS:²

“Not that I like the idea of advocating the boycott of my own country, but since it is now clear that Israel will not change of its own accord and that America is unwilling to force it to change, there’s no way left but the South Africa model to end the occupation, and so BDS seems the lesser of two evils, the greater one being occupation forever.”

Derfner is one of an increasing number of Jewish opinion makers, humanists and activists, inside and outside Israel, who join however reluctantly the international boycott campaign in order to help putting an end to Israel’s immoral oppression and dispossession of the Palestinian people.³

Taking its inspiration from the successful struggle against the South African apartheid regime, in the global community nowadays a consensus is growing: namely that since sanctions against the Israeli state by UN member states and big corporations are not yet a realistic option for the moment, the increasing pressure coming from international civil society, pressure on the Israeli and the Western elites, offers a perspective that, one day, Israel will be led to comply with international law. The analytical framework within which the global

¹, *“Boycott as Resistance: The Moral Dimension”* (28 Dec 2004), <https://electronicintifada.net/content/boycott-resistance-moral-dimension/5388>.

² In: James North, *“New book by Larry Derfner, the American-turned-Israeli journalist, crushes liberal Zionism”* (Mondoweiss, April 4, 2017), <http://mondoweiss.net/2017/04/new-book-by-larry-derfner-the-american-turned-israeli-journalist-crushes-liberal-zionism/>. Already in Haaretz of Feb 8, 2017: *“The Reluctant Boycotter: Why This Liberal Zionist Now Supports BDS”*, via <http://www.haaretz.com/opinion/.premium-1.702155>. His new book, *“No Country for Jewish Liberals”*, see: <http://justworldbooks.com/books/no-country-jewish-liberals/>.

³ Vide e.g.: *“Letter signed by 350 Jewish survivors and descendants of survivors and victims of the Nazi genocide”* (after the latest Gaza onslaught), via: <https://sites.google.com/site/jewsagainstracistzionism/international-jewish-anti-zionist-network>, and <https://nyoobserver.files.wordpress.com/2014/08/letter.jpg?quality=80>. Today, among the liberal Jewish communities in the US, BDS is mainly championed by *‘Jewish Voice for Peace’*, with Rebecca Vilkomerson as its leading spokeswoman. For an interview see: *“The Jewish Voice at the Heart of the Boycott Israel Movement”* (March 29, 2017): <https://bdsmovement.net/news/jewish-voice-heart-boycott-israel-movement>.

solidarity with Palestine should be conceptualized and organized, is, we think, the fight against Israeli apartheid.⁴

BDS, the global grassroots campaign for Palestinian rights, is a legitimate, non-violent and democratic expression of solidarity with the oppressed Palestinian people. It is indeed

“fully consistent with international law, and reflects the values of democratic engagement of peoples beyond borders in struggles for global justice”.⁵

BDS being a movement to make the Israeli state respect international law and the human rights of the Palestinian people, it does not aim at *“the destruction of Israel”*, contrary to the allegations Israel advocacy groups are brandishing (*“doesn’t Israel have the right to exist, then?”*). The past cannot be undone and, as was already noted in Part 1, the PLO recognized Israel’s existence within the pre-1967 borders already in 1988 – relinquishing thus no less than 78% of historical Palestine. What is really at stake here is that in future Israelis and Palestinians would realize the conditions for peacefully living together – be it in two states, in a federation, in one state... - in a way that is in the interests of both peoples (Richard Falk). The equality, though, and self-determination of the Palestinian people, oppressed since 1948 (if not much earlier, under the British Mandate), is an absolute precondition for this.

The argument that time and again is held up by Israel advocates to underline Israel’s *“right to exist”*, is that just like other nations in the world *“the Jewish people”* is entitled to *“the right of self-determination”*⁶. With the creation of the State of Israel in Palestine, it goes, that right has been realized, no less, no more. However, contrary to the customary colonial view, Palestine was not *“a land without a people”*. The implementation, as a consequence, of the Jewish people’s right to self-determination was far from an innocent affair: it required (and still requires) no less than the ethnic cleansing of an inhabited territory and the displacement of its autochthonous population. When we discard its foundational Zionist ideology (*“this country belongs to us not to them”*),⁷ indeed, it implied

“that an entity called ‘the Jewish people’ has the right to ‘self-determination’ in Palestine and the right to express that self-determination by creating and maintaining a state that discriminates against Palestinian citizens and other non-Jews living in it, as well as

⁴ Nadia Hijab & Ingrid Jaradat Gassner: *“Talking Palestine: What Frame of Analysis? Which Goals and Messages?”* (Al-Shabaka, April 12, 2017), via <https://al-shabaka.org/commentaries/talking-palestine-frame-analysis-goals-messages/>.

⁵ Richard Falk, *“Palestine’s Horizon Toward a Just Peace”* (2017), p. 83.

⁶ For a discussion of the *“right to self-determination”* under international law see Addendum 4, at the end of this part.

⁷ As it was stated, e.g., by one of the *“founding fathers”* of Zionism, Menahem Ussishkin (1863-1941): *“We must take over the land. We have a greater and nobler ideal than preserving several hundred thousands of Arab fellahin [peasants]”* (in April 28, 1930, in an address to journalists in Jerusalem). And: *“Now the Arabs do not want us because we want to be the rulers. I will fight for this. I will make sure that we will be the landlords of this land . . . because this country belongs to us not to them.”* (May 19, 1936). See: *“Menachem Ussishkin - A Brief Biography & Quotes”*, via <http://www.palestineremembered.com/Acre/Famous-Zionist-Quotes/Story641.html>.

Palestinians outside it, by denying their return solely on the grounds that they are not Jews”.⁸

5.2. Israel, in its own constitutional self-definition until now,⁹ was a “*Jewish and democratic*” state. Officially both attributes were proclaimed to be of equal standing, however problematic it might appear in the eyes of outsiders. Today, however, the demand that Israel’s “*right to exist*” be recognized unconditionally, is no longer restricted to its *political* existence as a state. What is expected now from the Palestinian leadership, is that they would recognize Israel as “*Jewish State*” (demand explicitly brought forward by Netanyahu from 2009 on as a condition for any renewal of the so-called peace talks). That way the existence of some 1.8 “*non-Jewish*”, Palestinian Israeli citizens – in official parlance: “*Arab Israelis*” – is made into a kind of constitutional problem¹⁰. In fact, since its establishment the Israeli state presents itself as the “*national homeland*” of all Jews in the world,¹¹ and this status is in principle recognized and welcomed by a large majority of Jews, even when they themselves, i.e. some 6,5 million people or half of the Jewish world population, choose not to live in that “*home*”.¹²

What, however, is meant with Israel being a “*Jewish state*” and with being a “*Jew*” in Israel? According to Gideon Levy,

“when people talk about a Jewish state, it’s impossible to know what they mean. Is its character determined by a statistical majority in the population registry? A state governed by Jewish religious law?... Israel has never made clear whether its Jewish

⁸ Ali Abunimah, “*The Battle for Justice in Palestine*”, p. 231. Under international law the right to self-determination does not imply necessarily a right to one’s own state. See below, Addendum 4.

⁹ Cf. the discussions in the government coalition since 2011 on the introduction of a “*Jewish nation-state*” bill . At this moment, March 28, 2018, a version omitting the attribute “*democratic*” is going through the final steps of the legislative process in the Knesset. See Jonathan Cook: “*Israeli parliament endorses final version of ‘Jewish nation-state bill’*. Key Knesset committee approves draft of ‘Zionism’s flagship bill’ defining Israel exclusively as nation-state for Jews” (March 15), via <https://www.jonathan-cook.net/2018-03-16/israel-jewish-nation-state-bill/> .

¹⁰ Already after the establishment of the State of Israel the political relationship between “*Jewish*” and “*non-Jewish*” citizens was encumbered with the recognition of “*nationalities*” beside citizenship. National rights being treated as superior to individual citizenship rights, Israel reserves them almost exclusively for the Jewish population. If there is a conflict between the two, the Jewish national right will invariably be given priority. For example, the “*nationalisation*” of the land, after the Nakba, did not benefit Israeli citizens since there is no such thing as a “*Israeli citizenship*”; legal owner of the land is the Jewish “*nation*” (cf. the Jewish National Fund). See: Jonathan Cook, “*Will Netanyahu risk exposing one of Israel’s secrets?*” (Middle East Eye, Oct 27, 2017), <http://www.middleeasteye.net/news/analysis-netanyahu-risk-destroying-israel-myth-palestinian-arab-law-knesset-far-right-62053607> .

¹¹ Already in 1917, with the so-called “*Balfour Declaration*”, Palestine’s transformation into “*a national home for the Jewish people*”, had been promised by the British colonialists. See below, Addendum 1 on the Balfour Declaration.

¹² Jonathan Ofir, “*Israel’s ‘right to exist’ and the Palestinian right to resist*” (Mondoweiss, April 9, 2017), via <http://mondoweiss.net/2017/04/israels-palestinian-resist/> . Israel proclaims to be “*the nation-state of the Jewish people*” - “*which means that it is not the state of its inhabitants or of its citizens, but of all Jews around the world, of the alleged worldwide ‘Jewish nation’*” (Moshé Machover, “*Zionism and Anti-Semitism*”, Weekly Worker, 5.5.2016), via <http://weeklyworker.co.uk/worker/1105/zionism-and-anti-semitism/> . PS The notion of “*the Jewish people*” refers at the same time to a mythical entity of some 3,000 years old to whom, for being the “*chosen people*”, God Himself “*promised*” the eternal property rights over “*the land of Israel*” . See Shlomo Sand, “*The Invention of the Jewish People*” (2008) and his “*The Invention of the Land of Israel*” (transl. 2012).

*identity is a matter of national or religious identity. If it's a religion, what do secular Israelis have to do with it, and if it's a nationality, what's Israeli identity?”*¹³

Historically, it is a well-known fact that (most of) the Zionist founding fathers of the State of Israel were confirmed secularists (many of them even atheists), meaning that they sought to establish nationalism rather than religion as the new ideological basis for Jewish collective identity and solidarity. However, it did not prevent them to use the Bible (Tenach) as an historical text in order to legitimize their Zionist political project, nor, especially in the case of David Ben-Gurion, to make a fateful arrangement with the Jewish religious establishment. Via the famous “*Status quo*” letter of 1947 he accepted its institutional integration in the new state under the authority of the Orthodox Chief Rabbinate.¹⁴ The letter stipulated policy principles in four main areas that were considered fundamental to Orthodox Judaism: (1) *Shabbat* to be the state's official day of rest;¹⁵ (2) *Kashrut*, i.e. the religious Jewish kosher laws regarding food (obligatory for kitchens in the Jewish state's official institutions, to be controlled by the Rabbinate; (3) family laws - birth and adoption, death and burial, marriage and divorce – to be under the jurisdiction of rabbinical courts (civil marriage is still impossible in Israel); (4) education: to grant full autonomy to the different Jewish denominations. The letter is still the official basis to regulate the relation between state and religion in Israel.¹⁶

Today, despite the officially still standing “*secular*” character of the State, the acceptance by the Knesset of the “*Jewish Nation-State*” bill (see below, Addendum 5) shows us, more than ever, that the tenets of “national-religious Zionism” are definitively acquired among Israel’s political establishment, not only in the extreme-right parties (e.g. Shass, or United Torah Judaism, a party that has only six Knesset seats but that actually controls the government in

¹³ Gideon Levy, “*Have Israelis Forgotten How to Be Jews?*” (Haaretz, Nov 19), <https://www.haaretz.com/opinion/premium-1.823543>.

¹⁴ As chairman of the Jewish Agency Executive, Ben-Gurion sent the “*Status quo*” letter on 19 June 1947 to the ultra-Orthodox *Agudat Israel*. The letter aimed to address the concerns of Jewish religious leaders that the emerging State of Israel would be a secular one and might hurt the status of religion and religious institutions, as well as the values of their followers (Wikipedia, “*Status quo (Israel)*”).

¹⁵ Nowadays, the enforcement of the Shabbat in the public domain is a bone of contention, even among the coalition partners in the government. E.g. the new “*Supermarkets Law*”, obliging grocery stores and supermarkets to close on Saturday: Promoted intensely by Interior Minister Arye Dery of the ultra-Orthodox Shas party, the law passed in the Knesset 58-57 in its third and final reading. See: Jonathan Lis, “*Israel Passes Bill That Bans Most Stores From Operating on Shabbat*” (Haaretz, Jan 9, 2018), <https://www.haaretz.com/israel-news/premium-israel-passes-bill-that-bans-most-stores-from-operating-on-shabbat-1.5729892>.

¹⁶ After the establishment of the State of Israel, it being problematic to define the “*Jew*” according to secular criteria (cultural, linguistic, political...), the option of a secularized identity was eliminated and the principle of religious definition was accepted: a “*Jew*”, under Israeli law, is someone who is born to a Jewish mother or is converted, and is not a member of another religion. The State of Israel belongs only to him or her who meets these *religious* conditions, and the same goes for the Law of Return. Today the original synthesis of Zionism and socialism has long since disintegrated totally, “*making way for a winning symbiosis of religion and strong ethno-nationalism*”. Source: Shlomo Sand: “*How Israel Went From Atheist Zionism to Jewish State*” (Haaretz, Jan 21, 2017), <https://www.haaretz.com/opinion/premium-1.766485>.

all the important civilian realms to the so-called Zionist Left).¹⁷ Israel's far-right, pro-settler Education Minister Naftali Bennett (leader of the HaBayit HaYehudi, “*Jewish Home*”, party) is gradually undermining the secular character of public schools with the introduction of a new “Jewish identity” program (to be delivered preferably by Orthodox Jews),¹⁸ etc.

From the birth of Zionism until today, the “*Jewish*” character of the state is understood in a very peculiar, institutional way, i.e. as an exclusivist, ethnic-religious attribute - and thus in a way that is fundamentally different from the open, civic-religious identities of (most) European countries. For example, when Ireland today is called a “*Catholic*” country, this relates to a country in which Catholicism still prevails culturally and ideologically but without there being an institutionalized discrimination of “*non-Catholic*” Irish citizens. The same goes for Sweden as a “*Protestant*” country, there being no institutionalized discrimination of “*non-Protestant*” Swedish citizens, etc.¹⁹ The requirement, on the contrary, to “*recognize*” Israel as a “*Jewish*” state (while some 25% of its citizens are non-Jewish, be it Muslim, Druze, Christian, etc.), intends to normalize a political regime that since its establishment in 1948 treats a person's ethnic-religious belonging as basic criterion in a legal system that privileges institutionally one group of citizens, the “*Jews*”, and discriminates against the other group of citizens, the “*non-Jews*”.²⁰ The morally, politically and socially negative effects of this structural flaw in the Israeli state project (the “*Declaration of the Establishment of the State of Israel*”, May 14, 1948, notwithstanding) increased tenfold after the military occupation of the West Bank and Gaza in 1967. In other words:

“The definition of the State of Israel as a Jewish one makes inequality and discrimination against its Palestinian citizens [inevitably] a political goal.”²¹

¹⁷ Even in the Labor party, its historic champion, secularism is coming under pressure: its new chairman, Avi Gabbay, some months ago criticized “*the left*” for having forgotten “*how to be Jews*”: “*We are Jews and we need to speak about our Jewish values. It all began with our Torah, our halakha [Jewish religious laws], and our shared heritage*”, see: Almog Ben Zikri, “*Israel's New Labor Party Leader Says the Left Forgot How to Be Jews*” (Haaretz, Nov 13, 2017), <https://www.haaretz.com/israel-news/1.822616>.

¹⁸ E.g. Allison Kaplan Sommer, “*How Israeli Parents Are Fighting Jewish Missionizing in Secular Schools. Angry parents see Education Minister Naftali Bennett and his party as being responsible for increasing religious-Zionist indoctrination in Israeli classrooms, and they are determined to push back*” (Haaretz, July 8, 2017), via <https://www.haaretz.com/israel-news/.premium-how-parents-are-fighting-jewish-missionizing-in-secular-schools-1.5492322>.

¹⁹ Let there be no misunderstanding, though: this kind of politicizing “*Jewishness*” is not a characteristic of Judaism as religion but is part of the Zionist, nationalist project. PS In some circles of the radical Israeli left the notion of a “*Hebrew national identity*” is favored instead. See: Moshé Machover, “*Zionist myths: Hebrew versus Jewish identity*” (Weekly Worker, 16.5.2013), via <http://weeklyworker.co.uk/worker/962/zionist-myths-hebrew-versus-jewish-identity/>. Also: Mikhael Mannekin: “*Hebrew is the central cultural identifier that binds Israelis together, defining the modern politically secular Israeli Jew*,” (Haaretz, July 6, 2017) via: <http://www.haaretz.com/opinion/.premium-1.799390>.

²⁰ E.g.: the “*Citizenship and Entry into Israel*” law, which makes family reunion for non-Jewish couples impossible (recently renewed). See Ahmad Melhem: “*Israel's controversial citizenship law persists*” (Al-Monitor, June 29, 2017), via <http://www.al-monitor.com/pulse/originals/2017/06/israel-extend-citizenship-law-arabs-palestinians.html>.

²¹ Stanley L.Cohen, (Al-Jazeera, March 1, 2017): “*Jim Crow is alive and well in Israel. Long before Israel erected separate communities, the United States perfected the art of the artificial divide*”, via <http://www.aljazeera.com/indepth/features/2017/02/jim-crow-alive-israel-170226083918015.html>

Institutionalized ethnic group discrimination being the essence of racism,²² obviously this kind of political regime cannot truthfully be called "democratic".²³

*"A democracy doesn't deny millions their civil rights, plunder their land and resources and deprive them of independence and of a say in their future."*²⁴

The main concern, better: the strongest obsession of Israeli politicians since the establishment of the state regards what is called the "demographic threat" ("demographic time bomb") arising from the continuing presence of the non-Jewish indigenous Palestinians.²⁵ Ensuring the continued existence of Israel as a "Jewish state" is the red thread running through Israel's policies of ethnic cleansing and dispossessing the indigenous population for 70 years. Respect for the Palestinians' rights in accordance with international law would be contrary to this fundamental ethnic-religious goal. Any proposal, in fact, to legally enshrine the equality of all Israeli citizens is denounced and punished by the establishment as an attack against the "Jewish and democratic" character of the state.²⁶ As is pointed out by Prof. Joseph Massad, there is a clear discrepancy between Israel's own understanding of its rights to realize its aims and the way the international community understands them:

"This is a crucial matter, as all these rights that Israel claims to possess but which are not recognized internationally, translate into its rights to colonize Palestinian land, to occupy it, and to discriminate against the non-Jewish Palestinian people" (m.u.).²⁷

Israel's institutionalized racial discrimination of its "non-Jewish" citizens²⁸ for the benefit of the preservation of the "Jewish" character of the state, is manifest in many, if not in all, areas of

²² "Racism is any act of exclusion based on characteristics of the victim that are seen as determining his or her group-related identity", Jan Blommaert & Jef Verschuere, "Antiracisme" (1994), p. 53.

²³ "There is an unavoidable conflict between being a Jewish state and a democratic state", Joseph Levine, "Israelis have civic rights, not a right to have a Jewish state" (March 9, 2013), via: Jews for Justice for Palestine, <http://jifjp.com/?p=40684>. Also: Michael Sfard: "Israel Is Not a Democracy" (AURDIP, 2 juin, 2017, source: Haaretz): via <http://www.aurdip.org/israel-is-not-a-democracy.html>. With the "Jewish Nation-State" bill the term "democratic" will be deleted in the definition of Israel, see below, Addendum 5.

²⁴ E.g. the so-called "Law of Return", enacted by Israel in 1950. It gives all "Jews" in the world, persons of Jewish ancestry up to at least one Jewish grandparent included, and spouses of Jews the right to "return", i.e. to immigrate to and settle in Israel and obtain full citizenship. "Non-Jews", however, such as the hundred thousands of Palestinian refugees (now millions), although they lived in Palestine since generations but were brutally expelled in 1948, are barred from return to their homes.

²⁵ Gideon Alon & Aluf Benn, "Netanyahu: Israel's Arabs Are the Real Demographic Threat" (Haaretz, Dec 18, 2013), quoted in: Ali Abunimah, "The Battle for Justice in Palestine" (2014), p. 31. Nowadays (March 2018) this obsession is flaring up again: according to Palestinian statistics, by 2020 there will be 7.12 million Arabs and 6.96 million Jews living in Israel, the West Bank and Gaza. See: Yotam Berger & Jack Khoury, "How Many Palestinians Live in Gaza and the West Bank? It's Complicated" (Haaretz, March 28, 2018), <https://www.haaretz.com/israel-news/how-many-palestinians-live-in-gaza-and-the-west-bank-it-s-complicated-1.5956630>.

²⁶ The Basic Law on Freedom and Dignity does not mention equality anywhere in its text. Vide: J.Cook, "Disappearing Palestine", pp. 157-166: "The Persecution of Asmi Bishara".

²⁷ Joseph Massad, "The rights of Israel. Israel's 'lawfare' against the Palestinian people is rooted in a fictitious narrative of having a "right" to exist." (Al-Jazeera, May 6, 2011) via <http://www.aljazeera.com/indepth/opinion/2011/05/20115684218533873.html>.

²⁸ "From its founding, Israel has worked hard to keep Palestinian citizens separated in distinct and often competing sectarian subgroups – Druze, Christian, Muslim, Bedouin – in a policy to 'divide and rule' aimed at preventing them

social and private life: e.g. access to land and land ownership,²⁹ natural resources (e.g. water),³⁰ housing,³¹ budget,³² education and culture,³³ justice,³⁴ legislation,³⁵ politics (see higher), religion,³⁶ etc. As to Israel’s racist judicial system, the “*Palestinian Mandela*”, Marwan Barghouti, at the start of the recent hunger strike, wrote in an op-ed in The New York Times:³⁷

“Israel has established a dual legal regime, a form of judicial apartheid, that provides virtual impunity for Israelis who commit crimes against Palestinians, while criminalizing Palestinian presence and resistance. Israel’s courts are a charade of justice, clearly instruments of colonial, military occupation. According to the State Department, the conviction rate for Palestinians in the military courts is nearly 90 percent.”

from forming a collective national identity and uniting to demand equal rights”, Ali Abunimah, o.c., p. 38. See above, Part 1, ch. 4.3, on the tactic of fragmentation.

²⁹ The *Land Acquisition Law* of 1953 legalized the confiscation of another 40% of the land. “Jewish” land (now 99,3% of the state) was transmitted to the care of the Jewish National Fund. Once land is “judaized”, it is forbidden by law to sell it or lease it to non-Jews.

³⁰ “Israel uses 85% of the shared water resources of the West Bank, leaving Palestinians high and dry”, see: Muna Dajani, “The “Apolitical” Approach to Palestine’s Water Crisis” (Al-Shabaka, July 30, 2017), <https://al-shabaka.org/briefs/apolitical-approach-palestines-water-crisis/>.

³¹ For example, in the Jordan Valley only 6% is made available by the occupier for habitation, i.e. in the A and B areas, where there is hardly any room for more houses. In zone C, it is virtually impossible for Palestinians to obtain a building permit. “In 2015, Arab towns in Israel received only 4.6% of new housing units and only 2.5% of reduced-cost housing units. Less than 1% (0.8%) of Arab localities received additional government support under the “national priority areas” (Adalah, March 30, 2016), “On the 40th anniversary of Land Day: Adalah releases new report on Israel’s discriminatory land and housing policies in 2015”, via https://www.adalah.org/en/content/view/8771?mc_cid=85cee170ff&mc_eid=e1ce773f14

³² E.g. the budget per child in Arab local authorities is 52.1% lower than in Jewish local authorities, See: Adalah, “The Inequality Report: The Palestinian Arab Minority in Israel” (March 2011), ch. 4. “Redistribution of Resources and Social Welfare” (p. 22), via https://www.adalah.org/uploads/oldfiles/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf.

³³ Cohen, o.c.: “in Israel, Palestinian children receive an education that is inferior in nearly every respect when compared with that for Jewish children.” Nada Elia en Rima Najjar, “Israel’s assaults on Palestinian education amount to genocide” (The Electronic Intifada, 25 Sept 2015), via <https://electronicintifada.net/content/israels-assaults-palestinian-education-amount-genocide/14867>.

³⁴ According to Adalah – The Legal Center for Arab Minority Rights in Israel, more than 50 laws are enacted since 1948 that discriminate directly or indirectly against Palestinian citizens in all areas of life, via <https://www.adalah.org/en/content/view/7771>.

³⁵ See: Amnesty International: “Israel/OPT: Israel must repeal the discriminatory Citizenship and Entry into Israel Law” (Feb 19, 2017) via <https://www.amnesty.nl/actueel/israelopt-israel-must-repeal-the-discriminatory-citizenship-and-entry-into-israel-law>. “Timeline: Israel’s anti-Palestinian laws since 1948” (MEMO, May 15, 2017), via <https://www.middleeastmonitor.com/20170515-timeline-israels-anti-palestinian-laws-since-1948/>.

³⁶ E.g.: “Israel’s Muezzin Bill seeks ‘Judaisation of Jerusalem’” (Al-Jazeera, Nov 16, 2016), via <http://www.aljazeera.com/indepth/features/2016/11/israel-muezzin-bill-seeks-judaisation-jerusalem-161116101604441.html>. Also: “Netanyahu pledges that Al-Aqsa Mosque will remain occupied forever” (MEMO, May 25), via <https://www.middleeastmonitor.com/20170525-netanyahu-pledges-that-al-aqsa-mosque-will-remain-occupied-forever/>.

³⁷ The New York Times (International Edition), April 16, 2017: “Why We Are on Hunger Strike in Israel’s Prisons”, via https://www.nytimes.com/2017/04/16/opinion/palestinian-hunger-strik-prisoners-call-for-justice.html?_r=0.

According to Jamil Dakwar, a former senior attorney with Adalah, Palestinians are confronted indeed with

*“a pattern where the Israeli judicial system has become another arm of the occupation, approving the worst policies of the Israeli military since 1967.”*³⁸

Elementary honesty demands, as a consequence, that Israel be called not a “*democracy*” (almost half of the population of historic Palestine being excluded on an ethnic-religious basis) but an “*ethnocracy*” - as was already concluded by a prominent Jewish-American spokesman.³⁹ The assimilation of a modern, territorial state with a transnational, ethnic-religious entity (all “*Jews*” in the world, whatever their nationality, are considered to belong to one and the same, Jewish “*nation*”), i.e. with an “*ethno-state*”, can be called “*anachronistic*” as well as “*dysfunctional*”.⁴⁰ It explains, e.g., why there is no such thing as an “*Israeli nationality*”: its existence would mean that nationality can be based on a non-religious basis and, thus, would be applicable to non-Jewish citizens too. In reaction to repeated requests from Israeli activists to be registered on their identity card as an “*Israeli*”, and no longer as a “*Jewish*” citizen (just as is the case on their international passport), the Supreme Court ruled that such a measure would undermine the “*Jewish*” character of the state.⁴¹ In fact, only “*Jewish*” Israeli citizens enjoy the privileges attached to nationality.

The crimes against the Palestinian people the Israeli state is charged with, time and again, by international institutions as well as by countless human rights organizations, are crying out loud. When not denied, though, they are often condoned if not justified as being alas inevitable and, anyway, subordinate to Israel’s *right to security and safety* (“*Israel’s right to defend itself*”, as it is usually phrased). The right to security of the Palestinians is never taken into consideration.⁴² As we all know, whoever does not accept this kind of dubious apology or justification but advocates the creation of a modern, democratic state in which Jews, Muslims, Christians and others, for being “*Israeli*” nationals, enjoy constitutionally guaranteed equality and the right of self-determination, is charged with antisemitism because of refusing Israel’s “*right to exist as a Jewish state*”.⁴³

³⁸ Quoted in: Charlotte Silver, “*Family of boy paralyzed by Israel sues for damages*” (EI, 31 Jan, 2017), via <https://electronicintifada.net/content/family-boy-paralyzed-israel-sues-damages/19381>.

³⁹ Henry Siegman, 1978-94 Executive Director of the American Jewish Congress (Falk, o.c., p. 39). In the religious-Zionist vision for Israel it should become an “*Arab-free theocracy*”, cf. Yossi Klein, in Haaretz, June 16, 2017, via <http://www.haaretz.com/israel-news/premium-1.794284>.

⁴⁰ Tony Judt, “*Israel: The Alternative*” (2003), repr. in: “*When the Facts Change*”, 2015, p. 122.

⁴¹ Vide the contributions on the web page “*Court rules no such thing as Israeli nationality*” (Jews for Justice for Palestinians), via <http://jffp.com/?p=50305>. Also: Jonathan Ofir, “*Israelis don’t exist*” (Mondoweiss, March 25, 2016) via <http://mondoweiss.net/2016/03/israelis-dont-exist/>.

⁴² Amira Hass: “*In Israel, “security” is only for the Jews and their state. The fact that the Palestinians under this state’s rule constantly live without any kind of security – physical, employment-wise, property-wise, emotional or nutritional – is erased from every intelligence assessment and every moral position*”, in: “*Jerusalem Without Palestinians?*” (Haaretz, July 18), <http://www.haaretz.com/opinion/premium-1.802056>

⁴³ Ali Abunimah, “*Leaked report highlights Israel lobby’s failures*” (The Electronic Intifada, 28 April 2017), via <https://electronicintifada.net/blogs/ali-abunimah/leaked-report-highlights-israel-lobbys-failures>.

The question remains, though, whether ending the present system of legal privileges versus inequality based on someone's either “Jewish” or “non-Jewish” status, would not inevitably mean the end of the State of Israel as such? The ESCWA-Report (p. 18) comes to our rescue, here, with its distinction between a “state” and its “regime”:

“identifying apartheid as a regime clarifies one controversy: that ending such a regime would constitute destruction of the State itself. This interpretation is understandable if the State is understood as being the same as its regime. Thus, some suggest that the aim of eliminating apartheid in Israel is tantamount to aiming to “destroy Israel”. However, a State does not cease to exist as a result of regime change. The elimination of the apartheid regime in South Africa in no way affected the country’s statehood.”

5.3. Being a non-violent and democratic civil rights campaign based on international law and equal rights, BDS is anti-racist, anti-apartheid and anti-colonialist. The boycott itself is not aimed at individuals, be they Israeli or Jewish, but against a persistent criminal policy of the Israeli state and the institutions and corporations supporting it actively or tacitly. The boycott is neither principled; it is not an end in itself but only a means and tactic: it stops as soon as Israel’s apartheid regime has come to an end and the Palestinians’ right to self-determination is achieved.

In the words of Richard Falk:⁴⁴

“BDS represents an extraordinary campaign to address an extraordinary situation of prolonged oppressive occupation, colonization, apartheid, refugee and exile confinement, and denial of human rights, including the right of self-determination”.

BDS, indeed, is a *rights* campaign. While there is uncertainty about a final political solution (two states, one state, a federation, etc.), the central objective of the boycott is the implementation of fundamental rights which are essential for the exercise by the Palestinian people of its right to self-determination and which as such should be part of any future political solution: termination of the occupation and colonization, implementation of the refugees' right to return to their homes (with compensations), the absence of racial discrimination and inequality, equal protection under the law, the end of apartheid... A particular *political* solution is not included in the campaign; it should be the result of free negotiations between Israelis and Palestinians aiming at a just peace based on full equality and security for Israeli Jews and Palestinians alike.⁴⁵

The strategic framework of anti-apartheid and international law allows also to counter the specious accusation that defending the rights of the Palestinian people and, associated with it, criticizing and rejecting Israel's racial politics, would be “*antisemitic*”. To quote once again the *Preface* of the ESCWA:⁴⁶

⁴⁴ “*Palestine’s Horizon Towards a Just Peace*” (2017), p. 85.

⁴⁵ Obviously, an open debate is not excluded. See for example the recent, new contribution of Rida Abu Rass: “*The Palestinian minority inside Israel is our last chance for freedom*” (Mondoweiss, June 14, 2017) via <http://mondoweiss.net/2017/06/palestinian-israeli-minority/>

⁴⁶ P. v. See, at the end of this paper, Addendum 5: “*Antisemitism’s Definition*”.

“The authors reject the accusation of antisemitism in the strongest terms. First, the question of whether the State of Israel is constituted as an apartheid regime springs from the same body of international human rights law and principles that rejects antisemitism: that is, the prohibition of racial discrimination. No state is immune from the norms and rules enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, which must be applied impartially. The prohibition of apartheid, which, as a crime against humanity, can admit no exceptions, flows from the Convention. Strengthening that body of international law can only benefit all groups that have historically endured discrimination, domination and persecution, including Jews”.

5.4. The BDS campaign also serves an important *educational* purpose: it aims to inform and confront world public opinion with *the facts* of Israel’s outrageous violations of the fundamental principles of international humanitarian law, and thus to mobilize the global civil community with a view to the liberation of the Palestinian people. Not only the devastating effects of Israeli aggression and violence on their physical lives should be taken into account, here, but also the severe psychological trauma and mental health repercussions caused by it to generation after generation, children and youngsters being its foremost victims.⁴⁷

BDS, indeed, is a full partner in the “*Legitimacy War*” Palestinian civil society associations have opted for since 2004.⁴⁸ By providing as much information as possible about what is really happening in the areas controlled by Israel and, most importantly, giving Palestinians a voice on the international forum, the boycott campaign aims to confront Israel’s claims on moral authority with its persistent immoral and illegal practices, shattering the myth that in this case the oppressor would be the victim of the oppressed.

*“(T)he danger to Israel is that BDS is successfully shifting the focus of debate and action back to where it belongs: the urgent need to end Israel’s systematic denial of Palestinian rights”.*⁴⁹

BDS has become the most effective form of international solidarity with Palestinians’ struggle for their human rights. There is no doubt, indeed, that this global campaign is doing its job: already last year, indeed, the complaint could be heard in Israeli government circles that the Israeli state is perceived in the global community as a “*pariah state*” because it is equated to

⁴⁷ Cf. the briefing by Medical Aid for Palestinians (MAP) re the impact of 50 years of Israeli military occupation on the mental health and dignity of the Palestinians (April 12, 2017): via <https://www.map.org.uk/news/archive/post/637-new-map-briefing-exposes-how-the-occupation-undermines-palestinian-mental-health>.

⁴⁸ Richard Falk, in “*Palestine’s Horizon etc.*” (2017), p. 21: “*In many respects, Palestinian resistance hopes have shifted to the context of a Legitimacy War, which depends essentially on a soft power global approach*”.

⁴⁹ Ali Abunimah, “*The Battle for Justice in Palestine*” (2014), p. 165.

an apartheid state.⁵⁰ That the umpteenth embellishment (*hasbara*) operation would be able to remedy this situation without a fundamental change of policy, may be doubted.⁵¹

More than of a boycott as such, the Israeli establishment is afraid of the delegitimizing effects of the factual information on its doings which goes together with the BDS campaign. For that reason, all possible means are pulled out by the Israel lobbies abroad in order to silence BDS spokesmen and activists. A peaceful means, with a view to participating in civilized public discussions, is the use of ready-made *hasbara* communication techniques, such as they are presented, for example, in the “*Hasbara Handbook*”. The handbook was published and produced by WUJS, the World Union of Jewish Students, in March 2002.⁵² Its main purpose is to help train pro-Israel campus activists to be effective propagandists. For example, in order to participate in panel discussions they should master the tricks of “*point scoring*” communication in order to “*give the appearance of rational debate, whilst avoiding genuine discussion*”.⁵³

In daily life, however, the “*war against BDS*” activists and Zionist organizations often do not hesitate to rely on aggressive tactics, such as intimidation and smear campaigns; “*lawfare*” (i.e. the use of courts or the legal system in an attempt to criminalize legitimate advocacy of the rights of the Palestinians, making a felony of it, or at least in order to intimidate potential supporters)⁵⁴, media campaigns (the social media included); sabotage; bullying, etc. Israel’s efforts to counter BDS also include e.g. training and paying Israeli students “*to post favorable propaganda on social networks*.”⁵⁵ Staff of Israel embassies is enlisted too in covert activities, e.g. in the UK, where the British student movement has been targeted.⁵⁶ However it is mainly

⁵⁰ Barak Ravid, “*World Sees Israel as a Pariah State, Senior Gov’t Official Says*” (Haaretz, Aug 7, 2016): <http://www.haaretz.com/israel-news/1.735598>. In an Editorial of the same paper Israel is compared to a leper: “*How to Cure Israel’s Diplomatic ‘Leprosy’*” (Haaretz, Aug 9, 2016), <http://www.haaretz.com/opinion/1.735939>.

⁵¹ E.g. Philip Weiss, “*Israel’s P.R. campaign is failing: the more Americans know, the less favorable they are*” (Mondoweiss, July 23, 2017) via <http://mondoweiss.net/2017/06/campaign-americans-favorable/>.

⁵² The “*Hasbara Handbook: Promoting Israel on Campus*” (pdf, 131p.) at: <http://www.middle-east-info.org/take/wujshasbara.pdf>.

⁵³ HH, p. 8. “*To disguise point scoring, comments need to seem to be logical, and to follow from what was said before. Use phrases that subtly change the agenda or reframe the debate to do this: “Well, that’s not really the right question...” Or: “I don’t think we should be focusing on ..., the real point is that...”*”

⁵⁴ Website van The Lawfare Project – The Legal Arm of the Pro-Israel Community: <http://thelawfareproject.org/> In their own words: “*Lawfare means the use of the law as a weapon of war. It denotes the abuse of Western laws and judicial systems to achieve strategic military or political ends. Lawfare is inherently negative. It is not a good thing. It is the opposite of pursuing justice. It is filing frivolous lawsuits and misusing legal processes to intimidate and frustrate opponents in the theatre of war. Lawfare is the new legal battlefield..*”

⁵⁵ Abunimah, o.c., ,p. 166, with reference to: Ali Abunimah, “*Israel’s ‘Pretty Face’: How National Union of Israeli Students Does Government’s Propaganda Dirty Work*” (The Electronic Intifada, Jan 5, 2013), via <http://electronicintifada.net/blogs/ali-abunimah/israels-pretty-face-how-national-union-israeli-students-does-governments>.

⁵⁶ Al-Jazeera’s investigative unit has revealed in detail how the UK student movement was infiltrated out of the Israeli embassy, see: “*Exclusive: Israel lobby infiltrates UK student movement*” (Al Jazeera Investigative Unit’s series “*The Lobby*”, Jan 11), via <http://www.aljazeera.com/news/2017/01/exclusive-israel-lobby-infiltrates-uk-student-movement-170110140117749.html>.

in the American universities that concerted partisan attacks on free speech and solidarity with Palestine have been and still are raging (see below, chap. 7.4):

*“In no theater has this battle been more fierce or have Israel advocates been more bullying and ruthless than on (US) university campuses”.*⁵⁷

Despite all its efforts and the huge financial expenditures, there can be no doubt that the Israeli state is losing this legitimacy war (persisting in its daily violations of international law Israel succeeds in delegitimizing itself). Today, large majorities in world public opinion now are aware that Israel is guilty of wilful war crimes and apartheid. In the US, for example, even among Jewish students, solidarity with Israel is unmistakably decreasing (with 27%). It should not surprise us since

*“the more the study participants knew about Israel, the less favorably they felt about the country... The future of America no longer believe that Israel shares their values.”*⁵⁸

The boycott campaign is the most effective, morally consistent and coordinated form of international solidarity with the resistance of the Palestinian people to its colonization. There is no credible, democratic and non-violent, sustained alternative to it.

*“Boycott, Divestment, Sanctions (BDS) is a Palestinian-led movement for freedom, justice and equality. BDS upholds the simple principle that Palestinians are entitled to the same rights as the rest of humanity.”*⁵⁹

Of crucial importance is the fact that the campaign was launched and is managed from within Palestinian civil society.⁶⁰ The Palestinians, in other words, are not its objects but its subjects. Let me quote once more Richard Falk (p. 46):

“It seems important to understand, especially for non-Palestinians, that it is the Palestinians who should retain control over the discourse on their struggle and projection of vision and strategy. It is up to the rest of us, those who side with the Palestinians in the struggle to uphold their rights, that we not encroach on this political space, and appreciate that our role is secondary and derivative, to aid and abet, to accept a responsibility to act in solidarity... This important distinction between resistance and solidarity is a key to a successful embodiment of this shift by the Palestinian national movement... The Palestinians are always treated as the objects never as the subjects of the peace process. Beyond this, this international paternalism, whether well meaning or

⁵⁷ Ali Abunimah, *“The Battle for Justice in Palestine”*, p. 167. For an extensive analysis, see *ibid.*, chapter 6, *“The War on Campus”* pp. 169-225.

⁵⁸ Amanda Borschel-Dan: *“‘Devastating’ survey shows huge loss of Israel support among Jewish college students”* (The Times of Israel, June 21, 2017), via <http://www.timesofisrael.com/devastating-survey-shows-huge-loss-of-israel-support-among-jewish-college-students/>. Cf. *“Between the 2010 and the 2016 surveys, Jewish college students dropped 27 percentage points on the question of whether they lean towards the Israeli side.”*

⁵⁹ *“What is BDS?”* Vide: <https://bdsmovement.net/what-is-bds>.

⁶⁰ *“The BDS movement was launched by 170 Palestinian unions, political parties, refugee networks, women’s organizations, professional associations, popular resistance committees and other Palestinian civil society bodies”*, in: *“What is BDS?”* Vide: <https://bdsmovement.net/what-is-bds>.

not, has contributed to, rather than overcome, or even mitigated, the Palestinian tragedy".

What should be emphasized is that the BDS call is addressed to Israeli citizens too: "*We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.*"⁶¹ A "*boycott from within*" already got the approval of a (very) small but growing number of Jewish-Israeli academics, human rights activists and publicists.⁶² Cooperation with Jewish-Israeli dissidents is of vital importance for the longer-term campaign: they must build a bridge to a wider public in Israel and provide the nucleus of a future Israeli (radical) peace camp. Meanwhile, though, the Israeli authorities are trying to suppress any dissidence at the universities (see above, ch. 3, and below, ch. 5.6).⁶³

Finally, some realism is called for: despite the great fuss and anti-BDS activities of the Israeli authorities, the increasing diplomatic isolation does not seem to worry too much Israel's political and military elite. With the unconditional support from the US secured, the power of that elite is largely based on maintaining in the Israeli public opinion feelings of siege and insecurity.

5.5. Practical objections to the boycott are: (a) that it is purely symbolic, having no impact at all; (b) that it is counterproductive because actually strengthening support for Israel (Noam Chomsky);⁶⁴ (c) that it is playing into the cards of the Israeli (extreme) right while weakening

⁶¹ Vide : <https://bdsmovement.net/call> .

⁶² Already in 2002, the lamented Prof. Tanya Reinhart (Tel Aviv U), "*Why Academic Boycott*" (Media Monitors Network, May 19, 2002), <http://www.mediamonitors.net/tanya13.html> . Also: Dr. Anat Matar (TAU), "*Israeli Academics Must Pay Price to End Occupation*" (Haaretz, Aug 27, 2009): <http://www.haaretz.com/print-edition/features/analysis-israeli-academics-must-pay-price-to-end-occupation-1.282762> ; Prof. Neve Gordon (Ben Gurion U; his book "*Israel's Occupation*", 2008), "*BOYCOTTEZ ISRAËL - C'est la seule façon de sauver Israël de lui-même*" (La Libre Belgique, 5/9/2009), via <http://www.lalibre.be/debats/opinions/boycottez-israel-51b8af60e4b0de6db9b80241> ; Prof. Rachel Giora (TAU), "*Milestones in the history of the Israeli BDS movement: A brief chronology*" (Boycott Israel, Jan 18, 2010) via <http://boycottisrael.info/content/milestones-history-israeli-bds-movement-brief-chronology> ; Prof. Shlomo Sand (TAU): "*Shlomo Sand rejoint la campagne BDS*" (UJFP, 12 octe 2015), <http://www.ujfp.org/spip.php?article4440&lang=fr> ; "*Israeli Anthropologists Support the Boycott*" (April 6, 2016): <https://anthroboycott.wordpress.com/2016/04/06/israeli-anthropologists-support-the-boycott/> . "*BOYCOTT! Supporting the Palestinian BDS Call from Within*", <http://boycottisrael.info/> . Publicists: e.g. Gideon Levy: "*Boycott Is the Only Way to Stop the Israeli Occupation*" (Haaretz, May 1, 2016): <http://www.haaretz.com/opinion/.premium-1.717090> ; Amos Schocken: "*Only international pressure will end Israeli apartheid*" (Haaretz, Jan 22, 2016): <http://www.haaretz.com/opinion/.premium-1.698874> ; Ilana Hammerman, "*Why I, as a Proud Israeli, Want the World to Boycott Us*" (Haaretz, Jan 29, 2017), <http://www.haaretz.com/opinion/.premium-1.767900> . And others.

⁶³ Or Kashti: "*Israeli Education Minister's Ethics Code Would Bar Professors From Expressing Political Opinions*" (Haaretz, June 10, 2017) via <http://www.haaretz.com/israel-news/1.794900> "*The code would forbid academic staff from calling for boycotts of Israel, and would prevent institutions from collaborating with political organizations.*"

⁶⁴ Rami Almeghari, "*Chomsky in Gaza: academic boycott 'will strengthen support for Israel'*" (The Electronic Intifada, 20 Oct 2012), via <https://electronicintifada.net/content/chomsky-gaza-academic-boycott-will-strengthen-support-israel/11795> . "*In the case of any tactic, you ask yourself, what are its consequences, ultimately for the victims, and indirectly for the audience you are trying to reach*" and « (success) depends on the amount of organization and education that has taken place in the United States. » Also: Noam Chomsky: "*On Israel-Palestine and BDS*" (The Nation, July 2, 2014): via <https://www.thenation.com/article/israel-palestine-and-bds/> .

the Israeli left;⁶⁵ (d) that "*the BDS debate (will) sharpen the mutual hatreds, widen the abyss between the two peoples, tearing them even further apart*".⁶⁶

**First of all, the supposition that BDS would not have any impact at all, is contradicted by two observations: (1) as part of the "*legitimacy war*" it has successfully drawn and is still drawing the attention of the global community to Israel's numerous violations of international laws and the misery inflicted on the Palestinian people. (2) Its impact is confirmed by the fierce and virulent attacks against it from the Israel government and its lobbies: a special ministry was created to fight it;⁶⁷ millions of money are invested in the fight against BDS (in the US too); a law was voted in the Knesset barring the entry to Israel for whoever favors a boycott, even if limited to the settlements and even in the case of American Jews.⁶⁸ Last year a large scale international anti-BDS conference was organized in Jerusalem with the support of the global pro-Zionist establishment.⁶⁹ President Reuven Rivlin called BDS (esp. the academic boycott) a "*strategic threat*",⁷⁰ etc. Of course, we must be realistic and conscious that securing political power in Israel is largely based on feeding in the public opinion feelings of siege and insecurity, i.e. of maintaining a climate of fear.⁷¹ BDS too, apparently, is used by Israeli politicians to strengthen a sense of victimhood which was never far away.

** Chomsky's difficulties with the boycott campaign have to do with: (1) its probable failure due to the belief that some of its demands are completely unrealistic (e.g. the return of the refugees)⁷² and (2) as far as the US is concerned, a lack of the necessary "*groundwork*" for the

⁶⁵ E.g. the Israeli anthropologist Dan Rabinowitz: "*A Progressive Response to BDS*" (Heinrich Böll Stiftung North America, Dec 8, 2015), via <https://us.boell.org/2015/12/08/progressive-response-bds>.

⁶⁶ Uri Avnery: "*The Great BDS Debate*" (Gush Shalom, 12/3/2016): <http://zope.gush-shalom.org/home/en/channels/avnery/1457710016>.

⁶⁷ E.g. "*Israel sets up special ministry to tackle BDS*" (MEMO, Nov 4, 2015) via <https://www.middleeastmonitor.com/20151104-israel-sets-up-special-ministry-to-tackle-bds/>. Afterwards it was integrated into the ministry of Strategic Affairs, itself attached now to the minister of Public Security, Gilad Erdan.

⁶⁸ Chemi Shalev, "*The New Anti-boycott Law Is anti-Zionist and anti-Jewish*" (Haaretz, March 7, 2017) via <http://www.haaretz.com/opinion/.premium-1.775791>. Mira Sucharov, "*Israel's Travel Ban: How Banning Settlement Boycotters Is Driving Me Into the Arms of BDS*" (Haaretz, March 7, 2017), via <http://www.haaretz.com/opinion/.premium-1.775717>.

⁶⁹ Conference "*Stop the Boycott*". Jerusalem, 28 March 2016. Org.: Yedioth Ahronoth & YNet, via: <http://stopbds.ynet.co.il/english.aspx>. Intro: "*Without knives or missiles but with an explosive payload consisting of outrageous lies – genocide, apartheid and crimes against humanity – the Boycott, Divestment and Sanctions (BDS) movement is conquering a growing number of strongholds in Europe, the United States and elsewhere. From the campuses of California to the supermarkets of Paris, the academic, economic and cultural boycott is becoming a palpable threat to the international status of the State of Israel.*"

⁷⁰ Michael Schaeffer Omer-Man: "*Israel's president calls BDS a 'strategic threat'*" (+972, May 28, 2015), via <http://972mag.com/israels-president-says-bds-is-a-strategic-threat/107156/>.

⁷¹ "*Grossman speculated that fear is the thing that perhaps characterizes Israeli society now more than everything else. He explained: "It's fear for our children who go the army, but it's also fear to walk in the street, and the government and the right wing are making a cynical usage of this fear"*, in: Gili Izikovich, "*David Grossman: Demand for Loyalty in Culture Is Fascist*" (Haaretz, March 21, 2016) via <http://www.haaretz.com/israel-news/.premium-1.710085>.

⁷² See the interview with him: Philip Weiss, "*Israel would use nuclear weapons to keep refugees from returning — Noam Chomsky*" (Mondoweiss, Aug 8, 2017), via <http://mondoweiss.net/2017/08/nuclear-refugees-returning/>.

campaign which has to be laid "in many years of education and activism".⁷³ In the absence of such groundwork a call e.g. for the boycott of the Tel Aviv University will not be understood, he thinks, and will reinforce in reality the support for Israel (2012). However, as was already stated above, the boycott campaign in itself serves the educational aim of informing and sensitizing the general public. Its activities and successes since 2012, in the US too, already show that "something's changed".⁷⁴ A study of 2016, commissioned by the *Brand Israel Group*: "Sounding the Alarm: The American-Israeli Relationship," indicates that between 2010 and 2016 "Jewish college students dropped 27 percentage points on the question of whether they lean towards the Israeli side". In fact, the study's data show "that the more the study participants knew about Israel, the less favorably they felt about the country".⁷⁵

** The third objection presupposes that there exists an alternative, credible "left" in Israel that could and would be damaged by the international boycott. Unfortunately, if ever, this is not the case. The Israeli left – more accurately: the "Zionist left" – once naively identified with the "peace camp" – is relegated today to the margins of Israeli politics or even is made politically irrelevant.⁷⁶ Meretz, which is opposed to the occupation, has only 5 seats in the Knesset. As for the Labor Party – now under the name "Zionist Union" in a coalition with Tzipi Livni (minister during the 2008-9 Gaza assault) –, it is "a sorry ruin".⁷⁷ In the words of Gideon Levy: "Labor is the curse of the left, the blockage in the sewer pipe, without the removal of which there will be no true left wing here."⁷⁸ Its former chairman, Isaac Herzog,⁷⁹ sought to oust

According to Chomsky the return of refugees "is not in accord with international law". See still: Gail J. Boling, "Palestinian Refugees and the Right of Return: An International Law Analysis" (BADIL - Information & Discussion Brief. Issue No. 8, January 2001), via https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.8.pdf.

⁷³ See: N. Chomsky & I. Pappé, "Gaza in Crisis. Reflections on Israel's war against the Palestinians" (2010), p. 160.

⁷⁴ Jewish Voice for Peace, in a newsletter some two years ago: « *Something's changed, hasn't it? Across the U.S., millions of people inside and outside of the Jewish community are taking a long hard look at Israel's human rights abuses. Elected leaders who'd been too scared to speak out are raising their voices. Academics and students are building power on campuses, where once it simply wouldn't have been possible* ».

⁷⁵ "The future of America no longer believe that Israel shares their values", see (already quoted): Amanda Borschel-Dan, "'Devastating' survey shows huge loss of Israel support among Jewish college students" (The Times of Israel, June 21, 2017) via <http://www.timesofisrael.com/devastating-survey-shows-huge-loss-of-israel-support-among-jewish-college-students/>.

⁷⁶ Mazal Mualem: "Why it's crunch time for the Israeli left" (Al Monitor, Sept 8, 2016), via <http://www.al-monitor.com/pulse/originals/2016/09/yair-lapid-leftwing-camp-rightwing-de-legitimization-zionist.html>. Moshe Arens, "The Demise of Israel's Labor Party" (Haaretz, July 11, 2017), <http://www.haaretz.com/opinion/.premium-1.800304>. Also: Dr. Ruchama Marton, Founder and President of Physicians for Human Rights – Israel (PHRI) (BDS Movement, Oct 5), <https://bdsmovement.net/news/distinguished-israeli-doctor-supports-bds>: "There is no Israeli Left. What we need to do is start Israel's human rights organizations from scratch so that they are willing to fight to end apartheid."

⁷⁷ Uri Avnery, "The New Wave" (Gush Shalom, 17/6/2017), via <http://zope.gush-shalom.org/home/en/channels/avnery/1497645158>.

⁷⁸ Gideon Levy, "Either Left or Nothing" (Haaretz, July 9), <http://www.haaretz.com/opinion/.premium-1.800258> "The primaries of a social-democrat opposition party were conducted without one principled word about the crimes of this government, about electricity supplies to Gaza, executions at checkpoints, the human rights group Breaking the Silence, the repeated political detention of Khalida Jarrar, a Palestinian member of parliament. How dare they ask for the trust of party members without referring to these topics?"

Netanyahu with an election campaign rife with blatant anti-Arab racism and in February 2017 he came up with a "realistic peace plan" in 10 points, proposing that negotiations for a two-states solution would be delayed with 10 years, period during which the Palestinians should have to prove their good behavior ..., All the while the occupation and its excesses would continue all the time. In the outraged words of Gideon Levy:⁸⁰

"(Herzog's) proposal once again highlights Israel's moral blindness – on both right and left, from wall to wall – in all its shame. Israel does not see that every additional day in which the occupation continues to exist is a day in which additional crimes are committed: an infinity of daily crimes of dispossession, destruction, arrest, killing and humiliation. At any given moment."

Labor's new chairman, Avi Gabbay, has his roots in Likud. With his public declaration that he would not include Arab parties in a potential government, he made clear that "he has nothing in common with the entire Joint List's battle against the outrageous discrimination suffered by Israeli Arabs and for equal rights for all".⁸¹

** The fourth objection, finally, fails to recognize that the "mutual hatreds" between Israelis and Palestinians, "tearing the two peoples apart", are primarily fed by (a) the inhumane practices of the colonialist occupying power, practices that are inevitably accompanied by the dehumanization of their victims, and (b) the legitimate resistance from those selfsame victims, a resistance that in history has often been answered with a kind of "settler-colonial rage".⁸² Obviously, the international boycott campaign, aiming at the end of the occupation and colonization, inevitably provokes opposed feelings in both "parties" of the conflict. For the oppressed, the international solidarity amounts to an important if not essential support, psychologically too, to maintain their resistance and resilience (sumud), and this to the great displeasure, of course, of the oppressor for whom the aimed at politicide should have happened yesterday... The permanent impact, however, of the mutual antagonism on the future peace process should not be exaggerated. Historic examples: South Africa, Ireland..., should reassure us. Israel's ultra-nationalist and ultra-religious, extremist right, in any case, has not waited for the boycott campaign to settle itself in the center of political power and, also in the case of Israel's Palestinian policies, maintain its current polarization course. Colonialist domination, based on exclusion, has its own internal, incremental and implacable dynamic.

⁷⁹ PS: June 5, 2017: in the primary of the election of a new Labor chairman, Herzog was tossed out.

⁸⁰ Gideon Levy: "Israeli Opposition Leader's 10-point-plan for Peace Missing 11th Point. Isaac Herzog's plan is an abomination" (Haaretz, Feb 26, 2017), via <http://www.haaretz.com/opinion/.premium-1.773799>. Other politicians too opt for a "slow" peace process, as a kind of probation period for the Palestinians, taking 15 or 20 years, see: Daoud Kuttub, « Israel's 'slow' plan for peace » (Al-Monitor, 11 April 2017), via <http://www.al-monitor.com/pulse/originals/2017/04/palestine-israel-conflict-negotiations-decades.html>.

⁸¹ Haaretz Editorial, "A Left for Jews Only. A Labor Party leader's declaration he wouldn't include Arab parties in a potential government was an attempt to find favor in eyes of right-wing groups and Arab-haters" (Oct 16, 2017), <https://www.haaretz.com/opinion/editorial/.premium-1.817424>.

⁸² David Lloyd & Laura Pulido, "In the long shadow of the settler: On Israeli and US colonialisms", in: Audrea Lim (ed.), "The Case for Sanctions against Israel" (Verso 2012), pp. 111-119.

What, then, with the Israeli peace movement ?⁸³ Until two months ago the Israeli civil “peace camp” seemed to have withered away, the more so with the political ascendance of the ultra-nationalist settler movement and the extreme right. In spite, nevertheless, of its historic failure to change its country’s policy of dispossession and colonization of Palestine (Gush Shalom or “Peace Block”, for example, was founded in 1993, Peace Now already in 1978...), the well-known peace activist, Uri Avnery, founder of Gush Shalom, is still convinced that

“only active cooperation between the peace camps on both sides can attain the one thing both sides desperately need: PEACE” (l.c.).

Presently, the 50th anniversary of the Six-Day War of June 1967 (momentarily?) managed to revitalize Israel’s peace forces.⁸⁴ Provocations from the government probably helped: e.g. the outcome of the ‘67 war will officially be celebrated in... a colony. Netanyahu announced triumphantly:⁸⁵

“Today the Cabinet will approve a decision about the celebrations to mark 50 years since the liberation of Judea, Samaria and the Golan Heights. We will also celebrate the liberation of Jerusalem. The Six Day War was one of the greatest victories in the history of Israel. It brought us back to parts of our homeland and completely changed our strategic situation”.

For (Jewish and Muslim) peace activists the anniversary was the occasion for a number of public activities demanding the end of the occupation and the establishment of a just peace. Already on April 2 a peace march of “Jews and Arabs” in Jerusalem mobilized almost a thousand people.⁸⁶ An info evening on April 6, organized by the Breaking the Silence - together with B’Tselem having been stigmatized by Netanyahu as being “enemies of Israel” - was attended by two former chiefs of the Shin Bet. On Sunday, April 30, two “Israeli-Palestinian Memorial Day Ceremonies” were held in remembrance of those who were killed on both sides: in Tel Aviv 4,000 people participated. Both events, though, were severely disturbed by right-wing opponents. Finally, as a kind of apotheosis, some 15,000 people participated in a rally at Tel Aviv’s Rabin Square on Saturday, May 27, in support of the two-state solution to the Israeli-Palestinian conflict. A message was read of Palestinian President Abbas, emphasizing that it was time for Israel to recognize Palestine and end the occupation.

⁸³ For a (still incomplete) list of some 30 human rights and peace organisations in Israel, see: <http://www.bacbi.be/bacbi-links.htm#peace> .

⁸⁴ Akiva Eldar, « *Why is this year different for Israeli civil society organizations?*” (Al-Monitor, April 13, 2017), via <http://www.al-monitor.com/pulse/originals/2017/04/israel-palestinians-occupation-ami-ayalon-carmigilon.html>

⁸⁵ Quoted in: Philip Weiss, “*Israel will celebrate 50th anniversary of ‘67 war in — an illegal settlement!*” (Mondoweiss, April 17, 2017), via <http://mondoweiss.net/2017/04/celebrate-anniversary-settlement/> .

⁸⁶ Nir Hasson, « *Hundreds of Jews and Arabs march in Jerusalem against Israeli occupation*” (Haaretz, April 2, 2017), via <http://www.haaretz.com/israel-news/1.780816> . The march was organized by “*Standing Together, an umbrella movement consisting of pro-peace organizations and left-wing parties, marking 50 years since the Six-Day War. The rally (was) meant to “protest against the continued Israeli control over the territories and especially East Jerusalem, and in favor of a peaceful solution and justice for both peoples.*” For a critical comment see.; Ofer Neiman, “*A show of weakness: The ‘Israeli Peace Movement’ marches in Jerusalem*” (Mondoweiss, April 3, 2017), via <http://mondoweiss.net/2017/04/weakness-movement-jerusalem/> .

Opposition leader Isaac Herzog was booed by demonstrators.⁸⁷ To be mentioned too: in the West Bank village of Sarura, south of Hebron, hundreds of Israelis, Palestinians, and diaspora Jews banded together last month to set up an unorthodox, ongoing and inspiring protest camp in support of Palestinian villagers harassed by settlers and the army.⁸⁸

We should not minimize the importance of these events, the chances, though, that in the present political constellation they will manage to enforce another political direction in Israel, are less than zero. Indeed, as far as the Israeli public is concerned, the quasi-complete closure of the West Bank (by means of the Apartheid Wall, in the first place) makes that, with the exception of the army conscripts and the settlers, the average Israeli citizen has little or no personal experience or connection anymore with the realities of the occupation. Crises excepted that cause momentarily panic and violence, the Jewish citizen is now largely disensitized for the Palestinians’ living conditions. Hence, Richard Falk’s conclusion (p. 70):

“the prospect of any significant civil movement within Israel pushing for change in policies toward Palestinian rights is unlikely at this juncture”.

5.6. A boycott of the settlements (alone)? Israel has a massive colonial infrastructure throughout the West Bank, including East Jerusalem. More than half of the West Bank, actually, has been confiscated for the settlements or is otherwise prohibited to Palestinians. As was already noted above (ch. 2), with their (often highly polluting) industrial and commercial activities the colonies deliver an important contribution to the Israeli economy.⁸⁹ This colonial policy of occupation and exploitation of Palestinian territory has been repeatedly condemned by the international community: e.g. Security Council resolution 242 (22 Nov 1967) emphasized *“the inadmissibility of the acquisition of territory by war”* and called for Israel’s withdrawal from territory occupied in the 1967 War. While reaffirming recently this condemnation with the UN SC Resolution 2334 (Dec 23, 2016) the United Nations in fact call upon the member states to make a distinction in their relevant dealings between the pre-1967 territory of the State of Israel and the territories occupied since 1967.

There is no doubt that, because of the illegal status of the colonies, calls for a boycott restricted to their enterprises and commercial products, meet with a much lower threshold of resistance in the world than calls for a boycott of Israel as such. Actually, the first call for a boycott against the occupation was launched in 1997 by the Israeli peace organization Gush Shalom. Addressed to the Israeli public, it called on them to boycott the products of the

⁸⁷ Ilan Lior, “15,000 Rally in Tel Aviv in Support of Two-state Solution” (Haaretz, May 27, 2017), via <http://www.haaretz.com/israel-news/1.792194>.

⁸⁸ See: “Jewish-Palestinian protest camp celebrates success, digs in for long haul” (+972, June 27, 2017), via <https://972mag.com/jewish-palestinian-protest-camp-celebrates-success-digs-in-for-long-haul/128394/>.

⁸⁹ Should be included here: the factories in the more than 20 “industrial zones” in the West Bank, run by Israel (e.g. near Tulkarem, which has, along with Jenin, the highest rates of lung cancer in the West Bank). Cf. Ali Abunimah, “The Battle for Justice in Israel” (2014), p. 157: “Factories of Death”: “Israel’s use of the territory as a dumping ground for dirty industries bears the classic hallmark of environmental racism”. See the thesis of Samer Ahmad Soliman Diab, “Lung Cancer and Associated Risk Factor in the West Bank” (An-Najah Univ., June 2003, 52p.).

settlements.⁹⁰ Although the Security Council as usual shrank away from enforcing its ban on the settlements by means of a boycott, the international call for this kind of boycott is becoming louder and louder. Very recently (June 7), on the occasion of the 50th anniversary of the occupation, Amnesty International launched

*“a new campaign calling on states across the world to prohibit settlement goods from their markets and to prevent their companies from operating in settlements or trading in settlement goods.”*⁹¹

In Belgium the important ngo 11.11.11 recently issued a similar call for a boycott of goods fabricated in the Occupied Territories.⁹²

The EU too, notwithstanding its Association Agreement with Israel (2000), accepts international law’s categorization of the West Bank as illegally occupied territory and its condemnation of the settlements. For example, in matters of Europe’s long-range programs for research and innovation (R&D): in the agreement regarding Israel’s association with the current program, “*Horizon 2020*”, the Israeli entities in the Occupied Territories are explicitly excluded from European funding.⁹³ Also in the EC’s “*Guidelines*” (July 19, 2013), “*on EU funding instruments*”, par. 9 (b) it is stated explicitly that “*only Israeli entities having their place of establishment within Israel’s pre-1967 borders will be considered eligible as final recipients.*”⁹⁴ On the economic plane, too, the EU adopts in principle a policy of “*differentiation*”, i.e. between Israel and its activities in the OPT. In practice it decided that settlement products supplied to the European market henceforth should be labeled as such; a list would be published.⁹⁵ (The UN Commission for Human Rights as well intends to publish a

⁹⁰ See Uri Avnery, “*The Great BDS Debate*” (12/3/2016), via <http://zope.gush-shalom.org/home/en/channels/avnery/1457710016>.

⁹¹ “*States must ban Israeli settlement products to help end half a century of violations*” (AI, June 7, 2017), via <https://www.amnesty.org/en/latest/news/2017/06/states-must-ban-israeli-settlement-products-to-help-end-half-a-century-of-violations-against-palestinians/>. Also: Philip Luther, “*After 50 years of Israeli war crimes on Palestinian land, the world has to act and ban Israeli settlement goods*” (Al-Jazeera, June 8, 2017) via <http://www.aljazeera.com/indepth/opinion/2017/06/cloneoffifty-years-israeli-occupation-1706080912-170608180555863.html> (Philip Luther is Amnesty International's Director for the Middle East and North Africa).

⁹² De Standaard, 7 juni 2017, “*De bezetting is een annexatie geworden*”, via <http://www.standaard.be/plus/20170607/ochtend/optimized>. Also: 100 Belgian personalities called on the Belgian government “*to prohibit the importation and marketing of products of the Israeli settlements on the Belgian market and to exclude the Israeli settlements from all bilateral and cooperation agreements with Israel*”, via https://www.rtf.be/info/opinions/detail_palestine-50-ans-sous-occupation-en-belgique-et-en-europe-nous-avons-les-moyens-d-agir?id=9626578.

⁹³ Art. 6.1. : « *In accordance with EU policy, this agreement shall not apply to the geographic areas that came under the administration of the State of Israel after 5 June 1967* »... Vide: via [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0617\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0617(01)&from=EN)

⁹⁴ Vide <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:205:0009:0011:EN:PDF>. However, as to the curious exemption made in its application, see: BACBI-Dossier Nr 2, p. 9, via http://www.bacbi.be/pdf/lawtraindossier_EN.pdf.

⁹⁵ Resolution of Sept 10, 2015, by the EP. See Hugh Lovatt & Mattia Toaldo, “*EU Differentiation and Israeli Settlements*” (European Council on Foreign Relations, July 2015, pdf, 12p.), via <http://www.ecfr.eu/page/-/EuDifferentiation-final3.pdf>. Recently, however (Sept 28, 2017), the EU has admitted “*that it cannot monitor whether producers working from Israel’s settlements in the occupied West Bank are fraudulently taking advantage*”

“black list”, but, more effectively, of the international firms doing business in the settlements).⁹⁶ Although EU authorities emphasize time and again that “differentiation” should be distinguished from a boycott, Israeli politicians nonetheless worry that once Israel is seen as a colonialist country, “it won’t stop at the settlements, but [will spread] to all of Israel.”⁹⁷

Should we indeed prefer a boycott limited to the colonies because of it being more “palatable” and “tactically effective”?⁹⁸ I do not think so. First of all, the Palestinian “issue” should not be reduced to the occupation of the West Bank. What the Palestinian people is confronted with, as was concluded earlier, is an all pervasive regime of apartheid and racism denying them their right to self-determination. This applies not only to the militarily occupied West Bank but also to the Gaza Strip (with Sharon’s “disengagement” policy, settlements were removed in 2005), to the Palestinian citizens in Israel and to the millions of refugees in the camps. A global campaign, for that reason, on behalf of the implementation of the human rights of the Palestinians should implicate the racial policies of Israel as a state since 1948.⁹⁹ In other words, “it was the state’s policies within its 1948 borders that inspired the 1967 occupation, not the other way around”.¹⁰⁰

Secondly, the expectation that this kind of “differentiation” would be more acceptable to the Israeli establishment and thus might have more chances of being successful, is completely illusory. In the eyes of the present, far-right establishment, indeed, the settlements (in so-called “Judea and Samaria”) are an integral component of (“Greater”) Israel, making any differentiation per se unacceptable. Already in 2011, as we said, a law was voted to discourage a boycott of settlement products by Israeli citizens. And this year, in March, the Knesset approved a bill that forbids granting entry visas or residency rights to foreign nationals who call for a boycott, including those who do restrict themselves to the settlements.¹⁰¹ The law

of trade privileges”, see: David Cronin, ““Checking settlement exports “impossible,” EU admits” (EI, 28 sept), via <https://electronicintifada.net/blogs/david-cronin/checking-settlement-exports-impossible-eu-admits>

⁹⁶ Very recently (Sept 28), the UNCHR took a first step towards the implementation of this decision: “UN Takes First Concrete Step To Hold Israel Accountable For Violating Palestinian Human Rights” ([BDS Movement, Sept 27](https://www.bdsmovement.net/news/un-takes-first-concrete-step-hold-israel-accountable-violating-palestinian-human-rights)): “The UN High Commissioner for Human Rights began sending letters two weeks ago to 150 companies in Israel and around the globe, warning them that they could be added to a database of complicit companies doing business in illegal Israeli settlements”, via <https://bdsmovement.net/news/un-takes-first-concrete-step-hold-israel-accountable-violating-palestinian-human-rights>. According to the media, some of the companies have already responded by saying they won’t renew their contracts or sign new ones in Israel.

⁹⁷ Tzipi Livni, quoted in: Steven V. Rosen, “The EU’s Israel Problem Goes Far Beyond Labels” (The Tower, Issue 34, Jan 2016), via <http://www.thetower.org/article/the-eus-israel-problem-goes-far-beyond-labels/>

⁹⁸ It is favoured, for that reason, by Chomsky, vide: the interview with him: Philip Weiss, “Israel would use nuclear weapons to keep refugees from returning — Noam Chomsky” (Mondoweiss, Aug 8, 2017), via <http://mondoweiss.net/2017/08/nuclear-refugees-returning/>.

⁹⁹ Jonathan Ofir, “The issue isn’t the ‘occupation’, it’s Zionism” (Mondoweiss, June 7, 2017), via <http://mondoweiss.net/2017/06/issue-occupation-zionism/>.

¹⁰⁰ Amjad Iraqi, “The occupation is a symptom, not source, of Israel’s racist system” (+972, June 8, 2017), via <https://972mag.com/the-occupation-is-a-symptom-not-source-of-israels-racist-system/127942/>.

¹⁰¹ Haaretz Editorial: “Israel’s New Travel Ban: Boycotting the Truth” (Haaretz, March 8, 2017): “The new law plays into the hands of those who seek to destroy Israel and penalizes those who support its existence but oppose the occupation”, via <http://www.haaretz.com/opinion/editorial/1.775867>. Also Chemi Shalev: « The New Anti-

causes furious reactions especially from American liberal Jews who oppose the occupation.¹⁰² In order to put Israel’s political reactions to foreign rejection of its colonialist policies into perspective, let me quote from the briefing by Hugh Lovatt and Mattia Toaldo (p. 9):

“The description of BDS activities as “antisemitism in modern garb”, to use Netanyahu’s words, is becoming part of the mainstream discourse in Israel. Israeli politicians have gone on to lump EU differentiation under the same banner: Israel’s former Foreign Minister Avigdor Lieberman has compared potential EU guidelines on the labelling of settlement products to Nazis forcing Jews to wear yellow stars; former Finance Minister Yair Lapid called the same guidelines a “stain on the EU”; while Naftali Bennett – Israel’s current minister of education – has described the EU’s funding guidelines as “an economic terrorist attack”.

Finally, it should be emphasized here that reservations about its political effectiveness notwithstanding, calls for a boycott of the settlements must be supported.¹⁰³ As I wrote above, thanks to the commercial proceeds from the settlements, the occupation is a profitable business. Left to its own devices, therefore, i.e. not being hampered by international pressure, the Israeli state has no reason to put an end to it. The less so since the costs of it - being the occupying power, Israel has obligations under international law to ensure the basic needs of the civilian population - are for a large part borne by the international community and ngos.

¹⁰⁴

5.7. In the BDS movement the PACBI academic and cultural boycott campaign occupies a place of its own.¹⁰⁵ BACBI joined the call in 2015 while endorsing its Guidelines.¹⁰⁶

5.7.1. This boycott is unsettling for defenders of Israel, both on the left and the right, but also for most academics and artists in the West. Indeed,

boycott Law Is anti-Zionist and anti-Jewish » (Haaretz, March 7, 2017), via <http://www.haaretz.com/opinion/.premium-1.775791>.

¹⁰² E.g. Mira Sucharov: “Israel’s Travel Ban: How Banning Settlement Boycotters Is Driving Me Into the Arms of BDS” (Haaretz, March 7, 2017), via <http://www.haaretz.com/opinion/.premium-1.775717>.

¹⁰³ E.g. “Palestine, 50 ans sous occupation: en Belgique et en Europe, nous avons les moyens d’agir !” (RTBF.be, 6 juin 2017), with a list of 100 signatories, via https://www.rtb.be/info/opinions/detail_palestine-50-ans-sous-occupation-en-belgique-et-en-europe-nous-avons-les-moyens-d-agir?id=9626578.

¹⁰⁴ Israel even can permit itself to demolish without warning infrastructure built with European financial support because of “having no building permit”, e.g. Amira Hass, “Dutch Protest Israeli Seizure of Palestinian Solar Panels They Funded in West Bank” (Haaretz, July 1, 2017), via <http://www.haaretz.com/middle-east-news/palestinians/.premium-1.798792>.

¹⁰⁵ The campaign was launched by Palestinian academic and artistic civil society in 2004 under the name: “Palestinian Campaign for the Academic and Cultural Boycott of Israel” (PACBI), via <https://bdsmovement.net/pacbi>. “PACBI advocates for the boycott of Israeli academic and cultural institutions, given their deep and persistent complicity in Israel’s denial of Palestinian rights as stipulated in international law”.

¹⁰⁶ For the Guidelines (revised July 2014), see: <http://pacbi.org/etemplate.php?id=1108>. For BACBI’s « academic » statement of principles see: <http://www.bacbi.be/bacbi-statement.htm>; for the “cultural” one, see: <http://www.bacbi.be/cult/statement-bacbi.htm>.

*“it addresses the role of academics and artists – those subjects who are ineluctably modern, cosmopolitan, and liberal – in legitimizing, and upholding a settler-colonial state based on racial exclusion. In other words, the academic boycott does not simply take aim at soldiers in combat fatigues (although all Israeli citizens are conscripted into the military, barring Palestinians and Orthodox Jews, so academics too, do military duty) but concerns the role of subjects in Israel who supposedly are like us”.*¹⁰⁷

In other words, the resistance in the West against an academic and cultural boycott stems at least partly from the fact that Israeli academics and artists are perceived as Westerners. This is all the more the case because culture and higher education in Israel are still largely in the hands of the Ashkenazim. Since the establishment of the Israeli state this Eurocentric elite (which coincides largely with the “Zionist left”) still occupies the leading positions in most cultural and academic institutions and organizations.

*“That’s why almost all those institutions (higher education establishments, art schools, academic colleges, national theaters, orchestras, film foundations, museums, festivals, dance clubs, etc.) are led by Ashkenazim; their management positions are characterized by a longevity that seems unalterable (twenty years on average) ”.*¹⁰⁸

Anyway, when Western opponents of a boycott advocate “dialogue”, “engagement” and building “cultural bridges”,¹⁰⁹ what they have in mind is this Europeanized culture destined for the export, and not the culture of the *Mizrahim* (also called *Sephardim*), i.e. of the “Eastern” or better “Arab Jews”. They are the majority today, but their traditional discrimination is not completely over yet.¹¹⁰ Their culture and traditions are largely unknown in the West, reminding us

*“that Zionism is a white European national movement. This Ashkenazi Zionism, which established the country in an ongoing confrontation with the Arab world, created a serious emotional crisis for Jews from Arab countries. The more the Arab-Israeli conflict intensified, so did the complexity of the situation faced by Jews from Arab lands.”*¹¹¹

¹⁰⁷ Sunaina Maira, “The Ghosts That Haunt Us: USACBI and the Settler University”, in: A.Dawson & B.V.Mullen, “Against Apartheid. The Case for Boycotting Israeli Universities” (2015), p. 84.

¹⁰⁸ Eyal Sivan & Armelle Laborie, “Un boycott légitime. Pour le BDS universitaire et culturel de l’État d’Israël”, 2016, p. 117.

¹⁰⁹ For example in the collective letter sent to *The Guardian*, last year (Oct 22, 2016), signed by J.K.Rowling and others. See: <https://www.theguardian.com/world/2015/oct/22/israel-needs-cultural-bridges-not-boycotts-letter-from-jk-rowling-simon-schama-and-others>). On the “dangers” of engagement, see: Haim Bresheeth & Sherna Berger Gluck, « On the Fallacy of ‘Engaging’ with the Israeli Academy » (*CounterPunch*, Sept 20, 2013), via <http://www.counterpunch.org/2013/09/20/on-the-fallacy-of-engaging-with-the-israeli-academy/> .

¹¹⁰ Wikipedia: “As of 2005, over 61% of Israeli Jews are of at least partial Mizrahi ancestry”, via https://en.wikipedia.org/wiki/Mizrahi_Jews . E.g. Sami Michael (writer, from Iraq): “Israel is the most racist state in the industrialized world” (+972, August 9, 2012), via <http://972mag.com/author-sami-michael-israel-is-the-most-racist-state-in-the-industrialized-world/52602/> . Since Begin, most Mizrahim vote for Likud.

¹¹¹ Salman Masalha (Haaretz, April 1, 2015) : « If Sephardic Jews Want to End Their Discrimination, They Must Become Proud Arabs », via <http://www.haaretz.com/opinion/.premium-1.649892> . Also: Uri Avnery, « When and How the Ashkenazi-Mizrahi Rift Was Born » (Haaretz, Feb 28, 2017) via: <http://www.haaretz.com/opinion/.premium-1.774087> .

5.7.2. The academic and cultural boycott – a boycott of institutions not of individual academics or artists – is focused on the heart of the "Brand Israel" campaign. Started in 2006, it aims to improve ("rebrand") the *image* of Israel abroad. The Israeli leadership, indeed, is convinced that there is no problem with Israel's actual policies and practices but only with the way Israel is *perceived* in the world. *Brand Israel's* general guideline is that the significance of religion must be downsized and any discussion about the conflict with the Palestinians should be avoided. Arts, sciences and high-tech achievements, on the other hand, are essential in the PR presentation (so-called "*hasbara*", a Hebrew word which strictly means "*explanation*", but is commonly used in the sense of pro-Israel advocacy or "*propaganda*") of Israel. Its basic message is that Israel, as a "*Start-Up Nation*", is a hub of innovation and creativity and as such a direct extension of Western, progressive, democratic and secular modernity - very much in contrast with the "*backwardness*" of the surrounding Arab and Muslim world.

Primarily after a murderous assault against the Gaza Strip and the negative reactions in the world, "*Brand Israel*" is intensified. It was the case, for example, after the assault of 2008-9: the Foreign Ministry was granted an extra \$2 million to improve Israel's image through cultural and information diplomacy. In the words of Arye Mekel, at that time the ministry's deputy director general for cultural affairs:¹¹²

"We will send well-known novelists and writers overseas, theater companies, exhibits. This way you show Israel's prettier face, so we are not thought of purely in the context of war."

As mentioned earlier, the Eurocentric cultural elite, largely coincides with Israel's "*liberal Zionism*".¹¹³ With among them well-known authors like Amos Oz and David Grossman, it has a leading role in the *hasbara* marketing of "*Brand Israel*" by highlighting arts and culture.¹¹⁴ Israeli artists who go abroad with funding by the Foreign ministry's Division for Cultural and Scientific Affairs, were (still are?) required to sign a contract acknowledging that they had

"to promote the policy interest of the State of Israel via culture and art, including contributing to creating a positive image for Israel".¹¹⁵

Still on the politico-cultural front, great importance is attached by the Israeli establishment to performances *in* Israel of international artists and performers. Not being interested in "*politics*", most of them serve willingly the government's political agenda of whitewashing Israel's war crimes by means of the creation of a "*business as usual*" atmosphere in which the

¹¹² Ethan Bronner, "After Gaza, Israel Grapples With Crisis of Isolation" (The New York Times, March 18, 2009), via <http://www.nytimes.com/2009/03/19/world/middleeast/19israel.html>.

¹¹³ Cf. the book of dissident poet Yitzhak Laor, "*The Myths of Liberal Zionism*" (Verso, 2010).

¹¹⁴ "Liberal Zionist icon David Grossman and Netanyahu's culture minister, Miri Regev of the Jerusalem dress, are joined in a delegation to a New York theater later this month (July). The production of a play based on David Grossman's doorstep novel, "To the End of the Land" is being sponsored by the Israeli government as part of its Brand Israel campaign" (Philip Weiss, "At NY premiere, David Grossman will join Netanyahu minister who boycotts Darwish", Mondoweiss, July 12, 2017, via <http://mondoweiss.net/2017/07/premiere-grossman-netanyahu/>).

¹¹⁵ A copy of the contract was published (in Haaretz, afterwards removed) in 2008 by Yitzhak Laor. See: "*The Case for a Cultural Boycott of Israel*", ch. 3: "Israel's culture wars: politics by other means" (Artists for Palestine, 2015), p. 19.

status quo – from a Palestinian perspective: the reality of colonization and military occupation - is normalized. The preservation of this atmosphere relies heavily on creating a façade of Israel as a hip country with a vibrant and diverse cultural scene (in practice largely concentrated in Tel-Aviv).

Israeli embassies and Zionist organizations in the world are actively involved in this politicization of Israeli literature, art, scientific and high-tech achievements. More than anything else the Israeli academic and cultural institutions contribute to maintain and sustain the Israeli apartheid regime. Comparable to what sport meant for white South Africans (and why the sports boycott had such a great impact), the international cultural and scientific cooperation is vital for the interests of the Israeli elite, but at the same time it constitutes its “Achilles heel”. It helps explain why the academic and cultural boycott arouses much more animosity than the economic one.

5.7.3. Targeting an institutional and intellectual pillar of Israeli society, the academic boycott exposes the ideological infrastructure of the apartheid state.

The claim that the majority of Israeli academics, because being predominantly “center left”, would reject the Palestine policies of their country, is contradicted by the facts.¹¹⁶ As Omar Barghouti observes:¹¹⁷

“(Israeli academics are largely progressive and at the vanguard of the peace movement, and therefore they must be supported not boycotted?). This is simply a myth propagated and maintained by Israeli academics who count themselves in the “left.” The vast majority of Israeli academics serves in the army’s reserve forces, and therefore directly knows of and participates in the daily crimes. Moreover, with the exception of a tiny yet crucial minority, Israeli academics are largely supportive of their state’s oppression or are acquiescently silent about it.”

Obviously, this “very small but important minority” of academics who oppose courageously the colonialist policies of their country, deserve our full support and solidarity. In the future this will be all the more necessary because of the academic “code of ethical conduct, drafted now at the behest of the (ultra-right) minister of Education (above, ch. 3). Once implemented, every university will be required to entrust a committee with the task of “monitoring” controversial utterances (e.g. during the lectures) and/or activities of professors. Complaints from students will be welcomed and disciplinary action against transgressors will be considered. The code is part of an ongoing, right-wing attack on academic freedom and is aimed in particular against

¹¹⁶ E.g. in 2008 a petition was circulated within the Israeli academia, not to reject the occupation but very modestly to ask that the restrictions on the freedom of movement of Palestinian academics would be lifted: it got 407 endorsements, according to the initiators approximately 9,000 academics having been approached. See: http://www.kibush.co.il/show_file.asp?num=28503.

¹¹⁷ Omar Barghouti: “Boycott as Resistance: The Moral Dimension” (EI, 28 Dec 2004), via <https://electronicintifada.net/content/boycott-resistance-moral-dimension/5388>.

proponents of a boycott.¹¹⁸ Its enforcement will add another element to the complicity of Israeli academic institutions in the criminal agenda of their country.¹¹⁹

As it is, the “ethics code” will only strengthen further the politicization of Israel’s universities. Revealing, for example, is the fact that since a number of years the curriculum of some universities offers a course on “hasbara”.¹²⁰ These courses aim at providing students (at least at Tel Aviv University there is such a course for the benefit of its foreign students too) with tools and skills useful for the marketing (and legitimization) of Israel and its policies, e.g. via the internet and social networks. In plain language: Israeli academic institutions have quietly acquiesced to becoming propaganda arms of the government. From an academic perspective, these courses

*“constitute a clear contradiction to the academic values of conduct that rely on political and critical independence and freedom of thought, and also show the extent of the involvement of these universities in the political, military and diplomatic policies of the government”.*¹²¹

Criticism must also be raised when a university does not only collaborate with arms companies for the development of high-tech weapon and security systems but is also involved in the marketing and export of Israeli weaponry.¹²² *Technion – Israel Technological Institute*, for example, is Israel’s leading academic institution and works closely together with Israel’s three greatest armament manufacturers (Elbit Systems, Israel Aerospace Industries and Rafael). As such it offers also a special program (of 3 months): “*Defense Strategy for International Markets*”, for the benefit of Israeli salesmen, executives, consultants, lawyers, etc. who are involved (or are preparing to be involved) in Israel’s international arms trade. The course is

*“designed to teach them how to form a strategy for defense exports for international markets, to upgrade their knowledge and expertise specifically regarding the international arms trade”.*¹²³

¹¹⁸ Jonathan Ofir, “New Israeli ‘ethics code’ for academia seeks to combat BDS” (Mondoweiss, June 21, 2017) via <http://mondoweiss.net/2017/06/israeli-ethics-academia/>.

¹¹⁹ “Israel’s ‘Ethics Code’ to Formally Suppress Academic Freedom, Palestinians Urge Intensifying BDS” (PACBI, June 16, 2017) via <https://bdsmovement.net/news/israels-ethics-code-formally-suppress-academic-freedom-palestinians-urge-intensifying-bds>.

¹²⁰ Yossi Gurvitz: “Israeli universities becoming Hasbara mills” (+972, 21 June 2015), via <http://972mag.com/israeli-universities-becoming-hasbara-mills/38929/>

¹²¹ Yara Sa’di, “‘Hasbara’ courses at Israeli universities exposed in new report” (IE, 15 July 2013) via <https://electronicintifada.net/content/hasbara-courses-israeli-universities-exposed-new-report/12612>. For the report proper: “A Word on “Hasbara” [Public Diplomacy]. The Academic Institutions Recruit in Order To Market Israel May 2013” (pdf, 8p.) via https://alrasedproject.files.wordpress.com/2013/06/report6_english_final.pdf.

¹²² Per head of its population Israel is the biggest exporter of arms in the world. The military industry being a key element in the country’s economy, 80% of Israeli military production is destined for sale abroad. Cf. Maren Mantovani & Jamal Juma’, “The “S” in BDS: Lessons of the Elbit Systems Campaign” (Al-Shabaka, Aug 24, 2016), via <https://al-shabaka.org/briefs/s-bds-lessons-elbit-systems-campaign/>.

¹²³ Shimrit Lee: “Top Israeli university marketing country’s arms industry to the world” (+972, March 9, 2017), via <https://972mag.com/top-israeli-university-marketing-countys-arms-industry-to-the-world/125720/>

Under the catchphrase “*Stop Teaching Arms Trading!*”, last March and April Israeli human rights activists launched a letter-writing campaign calling Technion to cancel the course in the future and avoid “*caving in to militarism in the academy.*”¹²⁴

“This course, designed for workers in military industries wishing to broaden and upgrade their knowledge and business success in the field, stains your entire institution’s integrity. Israeli military industries fuel conflicts around the world, and their products are key to almost all mass killers, dictators and those involved in genocides today. The industry’s success is in fact based on a marketing system marketing its success in asymmetrical warfare against the Palestinian civilian population, at the expense of the Israeli taxes, the environment, and civil society. Do not cave in to militarism in the academy, do not reopen the arms export course!”

The case of Technion is an example par excellence that

“contrary to popular belief, Israel’s military-industrial complex doesn’t run on government and arms manufacturers alone. Academia, a sphere often imagined as a bastion of free speech, independent from corporate interests, plays a crucial, though less visible, role in the establishment. Its complicity in violence shouldn’t be ignored” (Shimrit Lee).

5.7.4. No Israeli university or faculty ever expressed its solidarity with Palestinian academic institutions, their staff or students because of the severe problems of discrimination and obstruction they suffer on a daily basis.¹²⁵ In addition to chronic under-funding, Palestinian universities face the same malevolent policy that Israeli governments apply to the West Bank and Gaza in general, of de-development, demoralization and depopulation. Academic freedom cannot be divorced from the circumstances in which it is practiced. What is academic freedom in the context of the destruction of Palestinian infrastructure, civil society, and cultural and intellectual life?

Israeli authorities forbid most students from Gaza to attend universities in the West Bank, and vice versa, and the system of Israeli checkpoints that crisscross the West Bank makes any school attendance a matter of chance...

Being a part of Israeli fixation on blocking Palestinian education, the damage done to Palestine’s higher education sector is systemic.¹²⁶ The obstacles to travel even within the West Bank itself, willfully created by the Israeli occupier (checkpoints, permits, etc.), have consequences for universities that can hardly be exaggerated (e.g. isolating the universities from one another and diminishing the quality of academic life). But the universities are also

¹²⁴ Via: <https://docs.google.com/forms/d/e/1FAIpQLSektGA4V4Ow5nq1rfA7bOu50Wy-LhvvmaNjnA L TZJ DfoRQ/viewform?c=0&w=1> .

¹²⁵ See the report “*Palestinian Universities Under Occupation*” (AURDIP, 1 juillet 2015), via <http://www.aurdip.fr/palestinian-universities-under.html> . The most obvious difficulty Palestinian institutions are confronted with is a severe and chronic funding shortage.

¹²⁶ See: Sam Bahour, “*Palestinian Universities on the Frontline*” (ePalestine, Oct 7, 2016) via <http://epalestine.blogspot.be/2016/10/palestinian-universities-on-frontline.html> .

isolated from the international community. Many bureaucratic obstacles and obstructions, indeed, are placed in the way of Palestinian faculty and students wishing to travel abroad to attend conferences, undertake research, etc. The same goes for foreign academics who are invited to lecture or work at a Palestinian university: they are confronted with arbitrary obstructions when trying to enter the country (refusal of entry being frequent, difficulties when applying for a renewal of visas, etc.).¹²⁷ The intended effect is that many foreign academics and students are discouraged from attempting to visit on account of the obstacles put in their way, these difficulties frustrating and demoralising a well Palestinian academics and students. Only a little less frustrating are the obstacles Israel places in the way of importing books, equipment and materials...

Physical targeting of university facilities (as was the case at the Islamic University in the Gaza Strip) and frequent army incursions onto campuses, ransacking their infrastructure and resources, have brought material damage and disruption to many university operations.¹²⁸ In one, extreme case, even, the Israeli army installed and operates a military shooting range on a campus.¹²⁹ Individual academic staff¹³⁰ are not rarely harassed and bullied (e.g. at a checkpoint), arrested and incarcerated (often in “*administrative detention*”, without charges or trial). For protesting students the situation is even worse: they are shot at, abducted, incarcerated (mostly “*administratively*”) or... killed.¹³¹ As for imprisonments,¹³² they are so

¹²⁷ One example: Dr. Adam Hanieh (SOAS, London), having been invited to give a series of lectures on behalf of the PhD Program in the Social Sciences at Birzeit University, he was interrogated during 10 hours at Ben Gurion Airport and was finally deported, see: “*Birzeit University Condemns Denial of Entry to UK Academic*” (Sept 16, 2016), via <http://www.birzeit.edu/en/news/birzeit-university-condemns-denial-entry-uk-academic>. More examples in the report “*Palestinian Universities Under Occupation.*” In general: “*Academia Undermined: Israeli Restrictions on Foreign National Academics in Palestinian Higher Education Institutions. Report of the Campaign for the Right to Enter the Occupied Palestinian Territories*” (May 2013, pdf, 24p), via [http://www.pchrgaza.org/files/2013/Education Report Academia Undermined May 2013.pdf](http://www.pchrgaza.org/files/2013/Education%20Report%20Academia%20Undermined%20May%202013.pdf).

¹²⁸ E.g. “*Israeli forces raid al-Quds University, damage contents of book fair for the needy*” (Ma'an, Nov 19, 2016), <http://www.maannews.com/Content.aspx?id=774037>. Dec 14, 2016, Bir Zeit University was once again subjected to violence: “*Israeli Occupation Continues to Violate Palestine's Education*”, via <http://www.birzeit.edu/en/news/israeli-occupation-continues-violate-palestines-education>. In general, Ahmad Melhem, “*Why is Israel raiding Palestinian universities?*” (Al-Monitor, 19 Feb 2016): <http://www.al-monitor.com/pulse/originals/2016/02/israel-storm-palestinian-universities-condemnation.html>.

¹²⁹ Technical University Kadoori, in Tulkarm, see: Steven Davidson, “*‘This is not an environment to learn’: Palestinian college struggles to exist next to IDF training ground*” (Mondoweiss, May 20, 2016), via <http://mondoweiss.net/2016/05/environment-palestinian-struggles/>.

¹³⁰ A recent case: Prof. Dr. Essam al-Ashqar, professor in physics at An-Najah University in Nablus. Abducted from his home in a nightly raid on Nov 24, 2016, he was ordered to “*administrative detention*”. Despite his difficult health situation, his detention was extended for the third time in a row. Vide: “*Palestinian professor Essam al-Ashqar ordered to two more months in administrative detention*” (Samidoun, 7 juli 2017), via <http://samidoun.net/2017/07/palestinian-professor-essam-al-ashqar-ordered-to-two-more-months-in-administrative-detention/>.

¹³¹ “*Report: Israel kills 26 Palestinian students, arrests 198 in 2016*” (MEMO, Feb 28, 2017), via <https://www.middleeastmonitor.com/20170228-report-israel-kills-26-palestinian-students-arrests-198-in-2016/>: “*Official Palestinian statistics indicated that Israeli occupation forces committed violations and attacks on 89,799 students and 5,528 teachers and employees during 2016*”.

common that several universities have developed special programs for the education of detained students:¹³³

“At BirZeit University alone, 60 Palestinian students are denied access to education because they are held as political prisoners in Israeli jails. Students are repeatedly targeted for arrests, especially as annual student elections approach; activists involved with student political blocs are ordered to administrative detention or accused of support for “prohibited organizations.”

Returning to the Israeli universities, not one of them distanced itself from or protested against the crimes of the military occupation, house demolitions, land grabs, etc., or the murderous Gaza assaults.¹³⁴ On the contrary, Israeli universities traditionally collaborate willingly and closely with the army and the security forces (some of them, e.g. Tel Aviv U, even harbor a military base on their campus). By means of courses and research centers, they offer them the intellectual, scientific and technological knowledge and training necessary for their successful performance against the Palestinian population.¹³⁵ As for the assaults against the Gaza Strip, the authorities of major universities welcomed them emphatically and rewarded their student-soldiers and reservists who participated in them.

During April and May 2017 more than 1,200 Palestinian prisoners went in hunger strike and faced severe repression from the Israel Prison Service despite the reasonableness of their demands. Alas, Israel’s academia did not feel the need to protest against the imprisonment policy of the government and the inhumane conditions in the Israeli prisons. As Amira Hass wrote:¹³⁶

“This hunger strike, like its predecessors, didn’t rouse senior figures in university and college law faculties from the comfort of their positions. It didn’t make them remember that administrative detention as it is practiced in Israel – wholesale detention of unlimited duration without even the semblance of a military trial – is illegal. It didn’t stir

¹³² E.g. “Bir Zeit University student arrested in night raid, student leader banned from Ramallah and Bir Zeit” (Samidoun, May 9, 2016), via <http://samidoun.net/2016/05/bir-zeit-university-student-arrested-in-night-raid-student-leader-banned-from-ramallah-and-bir-zeit/>.

¹³³ Yas Mahmoudi: “The dismal lives of students locked in Israeli prison” (Mondoweiss, March 17, 2015), via <http://mondoweiss.net/2015/03/students-locked-israeli/>. “Sign on: Students speak out! Free Kifah Quzmar and all Palestinian student prisoners” (Samidoun, March 3, 2017), via <http://samidoun.net/2017/03/sign-on-students-speak-out-free-kifah-quzmar-and-all-palestinian-student-prisoners/>.

¹³⁴ See e.g. Ofer Neiman: “Israeli academic elite’s complicity in oppression” (AURDIP, 5 mai 2016), via <http://www.aurdip.org/israeli-academic-elite-s.html>. In July 2014 70 Israeli academics protested against the invasion of Gaza, via <http://haimbresheeth.com/gaza/an-open-letter-to-israel-academics-july-13th-2014/statement-by-israeli-academics-july-2014/>.

¹³⁵ Jonathan Cook: “Academic Boycott: Shin Bet training program highlights academic complicity with occupation” (EI, 31 May, 2006), via <https://electronicintifada.net/content/academic-boycott-shin-bet-training-program-highlights-academic-complicity-occupation/5988>. For e.g. Bar-Ilan University, see our “LAW-TRAIN Dossier”, ch. 3 (“Bar-Ilan is all security”), via http://www.bacbi.be/pdf/lawtraindossier_EN.pdf.

¹³⁶ “It’s Crowded Down There. Too many Israelis treat the Palestinian struggle for freedom like a series of boxing matches in which we can always win by a knockout. That’s all the prisoners’ strike is to them” (Haaretz, May 10, 2017), via <http://www.haaretz.com/opinion/.premium-1.788269>.

sociologists, psychologists and psychiatrists (except for the usual suspects on the left) – to warn loudly about what breaking the strike would do, like the other Israeli acts of oppression, to the collective Israeli character and to each oppressor individually.”

A popular objection, still, to the academic boycott is that it would be a “political” stance causing internal division and unrest in the academic community. Our response to it must be that academics not only have an academic responsibility to their academic community, but also an ethical and moral one to the world. As such they (too) are confronted in their life with moral issues and choices. The injustice and suffering the Palestinian people is subjected to being undeniable for every reasonable person, our solidarity and engagement with them is, in the first place, not a political but a *moral* stance made in good conscience by each of us. The call, for that reason, for an unconditional unanimity in the academic community – a community, let us not forget, Palestinian professors, researchers and students in the Occupied Territories also belong to - their exclusion by Israel is all too easily overlooked –, even when we are confronted with a choice between good and evil, must be rejected out of hand. In our view it amounts to a corporatist reflex which is contrary to the moral responsibility which goes hand in hand with academic freedom too.

Finally, in view of the said Israeli policies of obstruction and sabotaging to the detriment of Palestinian scholars and students, infringing on their right to education and research and isolating them from the international academic community, the global solidarity and boycott campaign of PACBI constitutes a very important, moral and psychological support the international community can offer to the Palestinian educational and academic world. To quote once more Omar Barghouti: ¹³⁷

"The most urgent type of support the international community can provide to the Palestinian academy is to adopt various forms of boycott against Israel's academic institutions, forcing them to disengage themselves from their direct and/or indirect collusion in their state's oppression. This will serve not only the Palestinians, but also, in the longer term, the moral left in Israel, academics included. Challenging the fanatic, militaristic establishment may strengthen its grip on power in the short run — extreme populism and the rise of fascist tendencies in Israel today attest to that; but in the longer run it will weaken that establishment, just as in South Africa. "

6. “Why Israel and not...?”¹³⁸

The standard reaction of the Israeli state and its lobbies to both the international condemnations of Israel's policies and practices and the BDS campaign consists in attacking their “*unethical selectivity*” and even “*hypocrisy*”: there are so many other, even worse cases in the world of injustice and violence, which are not being boycotted, so why pick on Israel?...

¹³⁷ Barghouti, o.c., <https://electronicintifada.net/content/boycott-resistance-moral-dimension/5388>.

¹³⁸ Ran Greenstein, “What is Special about Israel?” (Jadaliyya, June 3, 2015), via <http://www.jadaliyya.com/pages/index/21781/what-is-special-about-israel>.

BACBI too has been confronted with this kind of “whataboutery”.¹³⁹ The innuendo that hatred of the Jews and antisemitism must be involved, is never far away, if it is not voiced right away. The way Israel and its advocates manage to instrumentalize this sham objection politically is made clear by the so-called IHRA-definition of antisemitism we already commented upon (cf. Addendum 4). One of its “examples” of a so-called illegitimate practice goes: “*applying double standards by requiring of (the State of Israel) a behavior not expected or demanded of any other democratic nation*”. On the website “*le portail juif francophone*” this is interpreted in the following way:¹⁴⁰

“Using the IHRA definition, it becomes clear that the activities of BDS are antisemitic, simply because they only apply to Israel. The same holds true for the various rules of the European Union concerning Judea and Samaria, disputed territory, as well as the Golan, which again apply only to Israel .»

6.1. The reason why the BDS campaign is “*targeting*” the policies of the state of Israel and not, for example, those of China in Tibet, as is often objected, is first of all of a tactical nature. Boycott, indeed, is not a universal principle to be applied to every disagreeable regime, it is a political tactic. To be the right one, two criteria should be met: (1) that those on the sharp end of oppression – in this case the Palestinians living in Israel and the occupied territories – are calling for a boycott; not just one or two of them, but a majority of civil society. (2) From the point of view of a civil campaign: that the boycott has a realistic chance of having a positive impact on the situation, in order that it will be sustainable.

Such is not the case for example with a tentative boycott of a world power such as China (or the US, for that matter), since there is no way to implement it with any efficacy. What is more, no one would describe China as a democracy. Since the Chinese authorities do not allow a civil society to emerge, there is no room at all for public critical voices. This is apparent, once more, from the odious case of the dissident poet Liu Xiaobo: although terminally ill, he was not allowed to spend his last days with his family (he died in captivity, July 13). How could actions by European academics and artists in such conditions make any difference?

The same does not apply in the case of a state like Israel where the regime has not managed (yet) to stifle all opposition to its oppressive policies. Moreover, being limited in size and heavily dependent on: international financial support (since many years it receives huge sums from the US)¹⁴¹, commerce and cooperation (with the EU in the first place), there is a

¹³⁹ E.g. Willy Wolsztajn, on the website on the Belgian “Centre Communautaire Laïc Juif” (27/5/2015), via <http://www.cclj.be/actu/politique-societe/bacbi-campagne-indigne-absurde-et-hypocrite> : “An unworthy, absurd and hypocritical campaign .. On Israel's Palestinian policy - certainly highly questionable - they are seen shooting in gusts. On the Saharawi policies of Rabat, however, or the Kurdish policies of Ankara, not to mention the many calamities that overwhelm the region, reigns the silence of their slippers. What is still the value of an ethic from the moment it becomes elastic?” (my transl.)

¹⁴⁰ <http://jforum.fr/limportance-cruciale-dune-definition-de-lantisemitisme.html> .

¹⁴¹ “Total American assistance to Israel, from its establishment in 1949 up to 2016, amounts to approximately \$125 billion, a whopping sum, making Israel the largest beneficiary of American aid in the post-Second World War era”, zie Philip Weiss, “Irreplaceable bedrock’ of U.S. backing for Israel is threatened by — intermarriage” (Mondoweiss, July 18, 2017), <http://mondoweiss.net/2017/07/irreplaceable-threatened-intermarriage/>.

reasonable hope that it can be pressured to make, one day, radical changes in its disreputable policies.¹⁴²

“With the EU”: precisely because of this very close, unique association of Israel with the EU, Israel is absolutely *not* a state “like those others” which are regularly brought up: South Sudan, Morocco, Turkey, the Central African Republic, North Korea, etc. etc. Israel, on the contrary, is “one of us”, Europeans. As a consequence, its crimes against humanity also affect and implicate us, not only morally but also legally. The fact, indeed, that we are associated with the Israeli state, makes it all the more urgent and imperative, from a European point of view, that Israel should adhere to the rules of international and humanitarian law (its principles are reiterated in the “*Charter of Fundamental Rights of the European Union*”, 2000). As we wrote in another dossier:¹⁴³

“Israel, of course, is not a member state of the EU. Nonetheless, it proclaims itself to be a “European” country and the EU political establishment considers it to be a “de facto member” of the EU.¹⁴⁴ What is more, it is associated with the EU by means of dozens of agreements ensuring it a privileged entry into all European fields and programs (e.g. Horizon 2020) - providing it with “enormous benefits”¹⁴⁵. For moral reasons at the very least, it should comply with the “fundamental ethical principles” upheld by the EU. The unambiguous condition, anyway, imposed by Article 2 of the Euro-Israel Association Agreement of 1995 (entered into force in 2000) should be decisive: respect for the human rights is called no less than “an essential element” of the agreement.¹⁴⁶ The Israeli State, nevertheless, did not and does not comply (and gets away with it).”

On the other hand, vis-à-vis other states in the world guilty of gross human rights violations, in many cases sanctions have been issued (e.g. against Russia, or Iran). In the matter however of civic solidarity activities ++with oppressed communities, it is not a question of “either” the one “or” the other, but of “also”. After all, political solidarity is not a zero-sum game. In other words, the question is not which state should be targeted *instead* of Israel, but which state *too* may be eligible e.g. for a boycott. Being concerned with Israel's intolerable Palestinian policies

¹⁴² Cf. Jonathan Cook, “*Academic Boycott: Shin Bet training program highlights academic complicity with occupation*” (The Electronic Intifada, 31 May, 2006), via <https://electronicintifada.net/content/academic-boycott-shin-bet-training-program-highlights-academic-complicity-occupation/5988>.

¹⁴³ Quoted from the BACBI-Dossier N° 2: “*The Law-Train Project. Why a partnership with the Israeli Police is indefensible*” (2017), p.10, via http://www.bacbi.be/pdf/lawtraindossier_EN.pdf.

¹⁴⁴ Well-known are the words of the first head of the EU foreign policy, Javier Solana, proffered in 2009 in Jerusalem: “*Israel, allow me to say this, is a member of the European Union without being a member of its institutions. It is a member of all its programs, it participates in all its programs*” (quoted in David Cronin, “*Europe – Israël. Une alliance contre nature*”, 2012, p. 16).

¹⁴⁵ As admitted by the managing director of ISERD (Israel-Europe R&D Directorate), Nili Shalev (Oct 14, 2016): “*Israel's participation in European R&D programmes over the years has brought tremendous benefits to industrial, academic and other organisations in Israel which have taken part in it*”, via: <http://horizon2020projects.com/pr-knowledge-innovation/israel-europe-rd-appoints-new-head/>.

¹⁴⁶ “*Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.*” Via http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc_146089.pdf.

does not imply at all that one would turn a blind eye to abuses in other countries.¹⁴⁷ E.g. the totalitarian repression, nowadays, in Turkey of all forms of dissent or alleged dissent, causing the arrests and dismissals of thousands and thousands of people, among them thousands of academics, the latter with the complicity of many university rectors, must strongly be condemned and targeted boycott calls must be supported.¹⁴⁸ It is obvious, though, that an obligation to address *all* cases of injustice in the world before being justified to deal with one of them, would only lead to complete passivity; at the same time, because of the unavoidable constraints of “*la condition humaine*”, a practical division of tasks is called for.

Finally,

“to say that there are worse cases than Israel, does not imply at all that it should be immune from criticism and censure until all other wrongs have been righted (i.e. for ever).”¹⁴⁹

6.2. From the point of view of international law and human rights and the West’s official concern that they should be respected everywhere, the Palestinian issue – i.e. Israel’s persistent colonial oppression of the Palestinian people - still has an exemplary significance in the world of today. As Ilan Pappé argued in his speech, “*Palestine is Still the Issue*”:¹⁵⁰

“I think it is important to remind ourselves why Palestine, in this respect, despite all the horrific things that are happening in Syria and Iraq, in Libya and Yemen, and despite the problems facing refugees in Europe and here as well, despite all of these distractions, if you want, it is important to remind ourselves that Palestine is the issue because much of what we see in the Middle East and outside the Middle East, is connected to what happened in the past in Palestine and what happens today in Palestine... you can never have a genuine conversation about human rights and civil rights as long as the exceptionalism of Israel continues. So if you want to talk to Syrians about human rights and civil rights, start in Palestine. Don’t start in Damascus. If you want to talk about human rights in the Yemen, in Libya, start in Palestine. People would then believe that you really care about human rights, about civil rights.”

Insofar as Israel’s elites explicitly appeal to our common liberal and democratic values and they enjoy our massive support, they are committing their crimes in our name too. Our own credibility is therefore at stake, the more so because of the West’s historic responsibility for the catastrophic situation in the Middle East. Together with Western colonialism, the Palestinian tragedy, since 1948, has been and still is at the very heart of the anti-Western hostility in the Arab and Muslim world. Putting an end to our traditional policy of double

¹⁴⁷ If Chinese scholars were to ask other academics to engage in a global boycott of the Chinese academy, we would surely consider doing so.

¹⁴⁸ We give our fullest support to the current campaign “*Call For Targeted Academic Boycott of Turkey*”, vide the petition on: https://www.change.org/p/call-for-targeted-academic-boycott-of-turkey?recruiter=728843879&utm_source=share_petition&utm_medium=email&utm_campaign=share_email_response.

¹⁴⁹ “*Why Boycott Israeli Universities*” (BRICUP, April 2007), p. 25.

¹⁵⁰ Vide the transcription of a speech for the benefit of The First Congregational Church of Berkeley, California, May 2, 2016, via <https://ratical.org/ratville/PalestineIsStillTheIssue.html>

standards with regard to Israel and the Arab world, is of paramount importance for the benefit of a credible and effective diplomatic approach.

Even more than was the case with the South African Apartheid state, where sanctions and boycott during many years were postponed (and even contested) by the international political establishment, the "security" of the "Jewish state" still prevails absolutely, in the eyes of the Western elites, on the rights of the indigenous Palestinian people to dignity and self-determination.¹⁵¹ Except in its rhetoric of "concern" and "regrets", even sometimes its "condemnations" of Israel's inexcusable transgressions, the Western political community remains dismally (and scandalously) in default.¹⁵² The State of Israel continues to enjoy a vicious exceptionalness that allows it to persist violating international humanitarian law with complete impunity.

The so-called "Peace Process" under the lead of the US - "Madrid", "Oslo", "Camp David", "Taba," the "Road Map" of the "Quartet"¹⁵³ –has proved to be a charade.¹⁵⁴ Whereas more and more concessions were demanded from the Palestinian side (the last one being that they must recognize Israel - a country with 20% "non-Jews", i.e. more than 1.7 million people - as being the "nation state of the Jewish people"), the Israeli security requirements increasingly escalated. Today, in accordance with his proven tactics of creating more and more "facts on the ground", Netanyahu is doing everything he can to buy time by adding always more obstacles and conditions that cannot be met.¹⁵⁵ In the words of an Haaretz Editorial:

"This time can only help the settlers to realize their million-person vision and will serve to throw the two-state solution onto the dust heap of history".¹⁵⁶

¹⁵¹ The British Foreign minister, Boris Johnson, recently stated that "Israel has first and foremost an *absolute* right to live in security" (MEMO, April 5, 2017) via: <https://www.middleeastmonitor.com/20170405-the-uk-is-quietly-changing-its-policy-on-israel-and-palestine/>. However, in the advice of the ICJ on the Wall, it is clear that Israel's right to security should not be called upon in order to violate the right to self-determination of the Palestinians, cf. <http://www.icj-cij.org/docket/files/131/1671.pdf>.

¹⁵² The frustration of Palestinian representatives is fully understandable: "Palestinian Foreign Affairs Ministry to World: Stop issuing useless condemnations" (Mondoweiss, July 29, 2016): <http://mondoweiss.net/2016/07/palestinian-ministry-condemnations/>.

¹⁵³ Cf. the commentary of the Israeli peace activist, Uri Avnery (<http://zope.gush-shalom.org/home/en/channels/avnery/1467393036/>): "This ridiculous document of the Quartet, composed of the US, Europe, Russia and the UN, is intent on creating an equilibrium – equally blaming the conqueror and the conquered, the oppressor and the oppressed, ignoring the occupation altogether. Verily, a masterpiece of hypocrisy, a.k.a. diplomacy."

¹⁵⁴ "a charade played by charlatans", according to Moshé Machover in: "Why I am not an Israeli peace activist" (Weekly Worker, 6/10/2010), via <http://weeklyworker.co.uk/worker/836/why-i-am-not-an-israeli-peace-activist/> For a thorough criticism of the so-called Oslo Agreements see still Edward Said, "The Morning After" (London Review of Books, Vol. 15 No. 20 · 21 October 1993): <http://www.lrb.co.uk/v15/n20/edward-said/the-morning-after>.

¹⁵⁵ E.g. that the Abbas should stop to support the families of incarcerated Palestinians (so-called "terrorists").

¹⁵⁶ Haaretz Editorial : « A New Way to Delay Negotiations" (June 12, 2017) via <http://www.haaretz.com/opinion/editorial/1.795203>.

The complaint of the late US Secretary of State John Kerry in his final speech on the Palestinian-Israeli issue (delivered as he was about to leave office) that the two-state solution was "in jeopardy", sounded rather pathetic if not hypocritical.¹⁵⁷

A similar skepticism applies to the "dialogue" and "constructive engagement" of the European Union with the Israeli state, in the context of the European-Israel Association Agreement (1995, as of 2000). According to Federica Mogherini, High Representative for the EU foreign policy, when answering a question in the European Parliament, it includes "a regular dialogue with Israel on human rights issues". "Addressing a number of sometimes difficult human rights concerns", Israel, she said, is regularly urged to take measures "to prevent and address difficult (!) cases of torture and abuse." From the part of Israel's political leaders, once again, already since Ben-Gurion, diplomatic dialogue and negotiations have never been more than a screen that allowed them, and still allows to ignore the fundamental rules and standards of international and humanitarian law and to continue judaïsing the West Bank.

6.3. Again, it is undoubtedly true that Israel is not the only country in the world that violates human rights. It is not even the country that commits the worst crimes against humanity. It is, however, the only country in that malodorous company which positions ("brands") itself (and is also considered as such by the West) as a "liberal democracy", (at least) on par with Western democracies.

The morally and legally unacceptable argument, however, of being "not the only nor even the worst" offender in the world is being abused by the Israeli governments and their Western political supporters in order to sweep any serious criticism of decades of violation of international humanitarian law under the carpet. Even more so: it is used to clamp down on every international concern with the sufferings of the Palestinian people, implicating inevitably Israel's responsibility.

A very recent example of this is the letter of all hundred US senators (including Bernie Sanders) to UN Secretary-General Guterres (copy of it in Haaretz).¹⁵⁸ While referring to "the many pressing human rights challenges of our time in countries like Russia, China, North Korea, Syria, Cuba, Venezuela and South Sudan", that should be addressed, and not shrinking away for quite threatening language (UNRWA "must pursue reforms or risk significant consequences", the US being the UN's "largest contributor") – the senators called upon Secretary-General Guterres to put an end to the UN's "unbalanced" and persistent "anti-Israel agenda", or even its "obsession with Israel".

"The UN funds and maintains a number of standing committees which far too often serve no purpose other than to attack Israel and inspire the anti-Israel boycott, sanctions and divestment (BDS) movement. These committees must be eliminated or reformed".

Are singled out especially:

¹⁵⁷ Vide <https://www.middleeastmonitor.com/20161229-in-parting-shot-at-israel-kerry-warns-middle-east-peace-in-jeopardy/>.

¹⁵⁸ Amir Tibon, "All 100 U.S. Senators Demand UN Take Action Against 'anti-Israel Agenda'" (April 28, 2017) via <http://www.haaretz.com/us-news/1.786229>.

- the UN Human Rights Commission (UNHRC), “devoting time to unwarranted attacks against Israel”;
- UNESCO, “while doing some important work on Holocaust education, its member states continue to advance measures that target Israel and deny the Jewish and Christian connections to Jerusalem”, and
- the UN Relief and Works Agency for Palestine Refugees in the Middle East (UNRWA), because of downplaying “its role in perpetuating troubling anti-Israel bias and activities”.¹⁵⁹

While praising Guterres for his withdrawal of the UN-ESCWA Apartheid Report (above ch. 4.2), the US senators call upon him “to engage member states in a comprehensive effort to directly confront and root out this bias”. They themselves stand ready to work with him “to eliminate the organization’s anti-Israel bias, and fight antisemitism in all its forms.”¹⁶⁰ The general aim of the senators’ action is already formulated in the second paragraph of the letter (it is not by chance that the IHRA Definition of “antisemitism” comes to our mind):¹⁶¹

“Through words and actions, we urge you to ensure that Israel is treated neither better nor worse than any other UN member of good standing” (m.u.).

Remark that in the whole letter the Palestinians are not mentioned once.

In a sharp open letter addressed to the US UN-ambassador, who had previously addressed similar imputations (and threats) to the UN, Richard Falk and Virginia Tilley, the ESCWA-Report rapporteurs, express their deep disappointment because of the Ambassador’s rash dismissal of their report for being “anti-Israeli propaganda”.¹⁶² Because her objections to the report were extended to an attack on the UN itself for its “excessive attention to the question of Palestine”, they do not hesitate to point out her ignorance:

¹⁵⁹ UNRWA is these days under attack from Netanyahu as well, cf. Barak Ravid, “Netanyahu: I Told American UN Envoy Nikki Haley UNRWA Should Be Dismantled” (Haaretz, June 11, 2017) via <http://www.haaretz.com/israel-news/1.795006>.

¹⁶⁰ Although not explicitly quoted, “antisemitism”, here, must be understood, of course, according to the “working definition” adopted in the “Anti-Semitism Awareness Act”, approved in December 2016 by the American Senate and the House of Representatives. See above, “Addendum 4: “Antisemitism” (ch. 5.1).

¹⁶¹ The quasi-legal base, in some 20 US states, for repressing Palestine solidarity activities (BDS included) is the “Anti-Semitism Awareness Act of 2016”, voted by the Congress, see: via <https://drive.google.com/file/d/0Bw-NuPm1EG8edVRmOW0zQIQ3UEw5cFFiSDZ6YXRfajVFanRR/view>. It is based on the Civil Rights Act of 1964. Title VI of that law prohibits discrimination on the basis of “race, color or natural origin” (in 2010 it was expanded to the protection of religious groups). Born out of the struggle to end institutionalized racism in the US, it is now being used, perversely, by pro-Israel organizations to silence dissent against Israel’s institutionalized racism against Palestinians. See Ali Abunimah, “The Battle for Justice in Palestine”, ch. “Misusing Civil Rights Law to Censor Campus Activism”, p. 186ss.

¹⁶² Richard Falki & Virginia Tilley, “Open Letter to UN Ambassador Nikki Haley on Our Report on Apartheid in Israel. Instead of responding to it with constructive criticism, you launched defamatory attacks on all involved” (The Nation, April 25, 2017) via <https://www.thenation.com/article/open-letter-to-un-ambassador-nikki-haley-on-our-report-on-apartheid-in-israel/>.

“denying that the UN has a special role here ignores the unique responsibility of the UN in relation to this conflict. Immediately after World War II, a war-weary Britain, then the Mandatory authority in Palestine as a result of arrangements following World War I, turned over the future of Palestine to the UN for resolution. The UN was therefore, from the outset of its existence, given a responsibility for finding a solution to the conflict in Palestine. This was unlike any comparable responsibility the UN possesses anywhere else in the world. Seven decades of human suffering and insecurity have resulted from the UN’s failure to discharge this obligation.”

Finally, as far as the Israeli authorities themselves are concerned, it is not surprising that they too are using the same excuse of being “*not the only or even the worst*” as a kind of free license to continue quietly with their own blatant violations of the rights of the Palestinian population. A recent illustration of it is Israel’s disdainful reaction to the EU’s sharp protest against the planned demolition of once again tens of homes and structures, including a school (most of them funded with EU money) in the Bedouin village Khan al-Ahmar in zone C. Coupled to it was the demand that Israel would put an end to its demolition policy in that zone. For the Israeli spokesman the protest was just an expression of Europe’s “*obsession*” with Palestine:¹⁶³

“Bar-Ilan also said Israel was astounded at the EU’s obsession with demolitions in Area C, the part of the West Bank under full Israeli control. “There are 32 humanitarian crises around the world, but the European Union opts to deal disproportionately only with what happens in Area C, which undoubtedly isn’t in a humanitarian crisis” (m.u.).

Israel’s arrogant contempt for the disapproval of its practices from the international community is also revealed with the newly voted law that drives up once again the repression against so-called “*illegal*” homes (because building permits for Palestinians are practically impossible to get, this applies to most Palestinian homes, also in East Jerusalem):¹⁶⁴

“Dubbed the ‘Kaminitz Law,’ the bill increases the maximum custodial sentence for anyone convicted of building without permits to three years, from two years. It also reduces the courts’ authorities in regard to building offenses while enhancing those of the Finance Ministry’s construction enforcement unit.”

Finally, as for the allegation made by the IHRA “*working definition*” (and implied by the letter of the US senators) that it would be “*antisemitic*” to confront the Israeli state with requirements “*which apply only to Israel*”: since among the “*European*” states Israel is the only one to commit systematically crimes under international law like apartheid, racism, torture, ill-treatment of prisoners, military violence against civilians, institutionalized discrimination, collective punishment, extra-judicial killing, illegal settlements, etc., etc., the effect if not the intent of the IHRA-definition is to make any kind of criticism and condemnation of and resistance against those unique Israeli practices a punishable offence. Its acceptance, for that

¹⁶³ Barak Ravid: “*Israel Slams EU: 32 Humanitarian Crises in the World and Europe’s Obsessed With Palestinians*” (Haaretz, April 5, 2017) via <http://www.haaretz.com/israel-news/1.781562>.

¹⁶⁴ Jonathan Lis, « *Israel Passes Law Meant to Crack Down on Illegal Building in Arab Communities*” (Haaretz, April 5, 2017) via <http://www.haaretz.com/israel-news/premium-1.781788>.

reason, by the European Parliament must be condemned as an example of shameful complicity under international law.

7. PS: Israel’s “*Exceptionalness*”¹⁶⁵

The second most common allegation addressed at the boycott campaign from a pro-Israel angle is, as we know, the “*unethical*” selectivity or bias of it. Israel, so it goes, is unfairly “*singled out*”, demonized and delegitimized.¹⁶⁶

In reality Israel itself is not prepared to be treated just like any other state.¹⁶⁷ What is more, the double standards which operate in international affairs are those that favour Israel, rather than the reverse.

7.1. Israel, first of all, *singles out itself*. Predominant in its leading circles and also among a large part of the Israeli public, be it religious or secular, is an ethnocentric or chauvinist belief in the exceptional status of the state of Israel as being “*a light beacon unto the nations.*” The 1948 Declaration of Independence proudly proclaimed that the new “*State of Israel*”

*“will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.”*¹⁶⁸

Already a blatant lie at the start of the Israeli state, the cognitive dissonance between the lofty commitments of the Declaration and political reality was never greater than today. Nevertheless, Israel’s political establishment persists in living in denial.

Two years ago, welcoming Donald Tusk, president of the European Commission, Netanyahu, being the prime minister of a colonizing and oppressing state, did not hesitate to vaunt the unique virtues of his country :¹⁶⁹

¹⁶⁵ “*Israel’s Exceptionalism: Normalizing the Abnormal*”, Palestinian Campaign for the Academic and Cultural Boycott of Israel, Oct 31, 2011, via <http://pacbi.org/etemplate.php?id=1749> .

¹⁶⁶ An interesting detail: the “*singling out*” objection was also used in the past by other embattled repressive regimes, e.g. in defense of South African Apartheid. See: “*On “Singling out” Apartheid*”, on the website of the Anthropologists for the Boycott of Israeli Academic Institutions, offering a link to an article of 1989 by Anne-Marie Kriek, “*South Africa Shouldn’t be Singled Out*”, via <https://anthroboycott.wordpress.com/2015/11/06/on-singling-out-apartheid/>. In the same vein as Willy Wolsztajn (above, ch. 5), she started with: “*While it is true that there are many things wrong in South Africa...*”.

¹⁶⁷ See the contributions in “*Singling out Israel*” (Jews for Justice for Palestinians) via http://jifjp.com/?page_id=24975 .

¹⁶⁸ “*The Declaration of the Establishment of the State of Israel*”, May 14, 1948, via https://www.knesset.gov.il/docs/eng/megilat_eng.htm . It has been suggested, however, that this enlightened paragraph was only added under pressure from the UN, see: B.Michael: “*The Legend of Israel’s Enlightened Declaration of Independence*” (Haaretz, May 4, 2017) via <http://www.haaretz.com/opinion/premium-1.787112> .

¹⁶⁹ On the occasion of Tusk’s official visit to Israel on 8 September 2015 (Israel Ministry of Foreign Affairs, Sept 8, 2015) via: <http://mfa.gov.il/MFA/PressRoom/2015/Pages/European-Council-President-Tusk-meets-with-PM-Netanyahu-and-President-Rivlin-8-Sep-2015.aspx> .

« (S)ome in Europe believe the only thing they have to do is to press, boycott and vilify the Middle East's only true democracy, Israel, the only vanguard of liberty, the only country where human rights are respected, where there is a free press and where the values that we share with Europe serve as our map and our compass and our way of life... We are the guardians of civilization here in the heart of the Middle East against this new barbarism.”

Small wonder, the Israeli army (so-called the Israel Defense Forces), although being the perpetrator of daily violations against a subjugated civil population, is still held by the majority to be “*the most moral army on earth*”, having the “*purity of the weapons*” as its code of conduct.¹⁷⁰ In other words, one is “*special*”, indeed, and what one is carrying out should not be judged according to the same criteria as human undertakings in the rest of the world are. Quite ironically, indeed, this supposed unique moral supremacy allows to disregard conventional human values and norms and even to perpetrate and justify war crimes, as it were “*in the name of Judaism*.”¹⁷¹

At the same time, Israel has been and still is “*singled out*” by the West for 70 years to the extent that it enjoys an exceptionally privileged status. This state alone among the “*democratic*” Western countries stands above the law and is allowed to violate the rules and conventions of international humanitarian law without having to fear either penal, political or economic sanctions (in contrast, for example, to the EC steps against Hungary, these days). In concrete terms, the Israeli state is free to occupy, dispossess, harass, kill and maim the native people of Palestine and to maintain a regime of apartheid and colonialism. Far from being punished, it is embraced and extensively supported in all areas: financially and militarily by the US (1/3 of the US budget for foreign aid; the \$ 38 billion promised by Obama ...); scientifically and financially thanks to its association with the EU R&D program “*Horizon 2020*”¹⁷²; at the international political level, with the systematic veto of any resolution on Israel in the UN Security Council (the US abstention for the benefit of Resolution 2334, last December, was the “*exception that confirms the rule*”). Israel is also the only country “*with good standing*” in possession of nuclear weapons which is not regularly subjected to international control by the International Atomic Energy Agency,¹⁷³ etc.

¹⁷⁰ Notwithstanding critical voices in the liberal Israeli press: e.g. the Haaretz Editorial of 22 February 2017: “*The Era of Purity of Arms Has Ended*”, <http://www.haaretz.com/opinion/editorial/1.773142> (after the too light sentence against Elor Azaria); or Gideon Levy: “*Die, Suffer, You Kahba*” (Haaretz, June 4, 2017), <http://www.haaretz.com/opinion/.premium-1.793429> : “*This is the lesson learnt by soldiers of the Israel Defense Forces from the Azaria trial: Instead of shooting a ‘terrorist,’ let the person bleed to death while cursing them... If the soldiers at that checkpoint are not prosecuted and punished, one thing will be made clear: Barbarism is the true moral code prevailing in the IDF.*”

¹⁷¹ Ofri Ilany, “*Justifying War Crimes in the Name of Judaism*” (Haaretz, Sept 24, 2015), via <http://www.haaretz.com/israel-news/.premium-1.676962> . “*In contemporary Israel, the idea of the universal mission of the Jewish people has morphed into something else – and all in the name of the Jews’ supposed moral supremacy.*”

¹⁷² “*EU Commissioner for Research, Science and Innovation visits the Start-Up Nation*” (Delegation of the European Union to Israel, May 17, 2017) via https://eeas.europa.eu/delegations/israel/26342/eu-commissioner-research-science-and-innovation-visits-start-nation_en .

¹⁷³ Ali Abunimah, “*The Battle for Justice in Palestine*”, pp. 161-162: “*Perhaps the most ominous environmental threat looming over millions of people in the region stems from Israel’s nuclear reactor at Dimona... (T)he real*

The claim, in this context, of pro-Israel advocacy groups that Israel is dishonestly taken apart out of malicious, i.e. antisemitic motives, makes one conclude that

“in practice, Israel’s defenders complain of Israel being expected to abide by internationally accepted norms. Israel is in fact exceptionally favored on the international scene by being granted unprecedented impunity for breaches of international law and human rights conventions without sanction. It is not antisemitic to call Israel to account for those breaches.”¹⁷⁴

7.2. Israel’s belief in its own “*exceptionalness*” is closely linked, quite understandably but also paradoxically, to the Shoah (Judeocide or Holocaust) of more than seventy years ago. While the world largely remained impassive, nearly 6 million European Jews (i.e. a third of the then Jewish world population) - men, women and children - were exterminated by the Nazis and their European acolytes in an almost industrial way, solely because of their Jewishness (understood at the same time in a religious and a racial sense). This terrible historic trauma can never be a justification, of course, for the suffering that has been and still is being done to the Palestinian people. Nonetheless it must be taken into account if we wish to understand the emotionalism that often accompanies discussions about the Israeli-Palestinian “*conflict*”. It should also make us understand the fear of antisemitism which is vividly present in Jewish communities in today’s world. We must not minimize its existence or importance. It is a fact, of course, that the call of antisemitism is frequently used to silence criticism of Israel’s policies (see also below), but this should not tempt us to dispel all cries of “*antisemitism*” as fake.¹⁷⁵

The German *Dritte Reich* and its murder industry are an essential part of the historical background and context of the creation of the state of Israel.¹⁷⁶ Israeli leaders, alas, have never seized that historic trauma to express empathy with the unjust fate of the indigenous people of Palestine, far from that they would have been willing to apologize for the Nakba and its persisting injustices. On the contrary, there still exists a streak in political Zionism to link the Palestinians one way or another to the Nazis or their practices.¹⁷⁷ The Holocaust as such

threat level to human health and the environment from all its atomic activities is difficult to evaluate due to its secrecy and refusal to cooperate with international agencies. Israel remains the only country in the region to refuse to sign the Nuclear Non-Proliferation Treaty... Israel allows no inspections by the International Atomic Energy Agency...”.

¹⁷⁴ “Free Speech on Israel Briefing: What antisemitism is, and what it is not” (pdf, 4 p.), <http://freespeechonisrael.org.uk/wp-content/uploads/2017/02/IHRA-definition-antisemitism-briefing-1.pdf> (Free Speech on Israel is a peace organization of British Jews).

¹⁷⁵ Cf. Richard Kuper, “*Singling out Israel*” – A section of the Tom Hurndall memorial talk delivered in Manchester, 22 Nov 2006 (Jews for Justice for Palestinians, April 26, 2005), via <http://jifjp.com/?p=72277>.

¹⁷⁶ Cf. Amira Hass, “*The Holocaust for Daily Use*” (Haaretz, April 24, 2017), via <http://www.haaretz.com/opinion/.premium-1.785276>. “*Jews were murdered in the Holocaust because they were Jews. Not so that a state would be established that day after day keeps proving the anti-Zionists right.*”

¹⁷⁷ E.g. “*Netanyahu: Hitler Didn’t Want to Exterminate the Jews*” (Haaretz, Oct 21, 2015), via <http://www.haaretz.com/israel-news/1.681525> (referring to the Mufti of Jerusalem, Haj Amin al-Husseini). PS Conversely, to compare Israel’s policies and practices with those of the Nazis (so already the famous Jewish philosopher Yeshayahu Leibowitz) is usually met with hysteria. Recently, though, a professor of Hebrew University, Ofer Cassif, did not hesitate to do so in a political science class, see: Yocheved Laufer, “*Hebrew U*

has been and still is politically instrumentalized to serve as a warning that the well-being and security of Jews should once and for all be based on military power and control.¹⁷⁸ In the words of Yakov Rabkin:¹⁷⁹

"There can be little doubt that after the Nazi genocide, the use of force became an article of faith for a large number of Jews. To cast doubt upon the legitimacy and efficacy of force is, in Zionist circles, tantamount to treason."

For the security of the "Jewish state", allegedly speaking in the name of all Jews in the world (Netanyahu 'likes to say he's the prime minister of the Jewish people, not just the State of Israel'), all other considerations have to yield. As Gideon Levy expresses it succinctly: "*The Holocaust makes Israelis think international law does not apply (to them)*".¹⁸⁰

The Holocaust, many Jewish people are convinced, is an absolutely unique event in human history and any other collective crime against humanity elsewhere in the world is by definition incomparable to it - implying that no universal lessons can be drawn from it. Jewish Israelis are taught from childhood to regard themselves as the absolute victims in history;¹⁸¹ they are still threatened in their existence and a second "Holocaust" is never far off (nowadays: the threat from Iran) - without making the connection between that threat and Israel's military oppression and occupation of Palestine. Whatever the pain and sufferings experienced by other peoples, including the Palestinians, they can never outweigh the historic sufferings of the Jewish nation. As a consequence, any radical criticism of the "Jewish state" - actually rather a "Zionist state" (Rabkov) - because of the injustice and sufferings it has inflicted and still inflicts on Palestine's indigenous population, is "antisemitic".¹⁸²

professor: Israel today similar to Nazi Germany" (The Jerusalem Post, June 23, 2017), via <http://www.jpost.com/Israel-News/Hebrew-U-professor-Todays-Israel-similar-to-Nazi-Germany-497731>

¹⁷⁸ Correlated to this: the way Jewish Holocaust survivors were treated in Israel: "It's largely forgotten that, growing up in my generation, it was a badge of shame to be a Holocaust survivor. The mantra was that the Jews went like sheep to slaughter... Jews felt embarrassed, ashamed. They were weaklings, cowards". Norman Finkelstein in: James North, "To live or to perish' — Norman Finkelstein on the Six-Day-War and its mythology" (Mondoweiss, June 3, 2017), <http://mondoweiss.net/2017/06/six-day-war-finkelstein/>).

¹⁷⁹ Quoted in: Philip Weiss: "Yakov Rabkin's devastating critique of Zionism: it is opposed to Jewish tradition and liberalism" (Mondoweiss, June 27, 2017): <http://mondoweiss.net/2017/06/devastating-tradition-liberalism/> .

¹⁸⁰ Lara Marlowe: "Gideon Levy, Holocaust makes Israelis think international law doesn't apply" (The Irish Times, Sept 11, 2014): <http://www.irishtimes.com/news/world/holocaust-makes-israelis-think-international-law-doesn-t-apply-1.1924554#.VFS1xkfk7Uw.facebook> .

¹⁸¹ Recently, however, UNESCO recommended that during lessons on the Holocaust other genocides too would be addressed in order to help prevent future genocides. See: Taly Krupkin, "UNESCO Head to Haaretz: Holocaust Education Should Include Teaching Other Genocides" (Haaretz, April 27, 2017) via <http://www.haaretz.com/us-news/premium-1.785788> .

¹⁸² The Israeli president, Reuven Rivlin, however, in his speech at the Holocaust Remembrance Day ceremony on April 23, 2017, warned against the current approach in Israel to look at the world and all that happens through the lens of the Shoah. At the same time, he criticized the view that all criticism of the state of Israel was anti-Semitic, as being "fundamentally wrong and dangerous to us as a nation and as a people." There was no doubt, though, in his mind about the completely unique character of the Shoah in human history (he also reaffirmed his belief in Israel's "divine" claims to "Judea and Samaria"). Vide his speech in Haaretz, April 24, 2017, via <http://www.haaretz.com/israel-news/1.785207> .

7.3. What makes Israel’s origin and existence - and thus, inevitably, the “*Palestinian issue*” - exceptional, is indeed the permanent historical link with antisemitism. As is well known, it was his experience of the pervasive antisemitism in Europe which made the founder of Zionism, Theodor Herzl (1860-1904), believe there was no place in Europe for Jews. At the same time (and for comparable reasons), many European politicians saw in the creation of a “*national*” Jewish homeland outside Europe in one of the colonies a solution to the so-called “*Jewish question*”.¹⁸³ Both considerations contributed to legitimize the colonial expropriation of Palestine for the benefit of Europe’s Jews.¹⁸⁴

In the words of Ilan Pappé:¹⁸⁵

“Palestine is also the issue because it has been connected and associated in the most wrong way possible with antisemitism. For so many years we were lead to believe that the colonization of Palestine was the antidote to antisemitism. Europe, the United States, and the West in general, used to convince themselves and others that because there was a problem of antisemitism, and its worst chapter was in Europe during the holocaust, the only way to solve the hatred towards Jews because they are Jews was to allow them to colonize Palestine and dispossess the Palestinians. This irrational, this cruel logic, that is at the heart of the connection between Zionism and antisemitism, still fuels most of the support Israel gets in this country, and still is the main ammunition pro-Israeli groups and individuals use in this country to silence any criticism on the Jewish state and its criminal policies.”

The concentration, however, of Jews in one state that pretends to speak and act in the name of all the Jews in the world, did not bring about peace and security nor the disappearance of antisemitism. In anti-Zionist Jewish circles it is claimed that

“Zionism depends on anti-Semitism, and it also fosters it. Political Zionism intentionally stirs up anti-Semitism,... and, then, in feigned horror, point(s) to it to justify a Jewish state.”¹⁸⁶

The fact, what is more, that Israel’s establishment pretends to speak and act not only in the name of Israel’s own citizens but in that of the Jewish “diaspora” too, exhorting them to defend the interests of the Israeli state, exposes Jewish citizens in other countries to the risk

¹⁸³ On this hundredth anniversary of the “*Balfour Declaration*”, it should be recalled that the same British politician had introduced a few years before, in 1905, an anti-immigration law. It was meant to avert the imminent massive influx of East European Jews fleeing the pogroms in Eastern Europe (in 1924, a similar immigration act was voted in the US). See: Shlomo Sand, « *The Invention of the Land of Israel. From Holy Land to Homeland* » (2012), pp. 165-167.

¹⁸⁴ The idea, though, that Jews should settle themselves in Palestine, had been fostered already during the 19th century in British Protestant circles. As is still believed by American “*Christian Zionists*”, the settlement of all the Jews in Palestine would hasten the Second Coming of the Son of God (so-called dispensationalist theology). See: Sand, o.c., ch. 3: “*Toward a Christian Zionism: And Balfour Promised the Land*”. It helps explain why political support of Israel, nowadays, can go hand in hand with antisemitism.

¹⁸⁵ In his speech of May 2, 2016, via <https://ratical.org/ratville/PalestineIsStillTheIssue.html>.

¹⁸⁶ Philip Weiss: “*Yakov Rabkin’s devastating critique of Zionism: it is opposed to Jewish tradition and liberalism*” (Mondoweiss, June 27, 2017): <http://mondoweiss.net/2017/06/devastating-tradition-liberalism/>

that their civic loyalty to their own country is called into question. No wonder, the role of Jews in the West has been described as that of “*an Israel-vassalized diaspora*” (Weiss, o.c.).¹⁸⁷

Israel, finally, being a creation of Western colonialism in the Arabic-Muslim world and persisting in oppressing the Palestinian people, the Middle East today is more unsafe than ever for Jewish people because of being identified with Israel and Zionism, and thus with the historic injustice done to the Palestinians. In a typically cynical reaction to those threats and also in support of his own policies of polarization, Netanyahu stressed that Israeli Jews would *continue* to live “*with the sword*.”¹⁸⁸ In this regard, anyway, the Zionist project of a “*normal*” (but in fact ethnic-religious) national state has clearly failed.

7.4. Starting from the manipulative equation of “*Judaism*” with “*Zionism*” - far from all Jewish people are Zionists¹⁸⁹ - any serious criticism of Israel's criminal policies is condemned and challenged for being an expression of “*antisemitism*”. Based on a politicized definition of antisemitism,¹⁹⁰ this allegation provides Israel defenders – i.e. first of all the Israeli Zionist establishment itself but also the almost entire US establishment¹⁹¹ as well as the many well-funded pro-Israel lobbies in the world – the ideological, eventually legal, ammunition to try to muzzle every person or group who, on the base of arguments and motivated by moral and legal considerations, holds the leaders of Israel accountable for their violations of international and humanitarian law and, more specifically, for their inhumane policies towards the Palestinian people.

In these days of increasing success of the Palestinians’ “*Legitimacy War*”,¹⁹² the anti-BDS “*war*”, at least in the UK, US and France, is increasingly degenerating into a smear campaign against Israel critics and BDS activists, often coupled to aggression and intimidation, with the intent to make information and public debate on Israeli politics impossible. In the recent past,

¹⁸⁷ Fissures, though, between the (mainly) American Jewish communities and the Israeli establishment are deepening. See recently on the occasion of the Israeli refusal to open a mixed prayer space at the Western Wall and the decision of the Israeli Orthodox rabbinate to ban conversions by Reform rabbis, e.g.: Chemi Shalev: “*Netanyahu to American Jews: Drop Dead*” (Haaretz, June 25, 2017) via <http://www.haaretz.com/israel-news/premium-1.797741> .

¹⁸⁸ “*I am asked if we will forever live by the sword – yes*”, with the rebuff of Haggai Matar, “*No Netanyahu, we refuse to keep living by the sword*” (+972, 26 Oct 2015), <http://972mag.com/no-netanyahu-we-refuse-to-keep-living-by-the-sword/113262/> .

¹⁸⁹ For Jewish anti-Zionism, see Yakov M. Rabkin, “*A Threat from Within: A Century of Jewish Opposition to Zionism*”, Zed Books, 2006. A number of sects of the ultra-orthodox Haredim living in Israel are anti-Zionist and refuse to recognize the Israeli state. See e.g. as illustration: Shany Littman, “*Anti-Zionist Hasidic Father of 16 Pays Hefty Price for Rejecting Israel*” (Haaretz, May 11, 2017), via <http://www.haaretz.com/israel-news/premium-1.788708> .

¹⁹⁰ Such as presented by the so-called IHRA-definition (see Addendum 4, with references).

¹⁹¹ E.g. the “*Anti-Semitism Awareness Act of 2016*” of the American Congress, Sec. 2 (“*Findings*”), par. 10: “*... current manifestation of anti-Semitism, including discriminatory anti-Semitic conduct that is couched as anti-Israel or anti-Zionist*”, via <https://www.congress.gov/bill/114th-congress/senate-bill/10/text> .

¹⁹² Alarming for the Brand Israel campaign is the significant decrease in Israel’s approval ratings among liberal Jews in the US, esp. among youths, see (already quoted) Amanda Borschel-Dan: “*‘Devastating’ survey shows huge loss of Israel support among Jewish college students*” (The Times of Israel, June 21, 2017).

Richard Falk too, on the occasion of his book presentations in the UK, was its victim. Reacting to what he calls "*Israel's new cultural war of aggression*", he writes:¹⁹³

"Israel's most ardent and powerful backers are transforming the debate on Israel/Palestine policy into a cultural war of aggression. This new kind of war has been launched with the encouragement and backing of the Israeli government, given ideological support by such extremist pressure groups as UN Watch, GO Monitor, AIPAC, and a host of others. This cultural war is implemented at street levels by flame throwing militants that resort to symbolic forms of violence."

The BDS campaign is based on international law which combats all forms of racism and discrimination.¹⁹⁴ Ergo, aiming at the implementation of the Palestinians' international human rights, it rejects and condemns any form of antisemitism or anti-Jewish racism. Nevertheless, because of the political, economic and other interests that are at stake with the continuation of the occupation,¹⁹⁵ BDS is confronted with an aggressive, government-orchestrated hate campaign that in no way is comparable to the hostility emancipation movements in the past have experienced. E.g. the international movement against the South African apartheid regime. In that campaign too, though, a far-reaching boycott of the country was advocated, including universities, churches and unions.

"Government-orchestrated", indeed: the anti-BDS campaign is primarily driven by the Israeli government itself and is coordinated by Gilad Erdan, minister of Public Security but also of "*Strategic Affairs*".¹⁹⁶ Faced with the growing global solidarity with the Palestinians, the Israeli government, its embassies and lobbies are applying pressure on governments and supranational institutions (e.g. the EU) to initiate judicial proceedings against Israel critic groups and activists and their calls for boycott because of "*antisemitism*".¹⁹⁷ The so-called IHRA "*working definition*" of antisemitism is clearly doing the "job" it was intended to do.

¹⁹³ Richard Falk, on his blog "*Global Justice in the 21st Century*" (May 5, 2017), via <https://richardfalk.wordpress.com/2017/05/05/israels-new-cultural-war-of-aggression/>

¹⁹⁴ Vide the *International Convention on the Elimination of All Forms of Racial Discrimination* (Jan 4, 1969), via <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> .

¹⁹⁵ E.g. Jeff Halper, in: Michael Friedman, "*Why has the Israeli occupation lasted so long? It's good for business*" (Mondoweiss, June 6, 2017), <http://mondoweiss.net/2017/06/israeli-occupation-business/> "*The occupation represents a source for Israel in two senses: economically, it provides a testing ground for the development of weapons, security systems, models of population control and tactics without which Israel would be unable to compete in the international arms and security markets, but no less important, being a major military power serving other military and security services the world over lends Israel an international status among global hegemony it would not otherwise have. Israel is a small country scrambling to carve out a niche in the transnational military industrial complex. Where would it be without the Occupation and the regional conflict that it generates?*" Also: Noam Sheizaf, "*How every Israeli profits from the occupation*" (+972, June 9, 2015): <http://972mag.com/how-every-israeli-profits-from-the-occupation/107629/> .

¹⁹⁶ On the occasion of a large-scale anti-BDS congress, March 28, 2016, in Jerusalem, the minister of Intelligence, Yisrael Katz, called for "*targeted civil eliminations*" of BDS militants. See: Mairav Zonszein, "*In Israel, BDS is winning*" (+972, March 28, 2016), via <https://972mag.com/in-israel-bds-is-winning/118198/>

¹⁹⁷ In the US 20 states have enacted laws aimed at punishing participation in political boycotts for Palestinian rights. In Belgium, the then president of the Co-ordination Committee of Jewish Organizations of Belgium, Serge Rozen, in a gala speech on April 12, 2016, in the presence of Prime Minister Charles Michel and the Minister of Home Affairs, Jan Jambon, urged the Belgian government to follow France and the UK. Via

The anti-BDS witch-hunt rages most of all in the US, with the frantic support of Israel advocacy groups:

*“Between 2014 and 2016, Palestine Legal responded to 650 incidents of suppression nationwide targeting speech supportive of Palestinian rights, an additional 200 requests for legal assistance in anticipation of such incidents, and dozens of efforts to enact federal, state, and local laws aimed at punishing BDS activism and chilling speech supportive of Palestinian rights.”*¹⁹⁸

The utter subservience of the American political establishment to the State of Israel reaches its peak now with the so-called Israel Anti-Boycott Act (S. 720), drafted with the assistance of AIPAC (the American Israel Public Affairs Committee) and introduced in March 2017. Proposed in the Senate and the House, it would prohibit U.S. persons from supporting boycotts for Palestinian rights fostered by the United Nations, European Union, or other international governmental organizations. Violations are punishable by exorbitant fines (a possible maximum criminal penalty of \$1 million) and up to 20 years in prison. ...¹⁹⁹

Mainly in the academic world, intimidation and smear campaigns target both activists and scholars.²⁰⁰ Particularly troubling is the role outside advocacy groups play in suppressing academic freedom. “*Canary Mission*”, for one, has become notorious for its blacklists of pro-Palestinian student activists and professors and for its public databases intended to threaten their future career prospects over their stances on Israel-Palestine. Nonetheless,

“the strength of the Israeli lobby lies in not always acting as outside pressure but also in functioning from inside institutions thanks to individuals who occupy gate-keeping positions, and from the strategic position of the insider post, enact their commitment to Israel in and through everyday administrative tasks.”

Again and again, university administrators respond to pressure from Israel-aligned individuals and groups to condemn, censor and punish advocates for Palestinian rights. Professor Steven Salaita, among others, lost a tenured position he had been offered at the University of Illinois, after a campaign by Israel advocates and donors to cancel his contract because of his critical tweets after Israel’s assault on Gaza that summer in 2014.²⁰¹

https://www.facebook.com/permalink.php?story_fbid=1416692358356266&id=107844259241089&substory_index=0 .

¹⁹⁸ Consult the report of “*Palestine Legal*”: “*The Palestine Exception to Free Speech: A Movement Under Attack in the US*”. It “documents for the first time the widespread and growing suppression of Palestinian human rights advocacy in the United States”. Vide the Executive Summary via: <http://palestinelegal.org/the-palestine-exception> .

¹⁹⁹ Vide Glenn Greenwald & Ryan Grim: “*U.S. Lawmakers Seek to Criminally Outlaw Support for Boycott Campaign Against Israel*” (The Intercept, July 19, 2017) via <https://theintercept.com/2017/07/19/u-s-lawmakers-seek-to-criminally-outlaw-support-for-boycott-campaign-against-israel/> . See: Palestine Legal, “*Why Amending the Israel Anti-Boycott Act is Not Enough. The bill must be rejected*” (July 27), <http://palestinelegal.org/news/2017/7/27/israel-anti-boycott-act> .

²⁰⁰ For an extensive discussion see: Ali Abunimah, “*The Battle for Justice in Palestine*”, ch. 6, “*The war on campus*”.

²⁰¹ Vide his article, “*Speaking of Palestine and academic freedom*” (Mondoweiss, April 24, 2017), via <http://mondoweiss.net/2017/04/speaking-palestine-academic/> . A recent case: in April, administrators at California State University at Fresno canceled a search to fill the Edward Said Chair in Middle East Studies after a

The effects as to academic freedom and the freedom of expression in the American academe are very distressing:

“There are courses that are not offered, dissertations that are not written, faculty who are denied positions, students who won’t join activist groups or attend lectures — all because they are afraid of the likely consequences.”²⁰²

In the words of Richard Falk (p. 119):

“Undoubtedly more serious than the high-profile cases are the invisible effects of this politically motivated and aggressive use of anti-Semitism, exhibited by a reluctance to hire or promote individuals who have engaged in Palestinian solidarity activity or even to invite speakers that would be subjected to criticism of bringing anti-Semite accusations to campus.”

Nevertheless, the call for solidarity with Palestine, boycott included, is alive and well in the US, the academia included. At a lot of universities student activists have united in “Students for Justice in Palestine” (SJP) groups. As for civil organizations, worth mentioning are “Jewish Voice for Peace” (JVP), already referred to at the start of ch. 5,²⁰³ and the “US Campaign for the Academic and Cultural Boycott of Israel” (USACBI).²⁰⁴

For a number of reasons, the situation in Europe, presently, is less dramatic, but here too pro-Israel groups do not hesitate to use libelous incriminations of antisemitism in order to delegitimize BDS and, in general, to try to make any serious criticism of Israel’s practices outlawed. In the UK, with its important Jewish community, suspicions and intimidations are being wielded by a well-organized pro-Israel lobby (having a strong foothold in the two main political parties), and often with success. For example, an international conference on Israel and International Law, which was planned at the University of Southampton, was successfully sabotaged twice. Emigrated to Cork in Ireland, in April this year, there too the defamation campaign had a partial success with regard to the venue of the conference.²⁰⁵ The adoption by Theresa May of the IHRA definition of antisemitism, although not having a legal status, proves to be useful in suppressing pro-Palestine solidarity and BDS-calls.²⁰⁶ Some 250 British academics, in a letter to The Guardian, expressed their dismay

committee came up with four finalists, all of whom were reported to be of “Middle Eastern background” and to be focused on Palestinian issues. Vide: Philip Weiss: “Pro-Israel ‘gatekeepers’ at California university shut down search for Edward Said scholar, a candidate say” (Mondoweiss, July 2, 2017): <http://mondoweiss.net/2017/07/gatekeepers-california-university/> .

²⁰² See: Murtaza Hussain, “Fresno State Cancels a Middle East Studies Professorship Amid Alleged Right-wing Pro-Israel Pressure” (The Intercept, June 5, 2017), <https://theintercept.com/2017/06/05/fresno-state-cancels-a-middle-east-studies-professorship-after-pressure-from-right-wing-pro-israel-group/>

²⁰³ Website: <https://jewishvoiceforpeace.org/> .

²⁰⁴ Website: <http://www.usacbi.org/> .

²⁰⁵ On the conference see: “Cork, 31 March - 2 April, Conference: “International Law and the State of Israel: Legitimacy, Exceptionalism and Responsibility” (Tom Suarez, Mondoweiss, April 7), via <http://mondoweiss.net/2017/04/israel-naked-microscope/> .

²⁰⁶ Recently, however, an anti-BDS decision was judged unlawful by a British court: “Government suffers defeat in court by Palestine campaigners over boycott, divestment and sanctions” (Palestinian Solidarity Campaign, June 22,

“at this attempt to silence campus discussion about Israel, including its violation of the rights of Palestinians for more than 50 years. It is with disbelief that we witness explicit political interference in university affairs in the interests of Israel under the thin disguise of concern about antisemitism.”²⁰⁷

In France campaigning for an Israel boycott is punishable (11 activists, however, having been sentenced because of wearing a T-shirt, are disputing their conviction before the European Court of Human Rights). New president, Emmanuel Macron, in a speech of July 15 in the presence of Israeli prime minister Netanyahu, condemned anti-Zionist and anti-Israel expressions for being “*a new type of anti-Semitism*”.²⁰⁸

On the other hand, BDS and pro-Palestine activism in the EU was explicitly legitimized on the basis of the freedom of expression guaranteed by the European Charter, by Federica Mogherini, Vice-President of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy. Five European countries – Ireland, the Netherlands, Sweden, Switzerland and the Spanish Parliament – already did the same.²⁰⁹ A drawback, however, was the collusion of the EU Justice Commissioner, Vera Jourova, with her Israeli counterpart, Ayelet Shaked, agreeing to enforce the IHRA definition. Jourova’s visit was billed as part of the EU’s cooperation with Israel aimed at “*combating racism, xenophobia and anti-Semitism*”.²¹⁰

Israeli psychotherapist Avigail Abarbanel calls the Zionist equation between criticizing Israel and antisemitism a “*trap*” deliberately laid for us in order to make all criticism of Israel difficult.²¹¹

“In terms of language and narrative, Israel has created two effective traps for us. One is the ‘antisemitism trap’... It is almost impossible to speak about Palestine-Israel without worrying about, or at least mentioning antisemitism. Israel successfully tied antisemitism both to supporting the Palestinians and to criticizing Israel. Not only are we told that

2017): <https://www.palestinecampaign.org/government-suffers-defeat-court-palestine-campaigners-boycott-divestment-sanctions/> “The Government has acted unlawfully by attempting to restrict local councils from pursuing boycott, divestment and sanctions (BDS) against the state of Israel through their pension schemes.”

²⁰⁷ « Free speech on Israel under attack in universities” (The Guardian, Feb 27, 2017) via <https://www.theguardian.com/education/2017/feb/27/university-wrong-to-ban-israeli-apartheid-week-event>

²⁰⁸ See: Dominique Vidal, “Antisionisme = antisémitisme ? Une erreur historique, une faute politique” (Mediapart, 17 juillet 2017), via <https://blogs.mediapart.fr/dominique-vidal/blog/170717/antisionisme-antisemitisme-une-erreur-historique-une-faute-politique> .

²⁰⁹ Federica Mogherini, answering a written question in the EP (end of September 2016)): “The EU stands firm in protecting freedom of expression and freedom of association in line with the Charter of Fundamental Rights of the European Union, which is applicable on EU member states’ territory, including with regard to BDS [boycott, divestment and sanctions] actions carried out on this territory.”

²¹⁰ Ali Abunimah, “EU pledges to help Israel suppress criticism” (The Electronic Intifada, 26 June, 2017), via <https://electronicintifada.net/blogs/ali-abunimah/eu-pledges-help-israel-suppress-criticism> . And David Cronin, “EU spreads lies about Israel boycott” (EI, July 20, 2017), with a copy of her “Keynote speech at the “Holocaust Remembrance Day” , Zionist documentation included (Feb 7, 2017, 22 p.), via <https://electronicintifada.net/blogs/david-cronin/eu-spreads-lies-about-israel-boycott> .

²¹¹ A.Abarbanel, “The Palestine-Israel language trap” (Mondoweiss, August 19, 2016), via <http://mondoweiss.net/2016/08/palestine-israel-language/> .

criticizing Israel is antisemitism, but anyone who supports the Palestinians has to worry that they might be an antisemite. I have encountered this more times than I can think over the years. People genuinely worry about it, and it stops them from speaking out or expressing their feelings openly. Worrying about antisemitism, discussing it ad nauseam, successfully distracts us and paralyzes the struggle for a change on policy on Israel, and delays any decisive action on behalf of the Palestinians.”

The “exceptionalness” or “specialness” of Israel is a second “trap” which she calls “even more insidious”:

“The ‘specialness trap’ is even more insidious. Jewish Israeli group psychology is very similar to the psychology of a cult. One of the hallmarks of cults is their feeling that they are special and that everything about them, who they are, what they believe, what they do, even their destiny, are special. Moreover, because of this specialness they cannot be judged or evaluated by the same rules that apply to everyone else. They are effectively outside the laws of general society.”

In fact, viewed from a historical, moral and human rights point of view, Israel being a colonizer is not “special” at all, nor are the Palestinians “special” for being a dispossessed and colonized, people.²¹² Israel is just an “ordinary”, be it outdated, settler-colonial state and the Palestinians, being an indigenous people, are its equally “ordinary” victims. Colonialism and apartheid are what they are, wherever and whenever. The fact that the oppression and ethnic cleansing is practiced by a country called “Israel” pretending to act in the name of the “Jewish people,” is from a legal and ethical point of view irrelevant. To commit injustice is to commit injustice; to suffer injustice is to suffer injustice – there is no place here for relativism in the name of a higher principle. What is more, horrors of the past, the Holocaust being unique or not, can never justify crimes of today. There is no objective reason, therefore, why the international legal rules to which other states too are subject, should not be applied to the Israeli state.

The BDS movement, in any case, does not ask Israel “that it would be better than other states, it only wants Israel to adhere to the same rules of law.”²¹³

Epilogue

With one of the most heavily armed militaries in the world the Israeli state wages a war against a defenseless civilian population. Neither from the military nor from the legal nor from the ethical point of view there is an acceptable reason why the country should not comply with international law and ethical principles as they apply to all UN member states. It is a matter of urgency that an end be put to Israel's “exceptionalism” and impunity. Under international law member countries have the obligation to ensure, if necessary by means of

²¹² E.g. Tikva Honig-Parnass, “Zionist Colonization is Not ‘Exceptional’: A Marxist Viewpoint” (The Bullet, May 4, 2017), via <https://socialistproject.ca/bullet/1408.php>.

²¹³ Jason Kunin, “Waarom Israël?” (Why Israel?), in R.Soeterik, p. 330.

sanctions, that those binding legal rules are also respected by the State of Israel, and, in particular, to put an end to the Israeli apartheid regime. Pending the implementation of that obligation, the global BDS campaign has a significant contribution to make in order to increase the international pressure on the Israeli state. The last 50 years have made it abundantly clear that diplomatic dialogue and negotiations are to no avail: they have been used by Israel as a cover, enabling it to reinforce its colonization and dispossession policies with supposedly irreversible facts on the ground.

In the past 70 years since the Nakba neither the armed resistance nor international diplomacy succeeded in establishing a just peace between Israelis and Palestinians. On the contrary, the human and social situation of the Palestinian people has deteriorated further and further. Since the occupation first began in June 1967, Israel’s ruthless policies of oppression, land grab, illegal settlements and dispossession, linked to rampant discrimination and racism, have inflicted immense suffering on Palestinians, depriving them of their basic human rights.

BDS’s non-violent campaign, launched by Palestinian civil society as part of a “*Legitimacy War*”, brings an implicit message of hope. Inspired by the previous global anti-apartheid campaign that resulted in the collapse of the racist regime in South Africa, BDS also is building international solidarity, this time with the struggle of the Palestinian people for equality, dignity and self-determination. With their “*sumud*” or resilience they offer inspiration to other discriminated communities in the world fighting for their rights.

Addenda

Addendum 1: The “*Balfour Declaration*”

This year, 2017, marks the 100th anniversary of the so-called « *Balfour Declaration* » (November 2, 1917). Arthur James Balfour, Britain’s foreign secretary at the time, in a letter addressed to the banker Lord Lionel Walter Rothschild and intended for the British Zionist Federation, conveyed “*on behalf of His Majesty’s Government, the following declaration of sympathy with Jewish Zionist aspirations*”.²¹⁴ The “*declaration*” itself (one long sentence of 67 words) announced that

²¹⁴ For the text see e.g. The Balfour Project, via <http://www.balfourproject.org/the-balfour-declaration/>. Mark the veiled (and cautious) language used in the declaration: e.g. “*in Palestine*” (apparently implies a *part* of the territory, not all of it), “*a*” (not “*the*”), “*national home*” (and not “*state*”), and the proviso. The British politicians, in fact, were trapped during WO I between their promises to the Arabs – in fact the British had signed a treaty, thus legally binding them to its provisions, with Sherif Hussein of Arabia - and their own susceptibility to Zionist lobbying. Vide: “*The historical record shows a series of contradictory promises relating to Palestine*” (The Balfour Project), <http://www.balfourproject.org/the-contradictory-promises/>. PS Published this year: the monograph by David Cronin, “*Balfour’s Shadow: A Century of British Support for Zionism and Israel*” (Pluto Press, 2017), not (yet) consulted by me. Interesting too: Joseph Levine, “*There are two narratives, but one reality: Palestinian dispossession*” - a review of “*Palestine The Reality: The Inside Story of the Balfour Declaration 1917-1938*”, by J.M.N.

*“His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object,”*²¹⁵

The half phrase is completed with the proviso:

*“it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine , or the rights and political status enjoyed by Jews in any other country.”*²¹⁶

The Zionist project itself, from its very inception, was one of settler colonialism, aiming at the establishment outside of Europe of an exclusively “Jewish” nation-state.²¹⁷ Until Balfour’s letter, though, Zionism had been embraced by only a very small percentage of Jews (actually, on the eve of World War I, only about one per cent of Jewish people in the world had signified their adherence to Zionism) and almost all Jewish religious and secular communities in Europe were fervent opponents of it.²¹⁸ In Palestine too the movement had not been a force

Jeffries, already published in 1940 (Mondoweiss, Jan 24), <http://mondoweiss.net/2018/01/narratives-palestinian-dispossession/>

²¹⁵ Zionist leaders, though, both British and American (led by Chaim Weizmann, chairman of the Zionist World Organization; he would become the first president of the State Israel), had a leading hand in drafting the Balfour Declaration. Balfour’s letter, that is, was based on different drafts which had circulated among them during 1916-1917 had drafted and lobbied for during two months. The version the Zionist leadership wanted the British Empire to sign up to, had a more outspoken character: e.g. “...accept the principle of recognising Palestine as the National Home of the Jewish people and the right of the Jewish people to build up its national life in Palestine... His Majesty’s government regard as essential for the realisation of this principle the grant of internal autonomy to the Jewish nationality in Palestine, freedom of immigration for Jews, and the establishment of a Jewish National Colonising Corporation...”. See: Robert Cohen, “Dear Simon Schama, you need a history lesson on Zionism” (Mondoweiss, Nov 10, 2017), <http://mondoweiss.net/2017/11/schama-history-zionism/>.

²¹⁶ Being referred to negatively and collectively, these “existing [sic] non-Jewish communities” in fact made up some 92% of the 700,000-strong indigenous population of Palestine. In its totality, almost 80 percent of the inhabitants were Muslim, 15 percent Christian, with 7-10% Palestinian Arab Jews and recent European settlers. Or in numbers: about 690.000 Arabs (Muslim and Christian), and some 59.000 Jews. Notwithstanding the explicit condition made by the Declaration, the “civil and religious rights” of the “non-Jews” (mind: not their political and national rights, in contrast to the “political status” of “Jews in any other country”) would count for little in future, and are increasingly encroached on today (e.g. Israel’s restrictions on the access to the Al-Aqsa sanctuary). Vide Ian Black, “The contested centenary of Britain’s ‘calamitous promise’” (The Guardian, Long read, Oct 17, 2017): <https://www.theguardian.com/news/2017/oct/17/centenary-britains-calamitous-promise-balfour-declaration-israel-palestine>. PS On the occasion of the centenary some members of the British establishment admitted that “Balfour’s caveat that existing communities be safeguarded had not been fully realised” (Boris Johnson, in Jewish News, Oct 30, 2017, <http://jewishnews.timesofisrael.com/boris-johnson-balfour-clause-protect-existing-communities-has-not-been-met/>), and that there is “more work to be done” (Theresa May).

²¹⁷ The first Zionist Congress (Basel, 1897), under the chairmanship of Theodore Herzl, declared: “Zionism aims at establishing for the Jewish people a publicly and legally assured home (Heimstätte) in Palestine”. However, in his diaries Herzl wrote: “At Basel I founded the Jewish State”. Vide: David Gerald Fincham, “Understanding the Jewish National Home” (Mondoweiss, April 17, 2017), <http://mondoweiss.net/2015/04/understanding-jewish-national/>.

²¹⁸ Vide: Dan Freeman-Maloy, “Remembering Balfour: empire, race and propaganda” (Sage Journals: Race & Class, Oct 6, 2017), <http://journals.sagepub.com/doi/full/10.1177/0306396817733877>. “While the Zionist movement found a place in British imperial thinking, the impact of British sponsorship on Zionism can scarcely be exaggerated. The movement had not been a force in Palestine until the British occupation, and it had been peripheral in Europe.”

until the British occupation; among the Jewish communities in the Arab countries it was completely absent.²¹⁹ The impact of British sponsorship, therefore, can scarcely be exaggerated: incorporating the Zionist national aspirations into the imperialist policies of the world’s greatest power, the Balfour proclamation bestowed international legitimacy on the Zionist cause and gave it a political boost, 20 years after its birth in Central Europe. Between 1922 and 1935 the Jewish community in Palestine, the *Yeshuv*, rose from 9 % to nearly 27 % of the total population.²²⁰

The “*Balfour Declaration*” as such was a classic colonial document (it followed on the notorious Sykes-Picot agreement of 1916 which divided the lands of the collapsing Ottoman Empire between Britain and France). While it was the result of a multitude of British opportunistic considerations and calculations,²²¹ it embodied at the same time the colonial myth of the “*white man’s burden*”, i.e. the quintessential racist idea that in the case of “*peoples not yet able to stand by themselves*” their “*well-being and development*” should be a “*sacred trust of civilisation*” – meaning “*that the tutelage of such peoples should be entrusted to advanced nations*”.²²² If we would take this principle seriously, in the case of the Palestinians,

²¹⁹ PS: A small group of Sephardi Jews living in Palestine opposed Balfour and sought equality with the Arabs, cf. Ofer Aderet, “*The Alternative Balfour Declaration // The Jews in Pre-state Israel Who Called for a Binational State - Two Israeli scholars shed light on the Sephardi Jews whose perspectives were left out of the 1917 Balfour Declaration*” (Haaretz, Oct 27, 2017), via <https://www.haaretz.com/israel-news/premium-1.819411>.

²²⁰ Nevertheless, the big influx of Jewish immigrants would be caused by mounting antisemitic racism in Europe (and the US, with its drastic restrictions on Jewish immigration), reaching its murderous paroxysm in Nazi Germany. Vide: Paul Delmotte, « *Le centenaire de la déclaration Balfour. Aux origines du conflit de Palestine* » (orientxxi, 16 oct 2017), <http://orientxxi.info/l-orient-dans-la-guerre-1914-1918/le-centenaire-de-la-declaration-balfour.2044>.

²²¹ Motivated by (antisemitic) delusions about the global power of the Jews (a myth consciously promoted by the Zionist negotiators), British politicians were “*especially keen to cultivate support from the Zionist movement as a way to secure (Britain’s) imperial interests. Not least, Palestine offered control over the Suez Canal*”. What’s more, in the second half of 1917, the Allies could still lose the war; with the Declaration the British government could hope that the American Jewish community would be prepared to put pressure on the president Wilson to make him join the war (J.Cook, “*Britain still proud of its shameful role as patron of Israel’s occupation*”, Nov 2, via <http://www.jonathan-cook.net/2017-11-02/britain-shameful-patron-israel-occupation/>). Also present, however, among their considerations was the urge to divert away from Britain the masses of Jewish refugees fleeing the pogroms and persecutions in Russia and eastern Europe (cf. already Balfour’s own “*Aliens Act*” of 1905). Ideologically, played a role too: the development in Britain during the 19th century of an influential (Protestant) Christian Zionism. Other elements: Britain’s imperialist competition with France (cf. the “*Déclaration Cambon*”, already June 4, 1917, expressing the French support for the Zionist project) and with the Germans (cf. during the whole war the Zionist international executive kept its seat in Berlin). Finally, would in future play a role too: the success of the October Revolution and the claim that communism and Bolshevism were “*Jewish conspiracies*”. See: Joseph Massad, “*The Balfour Declaration’s many questions*” (EI, Nov 8), via <https://electronicintifada.net/content/balfour-declarations-many-questions/22216>, and Paul Delmotte, o.c.

²²² Cf. The Covenant of the League of Nations (1920), Art. 22: “*To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations...*”.

in any case, we must conclude that the “sacred trust” conferred by the League of Nations has been betrayed by Britain.²²³

In conformity, anyway, with the colonial, typically disparaging (and racist) view on native nations, the same Balfour (having become a “Lord”) felt free in 1919 to admit that

*“in Palestine we do not propose even to go through the form of consulting the wishes of the present [!] inhabitants of the country... Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now [!] inhabit that ancient land...”*²²⁴

After the war and as a result of negotiations between the victorious powers, Britain’s colonial rule over Palestine was given a semblance of legitimacy by the League of Nations (July 24, 1922), under the caption of “*The Palestine Mandate*”.²²⁵ Its Art. 22 recognized that

“certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.”

In flagrant contradiction, though, with this principle in the case of Palestine, the pro-Zionist pledge of the Balfour Declaration was incorporated in the Mandate’s objectives. Cf. Article 2:

“The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure [!] the establishment of the Jewish national home,”

be it, rhetorically, followed by the same caveat with regard to unnamed “non-Jewish communities”. In this way the emerged national aspirations of the Palestinian population²²⁶ and their right to self-determination were discarded and their homeland was “forcibly incorporated into the British Empire.”²²⁷ “The Palestinians’ repudiation of colonial rule notwithstanding, throughout the Mandate period the British contributed to build up the

²²³ Vide: Prof. John Dugard, “*Britain’s betrayal of the sacred trust in Palestine*”, in: The Balfour Project (8 July 2013), <http://www.balfourproject.org/britains-betrayal-of-sacred-trust/>.

²²⁴ “*Significant quotes related to the Balfour Declaration*”, via <http://www.balfourproject.org/a-few-quotes/>. Vide: David Cronin, “*The racist worldview of Arthur Balfour*” (The Electronic Intifada, 18 Oct, 2017), via <https://electronicintifada.net/blogs/david-cronin/racist-worldview-arthur-balfour> (this important e-magazine will be referred to from now on with the acronym “EI”).

²²⁵ See the Balfour Project, “*The Palestine Mandate July 1922*”, via <http://www.balfourproject.org/the-palestine-mandate/>.

²²⁶ “*By the end of 1918, Arab political activists in the Holy Land spoke of ‘Palestine for the Palestinians’, and the first Palestinian nationalist organizations were founded*”, so James Renton, “*The Balfour Declaration’s Deep anti-Semitism and Racism - and Why It Still Matters*” (Haaretz, Oct 24, 2017), <https://www.haaretz.com/opinion/premium-1.819174>.

²²⁷ Dan Freeman-Maloy, o.c. Originally Transjordan was included.

foundations for the future state of Israel, while passing laws to ease Jewish immigration and economic dominion.

What this meant in practice for a resisting indigenous population, was made more than clear from April 1936 till May 1939 with Britain’s bloody suppression of the so-called “*Great Arab Revolt*” - in fact an uprising for the liberation of their country. Spread throughout the country, it was accompanied by possibly the longest-ever anti-colonial general strike. The ensuing armed struggle posed such a threat to the colonial regime that at the end of 1938 the British had to commit 20,000 extra soldiers, in combination with the massive use of their air force (Jaffa e.g. had been largely bombarded) and the mobilisation of Zionist militias. The British crackdown, with the annihilation of the Palestinians’ military capacities and the elimination of their political leadership, destroyed any possibility of resistance to what lay ahead ²²⁸

Not only militarily, though, the British Mandate has created the conditions for the Zionist minority to gain the upper hand at the expense of Palestine’s native population. When Britain, under the pressure of Zionist terrorism, terminated its Mandate in 1947, the Zionist leaders had already at their disposal a proto-army, formed out of the paramilitary groups (trained while fighting side by side with the British army). They had also been allowed to develop other institutions of statehood such as a government-in-waiting, the Jewish Agency, a land and settlement division known as the Jewish National Fund (in stark contrast with this policy, any manifestation of Palestinian nationalism, let alone nation-building, had been ruthlessly crushed by the British). Last but not least, for the sake of securing in future their colonial state the Zionist leadership could adopt the racist methods and techniques of repression the British had used against the same population: e.g. massive arrests, punitive house demolitions carried out as a measure of deterrence; interning people without due process for an indefinite period of time; military raids, collective punishments, etc., all under the “judicial” cover of a never-ending state of emergency (renewed each year by the Israeli state).

“Anyone who looks at the methods the British used in Palestine during the 1930s will see strong parallels with what Israel is doing today,” said David Cronin, journalist and author of ‘Balfour’s Shadow.’”²²⁹

In conclusion:

It was British colonial power politics that made possible the ethnic cleansing and dispossession of Palestine. In the words of the historian Walid Khalidi: “*the infrastructure of*

²²⁸ Over 10 % of the adult male Palestinian population between 20 and 60 was killed, wounded, imprisoned or exiled. “*In an analysis of the British statistics, Walid Khalidi estimates 19,792 casualties for the Arabs, with 5,032 dead: 3,832 killed by the British and 1,200 dead because of “terrorism”, and 14,760 wounded*”, Wikipedia, https://en.wikipedia.org/wiki/1936%E2%80%931939_Arab_revolt_in_Palestine . Also (in Dutch), Lucas Catherine, “*Palestina. Geschiedenis van een kolonisatie*” (2017), pp. 81-91.

²²⁹ Linah Alsaafin, “*Did British Mandate pave way for Israeli occupation?*” (Al-Jazeera, Oct 27), via <http://www.aljazeera.com/news/2017/10/british-mandate-pave-israeli-occupation-171026082329187.html> . David Cronin, “*Balfour’s Shadow. A Century of British Support for Zionism and Israel*” (2017).

the state of Israel was laid behind the shield of British protection and repression.”²³⁰ Hence, whatever the difficulties, whatever the later disagreements and even conflicts between the Zionists and the British, it cannot be reasonably denied that *“the Jewish National Home in Palestine developed under British auspices and consent”*.²³¹ Britain’s historic responsibility was recently enthusiastically accepted by UK’s present prime minister, Theresa May, when she said she would *“mark”* the centenary of the Declaration *“with pride”*. The vociferous protests against the Declaration were dismissed by her as being *“sensitivities”*. In the same spirit she invited the Israeli prime minister to a commemorative dinner (eventually downgraded to a *“private”* dinner, the media not being admitted), that officially was hosted by the current Lords Rothschild and Balfour.²³²

This Balfour Declaration centennial should remind us of the historic responsibility of the colonial powers (Belgium included) in creating the disastrous situation in the Middle East, today more than ever.²³³ In the words of James J. Zogby, president of the Arab American Institute:

*“the 100th anniversary of the Balfour Declaration is not cause for celebration. Rather it should prompt us to recall the grave injustice that imperial acquisitiveness and racist insensitivity have done to an innocent Arab nation. Their rights and opinions were ignored and as a result the last 100 years have been marked by unceasing conflict and suffering. This is the shame of Balfour.”*²³⁴

²³⁰ Quoted in: Dan Freeman-Maloy, o.c. . Walid Khalidi is an Oxford University-educated Palestinian historian. *“He has been influential in scholarship, institutional development and diplomacy. His academic work in particular, has played a key role in shaping both Palestinian and broader Arab reactions to the loss of Palestine, and in outlining ways for the former to ensure that they remain visible as a presence within the Middle East map”* (Wikipedia).

²³¹ Thus the Israeli Prof. Norman Rose (Hebrew U.), in a letter to Haaretz (Oct 24), <https://www.haaretz.com/opinion/letters/1.818663> . In the letter he dismisses the *“fanciful”* views of Haaretz contributor Anshel Pfeffer according to whom *“successive British governments did everything possible to stymie Jewish statehood”*, the Zionists in fact having been betrayed by Britain (e.g. in 1939 a White Paper stated: *“His Majesty’s Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State.”*; in 1947 the UK government abstained from the vote of the UN Partition Plan). See Pfeffer’s article: *“Balfour Declaration’s Legacy Is Toxic for Both Israelis and Palestinians - One short letter looms large in the Israel-Palestine conflict’s mythology [sc. Balfour]. But it’s just that: A myth, but also a bluff, a betrayal and a gift to propagandists on both sides”* (Haaretz, Oct 21, 2017), via <https://www.haaretz.com/opinion/1.818186> . Cf. Netanyahu, after his commemorative dinner with May, 2nd November, commented that *“he won’t forget how the British failed to fully implement the Balfour Declaration”* (Ansel Pfeffer, Nov 3, <https://www.haaretz.com/israel-news/1.820778>).

²³² Vide: Ian Black: *“The contested centenary of Britain’s ‘calamitous promise’”* (The Guardian, Long read, Oct 17, 2017): <https://www.theguardian.com/news/2017/oct/17/centenary-britains-calamitous-promise-balfour-declaration-israel-palestine> .

²³³ Vide: *“Centenary of Balfour Declaration exposes ongoing European complicity”* (ECCP, 25 Sept 2017), via <http://www.eccpalestine.org/centenary-of-balfour-declaration-exposes-ongoing-european-complicity/> . Also: Lori Allen, *“A Century of Refusal. Palestinian Opposition to the Balfour Declaration”* (MERIP, Nov 17), <http://www.merip.org/mero/mero111717> .

²³⁴ James J. Zogby, *“The danger of ignoring Arab opinion: 100 years since Balfour”* (+972, Nov 12), <https://972mag.com/the-danger-of-ignoring-arab-opinion-100-years-since-balfour/130658/> .

Addendum 2: "Israel"

In this dossier we refer constantly to "Israel" ("*the State of Israel*" or "*the Israeli state*") in the sense of one political entity.²³⁵ When treating it as a unity throughout its history, we have in mind the consistency between the policies successive Israeli governments (be they Labor Party, Likud, Kadima or right-wing coalitions) have followed since 1948 towards Palestine and the Palestinians. Their common ideological denominator always was and still is Zionist nationalism (be it to the "left", in the case of Labor, to the "right", in that of Likud, or the far-right: e.g. Jewish Home, today).

Israeli *society*, on the other hand, is a highly divided and complex one. In his book, "*How Israel Lost. The Four Questions at the Heart of the Middle East Crisis*" (2005, pp. 191-3), Richard Ben Cramer lists no less than six "*tribes*":

1) the "*Ashkenazim*" (about 1 million, at that time), of European origin and still privileged;

2) the "*Russians*" (about 1 million);

3) the non-Jewish, Christian and Muslim so-called "*Israeli Arabs*" (about 1 million, at that time);

(4) the ultra-orthodox *Haredim* (about 1 million);

(5) the settlers (more than half a million); and

(6) the so-called "*Mizrahim*" or "*Eastern*" Jews, the name being given (by the Ashkenazim) to the "*Arab*" Jews originating from the Maghreb (for that reason also called "*Sephardim*" - literally: "*Jews of Spanish origin*") and from the wide Middle East (Iraq, Yemen, Syria, Lebanon, Iran, Egypt, Sudan...) and the Ethiopian Jews, all being lumped together, as people of color, "*into a single miscellaneous category that erased their individual ancient histories and cultures*". With more than 1.5 million, they are the largest demographic group²³⁶ and, understandably, have adopted vehement Zionist-nationalist positions. Having been made, indeed, to renounce their Arab culture and identity, "*the level of their resulting self-hate can be measured in the heightened cruelty they practice against Palestinians*".²³⁷

²³⁵ Theologically, of course, the name "Israel" has a religious connotation, referring to the spiritual realm of God's covenant with the Jewish people. See e.g. Charlie Zimmerman, "*Jewish resistance to occupation is also fighting for the future of Judaism itself*" (Mondoweiss, July 31), <http://mondoweiss.net/2017/07/resistance-occupation-fighting/> : "*Thus, in naming the Zionist state Israel, its founders debased the spiritual realm by implying that one could attain transcendent goals that we should strive for but are always beyond reach in the physical realm.*"

²³⁶ Wikipedia : « *As of 2005, over 61% of Israeli Jews are of at least partial Mizrahi ancestry* », via https://en.wikipedia.org/wiki/Mizrahi_Jews..

²³⁷ See: Susan Abulhawa, "*Invention of the Mizrahim*" (Al Jazeera, Sept 20, 2017), via <http://www.aljazeera.com/indepth/opinion/invention-mizrahim-170920103701750.html>, Also: Tom Mehager, "*Why Mizrahim don't vote for the Left*" (+972, Jan 24, 2015), <https://972mag.com/why-mizrahis-dont-vote-for-the-left/101769/>. More recently, Uri Avnery, , "*Why I'm Angry With Israel's Mizrahi Elite - I've always hoped that the second or third generation of Jews from Muslim countries, remembering their forebears' contribution to Islam's Golden Age, would be a bridge from Israel to the Muslim world*" (Haaretz, Jan 10), <https://www.haaretz.com/opinion/1.834184>

Peace activist Uri Avnery warns of a civil war between the left (*Ashkenazim* / Europeans) and the right (*Mizrahim* / *Sephardim*). What is keeping them together? For Avnery, it is “*conflict, of course. The occupation. The eternal state of war*”.²³⁸

An alternative, more recent, ideological/philosophical division of Israel’s Jewish population is offered on the basis of statistical research by Pew Research Center (March 8, 2016):²³⁹

“nearly all Israeli Jews self-identify with one of four subgroups: Haredi (‘ultra-Orthodox’), Dati (‘religious’), Masorti (‘traditional’) and Hiloni (‘secular’). Beyond differences in religious belief and practice, these groups inhabit largely distinct social worlds characterized by their own lifestyles and politics.”

As to their respective percentages among the Israeli Jews: the Hilonim represent 49%, the Masortim 29%, the Datiim (sometimes described as “*modern Orthodox*”) 13%, and the Haredim 9%. For example, the Hilonim:

“Only 18% are absolutely certain in their belief in God, and 40% do not believe in God at all. Hilonim strongly favor the separation of religion from public life in Israel. For example, they overwhelmingly oppose shutting down public transportation during the Sabbath. Hilonim are the only Jewish group in Israel among whom a majority (59%) say their Israeli identity comes before their Jewish identity... 83% of Hilonim see being Jewish as a matter of ancestry and culture rather than as a matter of religion.”

Addendum 3: “Apartheid”.²⁴⁰

ESCWA’s report is not the first publication to argue that the category of “*apartheid*”, traditionally linked with the former South African regime, is in fact applicable to Israel’s political regime as well. Best known is Ben White’s book, “*Israeli Apartheid: A Beginner’s Guide*” (Pluto, 2009), summarized in his article “*Why Israel is an apartheid state*” (Palestine Solidarity Campaign, July 15, 2016) via <https://www.palestinecampaign.org/article-israel-apartheid-state/>. Also: Jonathan Cook, “*Israel is an Apartheid State. Period*” (Oct 28, 2013), via <http://www.redressonline.com/2013/10/israel-is-an-apartheid-state-period/>. And: Ran Greenstein, “*If this isn’t apartheid, then what is it?*” (+972, Sept 30, 2013), via <https://972mag.com/if-this-isnt-apartheid-then-what-is-it/79513/>, etc. And of course, time and again the word “*apartheid*” has been used in connection with Israel in the rather loose sense of a term of opprobrium. For a discussion on similarities and dissimilarities between South Africa’s and Israel’s systems, see Ilan Pappé (ed.), “*Israel and South Africa. The Many Faces of Apartheid*” (Zed Books, 2015). The difference usually pointed out is that White South Africa effectively depended on Black labor, which meant that the large majority of the population could not simply be expelled,

²³⁸ Uri Avnery: “*Civil War*” (Gush Shalom, 3/9/16), <http://zope.gush-shalom.org/home/en/channels/avnery/1472915025/>. Also: Sam Bahour, “*US fuelling Israel’s civil war*” (Middle East Eye, Aug 24, 2016), via <http://www.middleeasteye.net/columns/us-fuelling-israels-civil-war-1895816440>.

²³⁹ <http://www.pewresearch.org/fact-tank/2016/03/08/in-israel-jews-are-united-by-homeland-but-divided-into-very-different-groups/>

²⁴⁰ Based mostly on Richard Kuper, “*Apartheid references in Israel*” (OpenDemocracy, May 2, 2017), via <https://www.opendemocracy.net/richard-kuper/apartheid-references-in-israel>.

whereas Israeli apartheid aims at maximal exclusion of the native population, including at the economic level (consider the Zionist principle of so-called “Hebrew” or “Jewish labor”).

(b) The important, if not decisive contribution to the debate made by the ESCWA report, consists in the fact that, eschewing any “shouting match”, two legal experts undertook at the request of a UN Commission a fully researched *scholarly* study in order to ascertain whether Israeli policies and practices imposed on the Palestinian people fall within the scope of the definition of the crime of apartheid as embodied in international-law. The conclusion of their academic endeavor is affirmative, and thus the report also addresses the legal and moral obligations of the international political as well as civil community resulting from that conclusion. The fact that political blackmail succeeded in pressurizing a weak UN secretary-general into withdrawing the report from the world wide web, does not in any way affect its authoritative standing.

(c) To unconditional defenders of Israel, the term “apartheid” acts as the proverbial red rag to a bull. Its application to Israel is passionately denounced and combated as an attempt to “delegitimize” and “demonize” the Israeli state. Therefore, to use it would by definition be an act of “antisemitism” and should be treated accordingly. However, what is overlooked here, either intentionally or not, is that this term of opprobrium is used quite often in Israel itself, either to characterize the current state of affairs or to warn for what might happen. For example, the former Israeli attorney general, Michael Ben-Yair, in 2002, stated flatly,

*“In effect, we established an apartheid regime in the occupied territories immediately following their capture. That oppressive regime exists to this day.”*²⁴¹

Or the widely respected editor of Haaretz, Amos Schocken, in an uncommon intervention a year ago:²⁴²

“Only International Pressure Will End Israeli Apartheid... (T)he most basic democratic values of equality before the law for all people under Israel control, and equal rights to vote and be elected, do not exist... The nearly 50 years of Israeli apartheid are not based on security considerations. Zionism, which was always prepared to divide the land of Israel with its Arab inhabitants, was replaced by the godly promise of the Land of Israel for the Jewish people... The growing delegitimization of Israel is this country's own handiwork.”

And in a very recent Editorial on the occasion of the announcement of a new “nation-state Bill” proclaiming Israel to be the “national home of the Jewish people”, adding explicitly: “the right to realize self-determination in the State of Israel is unique to the Jewish people”, and promoting Hebrew to the position of sole “national language” (Arabic being demoted to a “special status in the state”), the same “liberal” paper commented:²⁴³

“A Cornerstone of Apartheid. Israel's 'nation-state' law must be stopped - the only way to preserve a democratic Israel is to enshrine equality among all its citizens in law”.

But in the Israeli political and academic world too, the concept was used and is used to cope with developments in one’s own country, as a warning if necessary. From the academic world, for example,

²⁴¹ Quoted in Richard Kuper, o.c.

²⁴² Amos Schocken, “Only International Pressure Will End Israeli Apartheid” (Haaretz, Jan 22, 2016) via: <http://www.haaretz.com/opinion/.premium-1.698874>.

²⁴³ Haaretz, May 8, 2017, via <http://www.haaretz.com/opinion/editorial/1.787870>. Yet another example: Bradley Burston, “It’s Time to Admit It. Israeli Policy Is What It Is: Apartheid” (Haaretz, Aug 17, 2015), via <http://www.haaretz.com/blogs/a-special-place-in-hell/1.671538>.

Oren Yiftachel, professor of political geography at Ben-Gurion University, in his op-ed, “*Call Apartheid in Israel by Its Name*”:²⁴⁴

“In international law, a situation whereby a country appropriates and settles territories outside its sovereign borders is called colonialism. Southern Lebanon was an example of military occupation; the West Bank is an example of colonialism, one that seeks to entrench itself over time while preserving the privileges of the ruling population, and incidentally creating an apartheid regime.”

For the political world: President Reuven Rivlin, a fierce opponent of the so-called “*Regularization Law*”, warned a couple of days after its approval that the law “*will cause Israel to look like an apartheid state*” (adding: “*we are not*”).²⁴⁵

Addendum 4: The Right to Self-Determination.²⁴⁶

The principle of self-determination as understood in international law, i.e. as a means for oppressed peoples to realize their fundamental rights, was enunciated for the first time by US president Woodrow Wilson at the end of World War I. After World War II, it has been included in Article 1 (par. 2) of the Charter of the United Nations (1945).²⁴⁷ As a result, the right to self-determination is an essential principle anchored in modern international law, such as in the International Covenant on Civil and Political Rights (1976).²⁴⁸

Under international law, the right of self-determination belongs to the legitimate residents of any region or territory whose status is unsettled, for example because it was previously colonized. Prof. Tomis Kapitan:

*“(They) have a right to determine their political future, either by constituting themselves as an autonomous political unit, or by merging with another state, or by dissolving into smaller states.”*²⁴⁹

Historic Palestine was not (was never) “*a land without a people*”. What is more, the citizenship of its inhabitants was recognized “*as a matter of international law in the 1924 Treaty of*

²⁴⁴ “*Call Apartheid in Israel by Its Name*” (Haaretz, Feb 11, 2016), via <http://www.haaretz.com/opinion/.premium-1.702597>.

²⁴⁵ Yossi Verter, “*Israel's President on Land-grab Law: We Will Look Like an Apartheid State*” (Haaretz, Feb 12, 2017), via <http://www.haaretz.com/israel-news/.premium-1.771139>. Kuper refers to similar warnings from Israeli politicians in the past: e.g. the minister of Education under Yitzhak Rabin: “*...the truth which is known to all: through its army, the government of Israel practises a brutal form of Apartheid in the territory it occupies.*” And even David Ben-Gurion once warned that Israel must rid itself of its Arab territories lest it “*become an Apartheid state*”.

²⁴⁶ Based on Ali Abunimah, o.c., ch. 7, “*Reclaiming Self-Determination*”, pp. 227-234.

²⁴⁷ <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

²⁴⁸ Art. 1.3: “*The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations*”. Cf. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Israel is a party of the Covenant.

²⁴⁹ Prof. Tomis Kapitan (Northern Illinois Univ.), “*Self-Determination*”, in: Tomis Kapitan & Raja Halwani (ed.), “*The Israeli-Palestinian Conflict. Philosophical Essays on Self-Determination, Terrorism and the One-State Solution*” (New York, 2008), p. 27, quoted in Abunimah, p. 229.

Lausanne and in the 1925 Palestinian Citizenship Order issued by the British Mandate authorities” (Abunimah, p. 231) – making the legitimate residents of that region meet the criteria to be granted the right to self-determination. Nevertheless, this did not happen: Palestine ended up in fact as

“the only territory placed under a League of Nations mandate in which the established inhabitants were not granted this privilege” (Kapitan, p. 58).

The supposition that the infamous “*Balfour Declaration*” of 1917 played a role in this strange political outcome (cf. at the Paris Peace Conference in 1919 the Great Powers carved up the territorial spoils of war), seems plausible.²⁵⁰

Today, 70 years after 1948, the Palestinian people, in its past and in its present is a victim of expulsion, ethnic cleansing and colonization. As such it is still entitled under international law to self-determination, “*not qua Palestinians, but qua legitimate residents*” (Kapitan). That right, indeed, is not extinguished, especially not for the refugees and their descendants, having been denied their right to return to their homeland. It has been formally reaffirmed, on different occasions, by the international community. E.g. in the resolution adopted by the UN General Assembly on 22 Dec 2003:²⁵¹

“The General Assembly... 1. Reaffirms the right of the Palestinian people to self-determination, including the right to their independent State of Palestine; 2. Urges all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination. “

This international support notwithstanding, the Palestinians’ right to self-determination is still not implemented. The major obstacle, of course, is the successful establishment (with support from the West) in the selfsame territory of Palestine of a “*Jewish*” state, its creation and existence being legitimated by its (national and international) advocates on the basis of the same principle, i.e. the right to self-determination, in this case of “*the Jewish people*”.

From the perspective of international law, however, there is a serious problem, here. It is mainly due to the ambiguous status of “*the Jewish people*”: are “*the Jewish people*” a people in the secular-nationalist or rather in the religious sense of the word? Most of all: contrary to the peoples of other nations, in general, and the Palestinian people, in particular, the concept of “*the Jewish people*” when being used in a legal or political context, does not refer to the inhabitants of a particular territory (cf. the Ashkenazi founders of the Israeli state were immigrants, most of them from different European countries, and the same goes for other groups of Israeli citizens: the Mizrahim, the “*Russians*” ...). Membership, hence, of this “*people*”

²⁵⁰ Stuart Littlewood: “*The Balfour Declaration: Time to say sorry. Time we made amends*” (Redress Information & Analysis, July 23, 2017): <http://www.redressonline.com/2017/07/the-balfour-declaration-time-to-say-sorry-time-we-made-amends/>.

²⁵¹ A/RES/58/163 (22 Dec 2003), Topic: “*The right of the Palestinian people to self-determination*” (160+, 6-): http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/163. Recently once again reaffirmed in the UN Human Rights Commission of March 24, 2017 (43 +, 2 -, 2 0), http://www.bacbi.be/pdf/self_determination_vote.pdf.

is not a question of common residency (*ius soli*) but of ethnic-religious (or cultural) kinship (*ius sanguinis*: in principle, whoever is child of a Jewish mother, is a “Jew”, belongs to the “Jewish people” wherever he or she lives, and has the right to immigrate to Israel and become a “national” of the “Jewish State”).²⁵² In other words, the notion of “the Jewish people” refers, paradoxically, to a pseudo-national entity with *extraterritorial* claims, representing all Jews in the world.²⁵³

As such, however, “the concept of ‘the Jewish people’ has never been recognized in international law”.²⁵⁴ The claim that the principle of an exclusive “Jewish state” was de facto recognized in the UN partition plan of 1947, is false:

“the people entitled to national status in the ‘Jewish state’ defined under (the 1947 UN partition resolution) 181 included both Jews and Palestinians already residing in the territory, all of whom were to be granted equal rights under a constitution to be in force in both new states (the “Jewish” and the “Arab” states contemplated in the resolution) prior to UN recognition... In other words, there has been no recognition of the ‘Jewish people’ as a nationality concept that grants self-determination” (ibid.).²⁵⁵

In conclusion, Israel’s claim of the right to self-determination for “the Jewish people”

“is not only unsupported in international law, but violates the well-established collective self-determination rights of the Palestinian people as a whole” (Abunimah, p. 232).

PS This does not mean, of course, that the implementation of the right to self-determination of the Palestinians (the refugees included) would deny the Jewish citizens of a decolonized state the right to self-determining their life.

²⁵² Comparable to the way the Israeli state endeavours to substitute itself for the global Jewish community (Netanyahu likes to say he’s the prime minister of the Jewish people, not just of the State of Israel), the Israeli (Orthodox and Ultra-Orthodox) religious establishment clamps down on the Jewish communities in the Diaspora. What with recent government decisions on sensitive religious questions (the ban on private Jewish conversions, and the broken deal on mixed prayer space at the Western Wall), an important rift has arisen between American liberal Jewish communities (most of them being Reform or Conservative) and Israel. See e.g. Chemi Shalev: “Netanyahu to American Jews: Drop Dead” (Haaretz, June 25, 2017): <http://www.haaretz.com/israel-news/premium-1.797741> .

²⁵³ Judaism and Jewish identity encompass a diversity of religious and secular expressions and a robust, varied set of traditions, cultures, and lived experiences. Of the almost 14 millions Jewish people in the world about 6 millions live in Israel (cf. Jewish Virtual Library, “Vital Statistics: Jewish Population of the World,” <https://www.jewishvirtuallibrary.org/jsource/Judaism/jewpop.html>). In other words: more than half of the Jewish world population belong to the so-called Diaspora Jews and as such they are citizens of a non-Jewish, national state. In Western states, at least, their collective rights to self-determining their life and future are safeguarded and realized, not qua Jews but qua citizens.

²⁵⁴ Prof. Susan Akram, professor of international law at Boston University, in a speech at Harvard University in March 2012, quoted by Abunimah, p. 231-2. In its citizenship laws of 1950 and 1952, Israel granted “nationality” exclusively to Jews, “repealing the Palestine citizenship law (of 1925)”. E.g.: Ahmad Melhem: “Israel’s controversial citizenship law persists” (Al-Monitor, June 29, 2017): <http://www.al-monitor.com/pulse/originals/2017/06/israel-extend-citizenship-law-arabs-palestinians.html> .

²⁵⁵ According to the partition plan a “Jewish” state would have had 498.000 Jewish inhabitants and 407.000 “Arabs”; the “Arab” federal state would have 10.000 Jewish inhabitants and 725.000 Arabs. Cf. Lucas Catherine, “Palestina” (2002), p. 77 (PS a second edition will be published in the second part of 2017).

Addendum 5: “The Jewish Nation-State Bill”.

May 10, 2017, the Israeli Ministerial Committee for Legislation submitted to the Knesset a draft bill that is popularly known as the “*Jewish Nation-State Bill*”.²⁵⁶ The bill was first introduced in 2011. It seeks to give legal standing to Israel's identity as a *Jewish* nation-state. At the 2017 winter session of the Knesset, the special committee preparing the bill will allow voting for the first time on each of the bill's clauses.²⁵⁷

Having passed a “*preliminary*” vote, July 26 a first debate took place in preparation of the first reading of the bill; it should be voted coming October.²⁵⁸ The proposed law is meant to turn into a “*basic law*.”²⁵⁹ Having constitutional standing, it should become part of Israel's central body of legislation, encoding the structure of government and civil rights.

In the bill the State of Israel is defined as “*the Nation-State of the Jewish people*”. Or in the words of Netanyahu addressed to members of his Likud party: “*the bill establishes the fact that the State of Israel is the nation-state of the Jewish people in our historic homeland*”.²⁶⁰ Not surprisingly, the right to self-determination will be limited to the “*Jewish people*”. To quote the draft (in its English version): “*the right to self-determination in the state of Israel is unique to the Jewish people*”. The legislation's intent being to further weaken their claim on citizenship, non-Jewish citizens will explicitly be excluded from collective rights.²⁶¹ As we wrote in the Addendum 3, above, the right to self-determination is an essential principle anchored in modern international law (such as in the International Covenant on Civil and Political Rights, which Israel has ratified). The new bill nonetheless will definitely disenfranchise Israel's non-Jewish citizens:²⁶²

“Denying this right to Palestinian citizens will mean that constitutionally, not only will Jews have the exclusive right to obtain automatic citizenship in Israel, but Palestinian citizens will not be allowed to determine their own destiny, to own or to purchase state

²⁵⁶ Jonathan Lis, “*Israeli Ministers Greenlight Nation-state Bill : Arabic Isn't an Official State Language*” (Haaretz via AURDIP, May 8, 2017), <http://www.aurdip.org/israeli-ministers-greenlight.html?lang=fr> .

²⁵⁷ See now (Dec 23, 2017): “*Knesset Head to Push Bill Promoting Arabs as Second Class Citizens*” (If Americans Knew Blog), via <https://israelpalestineneews.org/knesset-head-push-bill-promoting-arabs-second-class-citizens/>

²⁵⁸ Mazal Mualem, “*Knesset's summer session ends in disgrace*” (Al-Monitor, July 27, 2017), <http://www.al-monitor.com/pulse/originals/2017/07/israel-knesset-al-jazeera-nationality-bill-netanyahu.html> .

²⁵⁹ Although required by the UN Resolution 181 of 1947, Israel's politicians never drafted a Constitution (because it would have fixed Israel's borders). Instead there are 15 so-called pre-constitutional “*basic laws*”. Included is the “*Basic Law: Human Dignity and Liberty*” we already mentioned, but its wording is ambiguous (it refers to “*the values of the state of Israel as a Jewish and democratic state*”). The rights protected by it, in any event, do not apply under the “*state of emergency*” – which applies since 1948 (it is renewed each year).

²⁶⁰ Quoted in Jonathan Cook: “*Israel's Jewish Nation-State bill 'declaration of war'*” (J.C., May 11, 2017), via <http://www.jonathan-cook.net/2017-05-11/israels-jewish-nation-state-bill-declaration-of-war/> . Netanyahu added, nevertheless: “*There is no contradiction at all between this bill and equal rights for all citizens of Israel*”.

²⁶¹ Already now, though, Israeli legislation does not recognize any collective Palestinian identity (be it as a minority, a people or a nation) disposing of civil rights as a collectivity. “*Israeli Arabs*” can seize the state only as individuals (cf. Golda Meir's “*there is no Palestinian people*”).

²⁶² Sawsan Zaher: “*Israel's Message to Its Palestinian Citizens: Jewish Rights Are Superior*” (Haaretz, May 11, 2017), via <http://www.haaretz.com/opinion/.premium-1.788728> .

land, to freely choose where to live, or to unite in Israel with their Palestinian children and spouses who do not hold Israeli citizenship".

In Israel, consequently, the "national" rights of the Diaspora Jews (more than half of the global Jewish population lives outside Israel), although full citizens of their own country and mostly having no intention to move to Israel, will be once and for all superior to those of Israel's own, non-Jewish citizens. Not only in civic respect, moreover, "Israeli Arabs" will be denigrated but also in matters of their culture (and identity): Hebrew will become the only official "national language", while Arab, the language of 20% of its citizens, will be degraded to a "special status in the State".

In a critical editorial of the Israeli liberal newspaper Haaretz the draft is evaluated as "the constitutional cornerstone for apartheid".²⁶³ By means of it, Netanyahu "is laying the groundwork for annexing the West Bank without conferring rights on its Palestinian population". Henceforth, Israeli law, jurisdiction and administration will apply in full to the Palestinian territory to the east of the (once) Green Line, but exclusively for the benefit of the settlers, becoming now "ordinary" Jewish citizens. The Palestinian majority, however, will continue surviving in their isolated and fenced ghettos without any political or civil perspective whatsoever. "One state for one people", indeed, but for Jews only.²⁶⁴

Update, July 29 2017 (Haaretz): "This week it turned out that the bill still has a long way to go to be approved; the center-right Kulanu party made clear it would oppose a tenet subordinating democracy to Israel's Jewish character".²⁶⁵ Nonetheless, Netanyahu feeling strongly about it, the bill will come through, one way or another.²⁶⁶ Ayelet Shaked, minister of Justice, also is a fierce proponent of the bill.

Update March 14, 2018: Jonathan Lis: "Knesset Panel Backs Version of Nation-state Bill That Doesn't Mention 'Democracy' - The bill would also permit Jewish-only communities, with critics in the Joint List of Arab parties saying the legislation is 'institutionalizing the apartheid regime'" (Haaretz, March 14), <https://www.haaretz.com/israel-news/knesset-panel-backs-version-of-nation-state-bill-without-democracy-1.5905853>

Jonathan Cook: "Israeli parliament endorses final version of 'Jewish nation-state bill'. Key Knesset committee approves draft of 'Zionism's flagship bill' defining Israel exclusively as nation-state for Jews" (March 15), <https://www.jonathan-cook.net/2018-03-16/israel-jewish-nation-state-bill/>

²⁶³ Haaretz Editorial: "A Cornerstone of Apartheid" (Haaretz, May 8, 2017), via <http://www.haaretz.com/opinion/editorial/1.787870>.

²⁶⁴ Akiva Eldar: "Netanyahu's vision of one-state-one-people solution" (Al-Monitor, May 11, 2017): via <http://www.al-monitor.com/pulse/originals/2017/05/israel-palestinians-west-bank-jordan-river-netanyahu.html>.

²⁶⁵ Jonathan Lis, "Why the Israeli Governing Coalition Is Putting the Brakes on Right-wing Legislation" (Haaretz, July 29), <http://www.haaretz.com/israel-news/.premium-1.803983>.

²⁶⁶ Addendum Aug 25: Jonathan Lis: "Knesset to Hold Vote on Nation-state Bill During Recess. The controversial law, to be advanced during parliamentary recess, would compel High Court to favor Israel's Jewish character over democratic one" (Haaretz, Aug 25), <http://www.haaretz.com/israel-news/.premium-1.808922>.

Addendum 6: “Antisemitism’s Definitions”.²⁶⁷

*“Antisemitism – hatred, violence, intimidation or discrimination targeting Jews because of their ethnic and religious identity – is a serious phenomenon that must be addressed. Like other forms of racism and oppression, it is deeply harmful to its victims, and remains a scourge on our society as a whole. Fighting antisemitism must go hand in hand with fighting bigotry and racism in all forms” (Palestine Legal).*²⁶⁸

1. The debates about the definition of “antisemitism” are endless. The term was coined in the 1870s and has been used since then to describe varieties of Jew-hatred going back two thousand years, its originally religious (Christian) delusions having been complemented with a pseudo-scientific, racist conception in the 19th century. Around the turn of this century, though, pro-Israel advocates began promoting official and even legal definitions of antisemitism that included various kinds of criticism of Israel. Unsurprisingly, the new definitions appear to have originated from within the circles of the Israeli government: a guide indeed for the new, politicized approach of antisemitism proved to be the “3-D Test of Anti-Semitism”. It was launched in 2003 by Natan Sharansky, who was Israel’s Minister for Jerusalem and Diaspora Affairs and chair of the Jewish Agency for Israel. The “3 D’s” of “Anti-Semitism Related to Israel” are: ‘*demonizing Israel*,’ ‘*applying a double-standard to Israel*’ and ‘*delegitimizing Israel*.’²⁶⁹ Already in 2004 the US Congress passed a law, called the “Global Anti-Semitism Review Act,” enshrining a new definition of antisemitism aligned with Sharansky’s: “*Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.*”

Nowadays, much attention is given to the “working-definition” propagated by the “International Holocaust Remembrance Alliance” (IHRA).²⁷⁰ It was formally approved by this Alliance in Bucharest, May 26, 2016, but in reality it is older since it simply reintroduces the “working definition” tentatively released in 2005 by the now-defunct EU Monitoring Center on

²⁶⁷ Following others, I adopt in this dossier the spelling “antisemitism”, instead of the traditional “anti-Semitism” spelling with hyphen and uppercase. The latter goes back to the 19th century ps-scientific category of “Semitism”. Among others, the French scholar Ernest Renan (1823-1892), founder of “Semitic philology”, figured as an authority. On the base of his study of the Semitic languages (Aramaic, Hebrew and Arabic), he propagated the absolute inferiority of the “Semitic race” (Jews and Muslims), in contrast with the superior “Aryan” rationality going back to the ancient Greeks. In order that the world could progress further, in his view the “Semitic element” (incl. Christianity) should be destroyed. On Renan see Edward W.Said, “Orientalism” (1978), pp. 123-148.

²⁶⁸ « FAQ: What to Know About Efforts to Re-define Anti-Semitism to Silence Criticism of Israel”, via: <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/56e6ff0cf85082699ae245b1/1457979151629/FAQ+onDefinition+of+Anti-Semitism-3-9-15+newlogo.pdf>.

²⁶⁹ Palestine Legal, l.c. For a historical review see: Alison Weir, “International campaign is criminalizing criticism of Israel as ‘antisemitism’” (If Americans Knew, May 17, 2017), via <https://israelpalestineneews.org/iak-investigation-international-campaign-is-criminalizing-criticism-of-israel-as-antisemitism/>. Already in 2004 the U.S. Congress passed a law, called the “Global Anti-Semitism Review Act,” enshrining a new definition of antisemitism aligned with Sharansky’s: “*Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.*”

²⁷⁰ Vide: <https://www.holocaustremembrance.com/about-us>. The website lists more than 31 « member countries” of the alliance, 24 of them are members of the EU (Belgium being one of them).

Racism and Xenophobia (EUMC).²⁷¹ While standard dictionary definitions of antisemitism didn't even mention Israel, fully half of the newly devised Monitoring Centre definition referred to Israel, i.e. it offered “*examples*” of critical discourse about Israel that, it said, “*could*” be taken as anti-Semitic. Drafted with the help of notorious Israel advocacy groups (!), the EUMC definition, was subsequently abandoned by the EU because of being unfit for the purpose.²⁷² It was adopted literally, though, in the US “*State Department Definition*” of 2010,²⁷³ and at the end of last year the US Congress used that definition in devising its “*Anti-Semitism Awareness Act*” of (Dec 2) 2016.²⁷⁴ It should help the Education Department in particular when investigating reports of “*religiously motivated campus crimes*”, read: *address “a recent uptick in hate crimes against Jewish students”*.²⁷⁵ Meanwhile in 21 of American states laws have been voted banning state entities from contracting with businesses that boycott Israel. And currently a law is making its way through the US Congress, the “*Israel Anti-Boycott Act*”, drafted with the assistance of AIPAC, that would make it a *felony* to support the international boycott against Israel. “*Perhaps the most shocking aspect is the punishment: Anyone guilty of violating the prohibitions will face a minimum civil penalty of \$250,000 and a maximum criminal penalty of \$1 million and 20 years in prison.*”²⁷⁶

The so-called “*IHRA Definition*” is presented as merely a “*working definition*”; it does not have, so we are told, legal pretensions (in reality, its proponents do push governments to incorporate the definition in their criminal law). Restricted to the “*definition*” per se - i.e. as it is highlighted in a box, in the [IHRA press release](#) - the definition would be harmless enough if the language it uses was not unusually vague and spreading ambiguity. It is so vague, in fact,

²⁷¹ The EUMC 2005 “*working definition*” is surprisingly in complete disagreement with the analysis and definition developed in EUMC’s own report of 2004 (*Rapport sur l’antisémitisme en Europe 2002-2003*, mars 2004). For a critical comparison see: François Dubuisson, “*La définition de l’antisémitisme par l’European Monitoring Centre on Racism and Xenophobia (EUMC) : vers une criminalisation de la critique de la politique d’Israël ?*” (Juillet 2005), via: http://www.bacbi.be/pdf/dubuisson_EUMC_antisemitism.pdf. For the questionable genesis of the definition, see also Richard Kuper, “*Hue and Cry about the UCU*” (OpenDemocracy, June 1, 2011), <https://www.opendemocracy.net/richard-kuper/hue-and-cry-over-ucu> . And: Antony Lerman, “*The Farcical Attack on the UCU For Voting Against Use of the EUMC ‘Working Definition’ of Antisemitism*” (June 2, 2011), <https://antonylerman.com/2011/06/02/the-farcical-attack-on-the-ucu-for-voting-against-use-of-the-eumc-working-definition-of-antisemitism/> .

²⁷² It was in fact withdrawn by EUMC’s successor, the “*EU Fundamental Rights Agency (FRA)*”. See: Ben White, “*Israel lobbyists finally concede that EU has ditched anti-Semitism “definition”*” (The Electronic Intifada, 5 Dec 2013), via <https://electronicintifada.net/blogs/ben-white/israel-lobbyists-finally-concede-eu-has-ditched-anti-semitism-definition> .

²⁷³ Vide: <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm> .

²⁷⁴ Vide: <https://www.congress.gov/bill/114th-congress/senate-bill/10/text> .

²⁷⁵ Colleen Flaherty, “*Anti-Semitism Awareness Bill Passes Senate*” (Insight Higher Ed, Dec 2, 2016), <https://www.insidehighered.com/quicktakes/2016/12/02/anti-semitism-awareness-bill-passes-senate> .

²⁷⁶ Glen Greenwald & Ryan Grim, “*U.S. Lawmakers Seek to Criminally Outlaw Support for Boycott Campaign Against Israel*” (The Intercept, July 2017), <https://theintercept.com/2017/07/19/u-s-lawmakers-seek-to-criminally-outlaw-support-for-boycott-campaign-against-israel/> . The bill extends the current prohibition on participating in boycotts sponsored by foreign governments to cover boycotts from international organizations such as the U.N. and the European Union.

as to make it, prima facie, useless, whereas in the past there had always been a relative clarity on the meaning of the word:²⁷⁷

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities” (m.u.).

A closer look, however, suggests that this vagueness serves a purpose. Added to it, however, is a section with a list of 11 “*contemporary examples of antisemitism*”. Because of the vagueness of the definition itself, it is reasonable to surmise that that list presents the actual core message of the IHRA Definition. The two sections are linked with one another by an interposed interpretive passage:

“Manifestations [of antisemitism] might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic...It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to” (my emphasis).

Not surprisingly, therefore, 7 of the 11 “*illustrations*” effectively relate to Israel. The two most significant and problematic ones are:

(1) “*denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavor*”;

(2) “*applying double standards by requiring of (the State of Israel) a behavior not expected or demanded of any other democratic nation*”.

For the benefit of a juridical evaluation of the IHRA Definition, the British jurist, Q.C. Hugh Tomlinson, in his legal opinion stresses the fact that, while the definition must be deemed “*unclear and confusing*”,

“the ‘examples’ accompanying the IHRA Definition should be understood in the light of the definition and it should be understood that the conduct listed is only anti-Semitic if it manifests hatred towards Jews” (m.u.)... “Properly understood in its own terms the IHRA Definition does not mean that activities such as describing Israel as a state enacting policies of apartheid, as practicing settler colonialism or calling for policies of boycott, divestment or sanctions against Israel can properly be characterized as anti-Semitic.

²⁷⁷ Vide: IHRA “*Working-Definition of Anti-Semitism*” via https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf. For a critical comment see a.o.: “*Shortcomings of the IHRA Definition of Antisemitism*” (Free Speech on Israel), saved on: <http://www.bacbi.be/pdf/FSOIttoLIBE.pdf>.

A public authority which sought to apply the IHRA Definition to prohibit or sanction such activities would be acting unlawfully.²⁷⁸

In the same vein, Sir Stephen Sedley, former Court of Appeal judge and Jewish himself, tears the IHRA Definition apart in the May 2017 issue of the London Review of Books. His analysis starts with:²⁷⁹

“Shorn of philosophical and political refinements, anti-Semitism is hostility towards Jews as Jews. Where it manifests itself in discriminatory acts or inflammatory speech it is generally illegal, lying beyond the bounds of freedom of speech and of action. By contrast, criticism (and equally defence) of Israel or of Zionism is not only generally lawful: it is affirmatively protected by law. Endeavors to conflate the two by characterising everything other than anodyne criticism of Israel as anti-Semitic are not new. What is new is the adoption by the UK government (and the Labor Party) of a definition of anti-Semitism which endorses the conflation.”

2. Proponents of the IHRA “*working-definition*” claim that it does not pose a real threat to free speech because it still permits criticism of the current government of Israel. It is perfectly acceptable, they say, to subject Israel to criticism *similar to that which is made of other (democratic) states*. The *political* implications, nevertheless, of what at first sight seems a reasonable dismissal of “*double standards*”, were already revealed in August 2016 as part of an unrestrained advocacy of the definition on the website “*le portail juif francophone*”:²⁸⁰

“Using the IHRA definition, it becomes clear that the activities of BDS are antisemitic, simply because they only apply to Israel. The same holds true for the various rules of the European Union relating to Judea and Samaria, disputed territory, as well as the Golan, which again apply only to Israel.»

Together with BDS activism, clearly, the EU too with its policy of “*differentiation*” vis-à-vis the settlements (ch. 5.6) is “*unmasked*”, thanks to the IHRA Definition, as being “*antisemitic*”. And we may suppose the same applies to the United Nations with Security Council Resolution 2334 and its dozens of resolutions in the past demanding Israel to respect international.²⁸¹ The honest (but naïve) proponents of the definition fail to take into account the many ways in which Israel, because of its Palestinian policies, requires an *entirely different* approach in

²⁷⁸ See: Hugh Tomlinson, “*In the matter of the adoption and potential application of the International Holocaust Remembrance Alliance working definition of anti-Semitism*” (March 8, 2017) via <http://freespeechonisrael.org.uk/ihra-opinion/#sthash.lzGo2oL1.dpbs> .

²⁷⁹ Stephen Sedley: “*Defining Anti-Semitism*” (London Review of Books, vol. 39.9, May 4, 2017): via <https://www.lrb.co.uk/v39/n09/stephen-sedley/defining-anti-semitism> . Important too, the briefing of Palestine Legal (US), “*FAQ: What to Know About Efforts to Re-define Anti-Semitism to Silence Criticism of Israel*” (pdf, 5p.), [click here](#).

²⁸⁰ « *L'énorme importance de la récente définition de l'Antisémitisme adoptée par l'IHRA* », par Manfred Gerstenfeld. Via <http://jforum.fr/limportance-cruciale-dune-definition-de-lantisemitisme.html> .

²⁸¹ Recently, the Israeli Deputy Foreign Minister has called on the UN to stop using the term “*occupation*” in relation to Israel’s control over Palestinian lands, (MEMO, June 9, 2017) via <https://www.middleeastmonitor.com/20170609-israeli-politician-calls-on-un-to-stop-using-the-term-occupation/> .

comparison with other democratic states, making a “*similar*” treatment truly unacceptable. From a European perspective, indeed, Israel is *the only state* who commits systemic crimes under international law like apartheid, colonization, war crimes, military violence against civilians, collective punishment, extra-judicial killing, ill-treatment and torture of prisoners, etc., etc. The IHRA document, having a questionable origin, very conveniently rules out types of criticism that Palestinians and their advocates are legally entitled to make in order to highlight their *specific* history of dispossession and racist discrimination. Hence the effect if not the objective of the IHRA Definition is to make any serious criticism of and active resistance against those *unique* Israeli practices into a criminal offence - allowing the Israeli government, that way, to continue its criminal policies. As was already the case with the EUMC “*working definition*”, its IHRA duplicate has little to do with fighting antisemitism and a lot to do with supporting the propaganda war against critics of Israel.

It should be clear by now that IHRA propagates a *politicized* definition of antisemitism, aimed at criminalizing legitimate debate and criticism of Israel’s actions and policies.²⁸² It is hardly surprising that the adoption by the British government of Theresa May, in December 2016,²⁸³ of an almost identical definition was made the Universities Minister, Jo Johnson send a letter to Universities UK, the official representative body of British universities, reminding them of their obligation to tackle antisemitism on campus ahead of Israel Apartheid Week following the adoption by the government of the IHRA definition or . At a number of universities academic authorities effectively put a ban on student activities during the Israel Apartheid Week, others required “*a balanced view or a panel of speakers representing all interests*”.²⁸⁴ The IHRA-document has also been submitted to and approved by the European Parliament (June 1, 2017): 101 MEPs voted against, but 479 voted in favor while 47 abstained.²⁸⁵ Thanks to the vote, the pro-Israel lobbyists in the EP were exposed as the natural allies of the

²⁸² Lawrence Davidson, “*Politicising antisemitism: the USA’s and UK’s flawed definition*” (Redress Information and Analysis, May 3, 2017) via <http://www.redressonline.com/2017/05/politicising-anti-semitism-the-usas-and-uks-flawed-definition/> .

²⁸³ [UK] Press Release, Dec 12, 2016: “*Government to adopt the International Holocaust Remembrance Alliance’s (IHRA) working definition of anti-Semitism*”, via <https://www.gov.uk/government/news/government-leads-the-way-in-tackling-anti-semitism> .

²⁸⁴ See Lee Harpin and Rosa Doherty, “*Israel Apartheid Week events cause turmoil in UK universities*” (The JC – The Jewish Chronicle, Feb 23, 2017), <https://www.thejc.com/news/uk-news/apartheid-week-ban-heralds-%EF%AC%81ghback-1.433185> . But see: Michael Deas, « *Israeli Apartheid Week held at 30 UK universities, despite repression*” (EI, 10 March), via: <https://electronicintifada.net/blogs/michael-deas/israeli-apartheid-week-held-30-uk-universities-despite-repression> . A hopeful sign was the rejection of the IHRA Definition by the British University and College Union (UCU), cf. UCU, May 29, 2017: <https://www.ucu.org.uk/article/8802/Business-of-the-Equality-Committee-2017#57> . Meanwhile, a range of pro-Israel groups in the UK are working to lobby universities, unions, local councils etc. to adopt the definition.

²⁸⁵ Vide : “*Combating anti-Semitism. European Parliament resolution of 1 June 2017 on combating anti-Semitism (2017/2692(RSP))*” via <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0243+0+DOC+PDF+V0//EN> . For a complete list of the votes cast at this session, per party and MEP, see: <http://www.bacbi.be/pdf/EP-IHRAvote.pdf> .

European far-right supporting a definition of antisemitism designed to defend the state of Israel.²⁸⁶

3. The suspicion that the IHRA-campaign is serving Israel’s political agenda seems legitimate. Actually, it fits in with a political, Israelocentric *redefinition* of antisemitism that started to catch on about 20 years ago. In it the original concern for the right of Jewish people to live as full and equal members of whichever nation they belong to, is largely replaced with loyalty to the Israeli state as being the “*Jew among the nations*”:²⁸⁷

*“The term that most fully encapsulates this redefinition is ‘new antisemitism’ [...]It contains the radical notion that to warrant the charge of antisemitism, it is sufficient to hold any view ranging from criticism of the policies of the current Israeli government to denial that Israel has the right to exist as a state, without having to subscribe to any of those things that historians and social scientists have traditionally regarded as making up an antisemitic view: hatred of Jews per se, belief in a worldwide Jewish conspiracy,... belief that Jews are racially inferior, and so on”.*²⁸⁸

Because the definition of the “*new antisemitism*” is rather incompatible with definitions that rely on elements making up the classical antisemitic view,

“it’s but a short step to conclude that it replaces all previous definitions, and then further to argue that no other kind of antisemitism exists” (Lerman, p. 9).

Finally, most of the people promoting its use, see it as synonymous with anti-Zionism, finding it a.o. also in the political left.

This important shift should be understood in the context of major political developments in the Western world and in Israel itself. “9/11”, apparently, played a pivotal role, since it made the Bush administration declare a “*war on terror*” that produced catastrophic effects in the Middle East (Afghanistan included), while Islamist terrorism – al-Qaeda, followed by IS – made Islamophobia or anti-Muslimism peak. In Israel, already after the murder of Yitzhak Rabin, the country started a political drift to the far right which is still continuing. Its government, identifying itself ever more closely with the US “*as a fellow victim of Islamist terror – indeed, as the prior victim*”, managed to impose the view that the “*new antisemitism*”

²⁸⁶ Vide: Naomi Wimborne-Idrissi, “*Far-right Islamophobes unite with pro-Israel lobbyists in European Parliament antisemitism debate*” (FreeSpeechonIsrael, June 1, 2017), <http://freespeechonisrael.org.uk/european-parliament-antisemitism-debate/#more-3138>.

²⁸⁷ Antony Lerman, “*Antisemitism Redefined: Israel’s Imagined National Narrative of Endless External Threat*”, in: “*On Antisemitism*” (Jewish Voice for Peace, 2017), p. 7. Since the 1990s the Israeli government has followed a policy aiming “*at establishing Israeli hegemony over the monitoring and combating of antisemitism by Jewish groups worldwide. This was coordinated and mostly implemented by Mossad representatives working out of Israeli embassies. The policy served to bind Diaspora communities more closely to Israel... and to portray Israel as equally in the firing line of antisemitic attack by increasingly linking criticism of Israeli policy with antisemitism*”, *ibid.*, pp. 11-12 (based upon his own personal experience).

²⁸⁸ Lerman, *o.c.*, pp. 8-9. Of course, discourse about Israel and Zionism *can* be antisemitic, namely if the antisemitic negative stereotype of “*the Jew*” is projected “*onto Israel for the reason that Israel is a Jewish state or onto Zionism for the reason that Zionism is a Jewish movement or onto Jews, individually or collectively, in association with either Israel or Zionism*” (Brian Klug, “*Interrogating ‘New Anti-Semitism’*”, in: *Ethnic and Racial Studies* (2012), p. 13, quoted in Lerman, *o.c.*, p. 10).

posed the greatest threat to Jews since the Holocaust. Linking Israel’s fate with the security of Jews worldwide, it has stepped up its leadership role on the antisemitism question, “*this time with the fuller cooperation of Diaspora Jewish leaders*” (Lerman, p. 13).

Although after the Holocaust the fight against antisemitism worldwide is still the official *raison d’être* of the Israeli state, its present extreme right government is subordinating the concerns of world Jewry more and more to Israel’s own *nationalistic*, political preoccupations (such as: securing support for the settlement project, reinforcing the exclusively Jewish character of the Israeli state, giving priority, for political reasons, to the interests of the religious establishment in Israel to the detriment of the concerns and needs of the Diaspora liberal Jewry, etc.).

Propagating Israel as Europe’s bulwark against Islam’s “*war of conquest*”, premier Netanyahu has no qualms to forge close links with authoritarian regimes (e.g. his visit to Hungarian Prime Minister Viktor Orbán, legitimizing the latter’s antisemitic campaign against Jewish billionaire financier George Soros) and far-right movements in Europe and the US, notorious for their antisemitic roots.²⁸⁹ Playing down their “former” antisemitism and denial of the Holocaust, these groups nowadays express their support for Israel on the basis of a shared understanding that Muslims are the foremost enemy of the “white” West.²⁹⁰ A *de facto* leader of the American alt-right, participating in the racist and antisemitic march of white supremacists in Charlottesville, described himself to a reporter on Israel’s Channel 2 News as “*a white Zionist*” and argued that Israelis “*should respect someone like me*”.²⁹¹ No surprise, therefore, that most MEPs of extreme right wing parties voted enthusiastically in favor of the IHRA “*working definition*”.

²⁸⁹ See e.g. Haaretz Editorial: “*Israel Sides With anti-Semites*” (July 13, 2017), via <http://www.haaretz.com/opinion/editorial/1.801073>. Or: Bradley Burston: “*Netanyahu’s New Start-up Nation: Israel, the Anti-Jewish State*” (Haaretz, July 12, 2017), via <http://www.haaretz.com/israel-news/1.800811>.

²⁹⁰ See e.g. Muddassar Ahmad, “*Why the U.K.’s neo-Nazis Are Posing With Israeli Flags*” (Haaretz, Aug 4, 2017), <http://www.haaretz.com/opinion/1.805156>. Also: Asa Winstanley, “*Far-right Britain First fosters ties with Zionist movement*” (EI, Aug 31, 2017), <https://electronicintifada.net/blogs/asa-winstanley/far-right-britain-first-fosters-ties-zionist-movement>.

²⁹¹ “*You could say that I am a white Zionist – in the sense that I care about my people, I want us to have a secure homeland for us and ourselves. Just like you want a secure homeland in Israel*” (Haaretz, Aug 16, 2017), <http://www.haaretz.com/israel-news/1.807335>.

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