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Unpacking the global campaign to delegitimize Israel: Drawing a line between criticism of Israel and denying its legitimacy

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SWP Research Paper

Gil Murciano

Unpacking the Global Campaign to Delegitimize Israel

Drawing the Line between Criticism of Israel and Denying Its Legitimacy



Stiftung Wissenschaft und Politik
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- In the last two decades, international delegitimization of Israel has become a new mode of operation for those denying Israel's right to exist. It encompasses a wide range of civil-society and grassroots organizations.
- The campaign attempts to imitate the logic of the struggle against the South African apartheid regime — hence to undermine Israel's international legitimacy in a manner that would lead to its isolation and eventually cause it to collapse.
- In its current phase, the campaign functions as a long-term effort to gradually change the discourse and mindset of Israel's critics in the West. Its main goal is to mainstream delegitimization — hence to reposition anti-Zionism from the radical margins into the mainstream of Western liberal-progressive circles, with specific emphasis on critics of Israel's policies.
- A key strategy to mainstream delegitimization is to blur the differences between criticism of Israeli policy and challenges to Israel's basic legitimacy. This includes efforts to turn items of the delegitimization agenda into an integral part of the political debate about Israel.
- As a result, many critics of Israel's policies end up supporting efforts that are led by the delegitimization campaign. The discussion in the West on the Israeli-Palestinian conflict is gradually developing into a dichotomous encounter between supporting Israel and its policies unquestioningly or supporting anti-Zionism.
- The international delegitimization campaign negates two core principles of European foreign policy. First, it stands in direct contradiction to Europe's core commitment to Israel's right to exist. Second, it promotes rejectionism in Palestinian society as an alternative paradigm to the long-standing European approach of negotiated solution with Israel.
- The key to confronting delegitimization while providing latitude for criticism is the application of constructive differentiation between criticism of Israel and delegitimization. Critics of Israel should apply responsibility in discourse and action by addressing both their associative context and organizational affiliations with these campaigns of criticism. European civil-society and political actors should differentiate between different types of critics and adjust their engagement policy accordingly.

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Unpacking the Global Campaign to Delegitimize Israel Drawing the Line between Criticism of Israel and Denying Its Legitimacy

Delegitimization of the counterpart's right to self-determination has been the common feature of the century-long Israeli-Palestinian conflict. In this respect, the breakthrough in mutual recognition achieved between the parties during the 1990s could be seen as an exception to the norm, rather than a sustainable development.

Nevertheless, in the last two decades following the collapse of the Oslo process and the outbreak of the Second Intifada, international delegitimization of Israel has become a new mode of operation for those denying Israel's right to exist. It takes the form of a global civil society-led campaign to precipitate the collapse of Israel's political model by branding Israel as a "pariah state." In this context, the campaign strives to imitate the main logic of the struggle against the South African apartheid regime. It aims to undermine Israel's international legitimacy in a manner that would eventually lead to its isolation and damage its resilience. A key method used to achieve this goal is to demonize Israel by associating it with some of the most notorious human-rights violators of the 20th century, and above all with the apartheid regime itself.

This new trend adds an important international dimension to the Israeli-Palestinian conflict that is turning Europe and Germany into active fora. It presents an aspect of the conflict that takes place not in Israel or the occupied territories, but in the heart of Europe and the West. Within the German political context, the topic of delegitimization is most apparent in the debate over the Boycott, Divestment, and Sanctions (BDS) movement. Inspired by the BDS campaign against the apartheid regime, the call for the economic, political, and cultural boycott of Israel (2005) has since been adopted by dozens of international organizations around the globe. The movement and its radical goals have influenced the intellectual debate across Europe, not only in regards to Israel and anti-Zionism, but also broader matters, such as the definition of anti-Semitism and the right to free speech. Nevertheless, while some see the BDS movement as

being synonymous with delegitimization, it is only one component in a much broader campaign, one type of effort in a series of strategies aimed mainly at undermining Israel's legitimacy.

During the last year, much of the discussion in Europe on the delegitimization of Israel has been dominated by the debate over the relationship between delegitimization and anti-Semitism. The question of whether denying a people's right to self-determination should count as a form of discrimination against them is a worthy topic for discussion. Nevertheless, it often serves as a diversion from discussing what counts as delegitimization in the first place, and where the line distinguishing delegitimization of Israel from criticism of its policy should be drawn.

A key strategy of the delegitimization campaign during the last decade has been the attempt to blur the differences between delegitimization of Israel and criticism of its policies. Delegitimization of Israel is often understood as an open and direct challenge to Israel's right to exist. The delegitimization campaign is mostly known for its crude public expressions (e.g., anti-Zionist demonstrations). Nevertheless, a closer examination exposes a different dimension of the campaign — as a gradual “slow-variable” process. In this regard, I refer to a long-term effort to gradually change the discourse and mindset of critics of Israel's policies through the continuous application of subtle and sometimes implicit means. During the last decade, the campaign has attempted to mainstream delegitimization, that is, to turn items of the delegitimization agenda into an integral part of the mainstream political debate about Israel's policies. Paradoxically, the strategy of blurring the differences between delegitimization and criticism is also shared by actors within the Israeli right. These actors try to discredit criticism of the Israeli government's policies in the occupied territories by branding it as “anti-Zionist” (and often-times “anti-Semitic”).

One of the delegitimization campaign's main achievements is the ability to brand itself as the main venue for pro-Palestinian activity. Movements such as the BDS campaign and the Apartheid Week Initiative create a direct linkage between being pro-Palestinian and opposing Israel's basic political model. This, in turn, contributes to a greater dichotomy and polarization of political opinions regarding the Israeli-Palestinian conflict. Influenced by both the delegitimization campaign and the counter campaign, the discussion on this conflict in the West is gradually developing into an all-or-nothing encounter between two rigid

narratives: supporting Israel and its policies unquestioningly or supporting anti-Zionism. As a result, many critics of Israeli policies who do not oppose Israel's right to exist end up supporting efforts that are led by the delegitimization campaign.

The declining image of Israel within progressive-liberal circles can hardly be attributed solely to the delegitimization campaign's influence. It is also the result of Israeli government policies during the last decade — with emphasis on the expansion of settlements and plans to annex parts of the West Bank — which indicate the government's own retreat from the two-state-solution framework. Nevertheless, it is also unlikely that the delegitimization effort will simply cease to exist if Israel changes these policies. As emphasized by its leadership and agenda, the campaign is not setting out to undermine Israel's occupation policy, but rather the core legitimacy of Israel's political model. Moreover, the campaign has a contributing influence on the further decline of the two-state solution in the eyes of the Palestinian public at a time when this framework is facing considerable challenges on both sides of the aisle.

In order to confront the campaign's attempts to enter the European mainstream, I propose a practical framework of constructive differentiation that aims to curtail delegitimization while preserving the value and integrity of criticism. This framework is designed to tackle these exact strategies of blurring and the dilemmas they present to European policy planners at both the governmental and non-governmental levels. First, on the policy level, instead of treating all actors involved in delegitimization as one monolithic group, I propose making a distinction between different levels of involvement and contribution to delegitimization activity and offer a set of guidelines to engage with each type of actor. European political and civil society actors engaged with implicit supporters of delegitimization could play a proactive role in encouraging their counterparts to differentiate between criticism and delegitimization in their activities and discourse. Second, I recommend that critics of Israeli policy (who do not consider themselves anti-Zionists) apply a policy of responsibility in discourse and action. I emphasize the importance of considering the organizational affiliations and associative meaning of the campaigns they support, as well as the common “gray areas” between criticism of policy and delegitimization. In this context, the proposed framework perceives the debate stage rather than the courthouse as the main arena for an effective effort to confront delegitimization.

Delegitimization As a Political Strategy in International Interaction and Conflict

Delegitimization is an extreme form of negative categorization. It is the normative claim that an actor or a type of behavior should be excluded from the in-group on the basis of its immorality.

The exceptional meaning of acts of delegitimization is the direct attribution from one's behavior onto one's basic moral quality.

Different from other means of normative condemnation, the exceptional meaning of acts of delegitimization is the direct attribution from one's behavior onto one's basic moral quality.¹ Hence, the severity of the act of delegitimization, even when directed toward a specific type of behavior, blurs the distinction between the vice and the basic character of its perpetrator. The process of outcasting serves not only to define who should be considered legitimate from the in-group perspective, but also to outline the moral boundaries of a specific community, and what lays beyond it.²

More than simply a moral indicator, delegitimization efforts serve as an instrument in the process of political interaction. Delegitimization serves as a key function of political discourse, as a method to indicate moral differences and set boundaries through common speech acts such as blaming, accusing,

marginalizing,³ and in radical cases, demonizing.⁴ Whether in the fight against slavery, honor killings, or racial segregation, the moral delegitimization of practices and their facilitators had been used as a strategy to precipitate social change.⁵ On the other hand, delegitimization of the enemy serves as a common strategy in inter-communal conflicts, with an emphasis on protracted conflicts. Delegitimization labels are often used by political actors to convince the in-group of the existence of a moral zero-sum game vis-à-vis the adversary and refute the possibility of a compromise.⁶ As part of the moral exclusion process, the act of delegitimization contains an inherent attack on attempts of “communicative co-operation”⁷ with the delegitimized party. Therefore, acts of delegitimization are considered among “the major detrimental forces to peaceful resolution” in intractable conflicts.⁸ Among the escalatory functions it fulfills in such conflicts, delegitimization provides a justification for the continuation of hostilities, as well as for the use of violence against the counterpart. In addition, it serves as one of the main tools of in-group mobilization.

In international relations, the concept of “external legitimacy” is often used in relation to the recognition given by the international community to sover-

1 Paul Chilton, *Analysing Political Discourse: Theory and Practice* (London, 2004), and Neta Oren and Daniel Bar-Tal, “The Detrimental Dynamics of Delegitimization in Intractable Conflicts: The Israel-Palestinian Case,” *International Journal of Intercultural Relations* 31, no. 1 (January 2007): 111–26.

2 Oren and Bar-Tal, “The Detrimental Dynamics of Delegitimization in Intractable Conflicts” (see note 1).

3 Chilton, *Analysing Political Discourse* (see note 1).

4 Rusi Jaspal, “Delegitimizing Jews and Israel in Iran’s International Holocaust Cartoon Contest,” *Journal of Modern Jewish Studies* 13, no. 2 (July 2014): 167–89.

5 Kwame Anthony Appiah, *The Honor Code: How Moral Revolutions Happen* (New York, NY, 2011).

6 Oren and Bar-Tal, “The Detrimental Dynamics of Delegitimization in Intractable Conflicts” (see note 1).

7 Chilton, *Analysing Political Discourse* (see note 1).

8 Oren and Bar-Tal, “The Detrimental Dynamics of Delegitimization in Intractable Conflicts” (see note 1).

eign nations. Nevertheless, a nation's inclusion within the international community appears less often in relation to the procedural threshold conditions and more often in relation to the nation's adherence to basic international norms. The act of international delegitimization often involves assigning distinct labels for nations that show contempt for such norms.⁹ The labels of "pariah state," "rogue state," or "backlash state" have been used by international actors as moral categorizations aimed to justify the exclusion and isolation of certain nations from the international community. In some cases, they are used to justify an international action against such nations, either in the form of a military action or economic sanctions.¹⁰ In the context of the Middle East, the term "backlash states" had been used by US officials to describe and justify punitive steps against Iran, Libya under Muammar Gaddafi, and the Ba'athist regime in Iraq (among other nations in other regions) on the basis that they posed a threat to regional security (through their efforts to acquire weapons of mass destruction or their support of terrorism), as well as on the basis of their human rights violations against their own citizens.¹¹ Different from matters of interstate legitimacy or global standing, calls to treat a nation as a "pariah state" often originate from the sub-national level, for example from lobby groups and civil society. The campaign against the apartheid regime in South Africa stands as a prominent example of the ability of a civil society-led coalition to contribute toward the international isolation of a state in a manner that precipitated its regime's demise.

⁹ Thomas Henriksen, "The Rise and Decline of Rogue States," *Journal of International Affairs* 52, no. 2 (2001): 349–73.

¹⁰ These terms are used in two interconnected contexts: They are mainly associated with nations that pose a security threat to regional or global peace (e.g., in the case of North Korea). Second, they are used in the process of moral condemnation of the regime's gross violation of human rights (e.g., the Pol Pot regime in Cambodia). See Martin Beck and Johannes Gerschewski, "On the Fringes of the International Community: The Making and Survival of 'Rogue States,'" *Sicherheit und Frieden/Security and Peace* 27, no. 2 (2009): 84–90.

¹¹ Anthony Lake, "Confronting Backlash States," *Foreign Affairs* 72, no. 2 (1994), <https://fam.ag/2z5Yx6E> (accessed 21 April 2020).

The Delegitimization Campaign against Israel: Actors, Logics, and Strategies

The international delegitimization of Israel campaign — a new paradigm of resistance to Zionism

Inspired by the anti-apartheid struggle, the delegitimization campaign of Israel does not intend to challenge the morality of a specific national policy or a form of state behavior. Instead, it aims to undermine the moral foundations of the nation itself, by delegitimizing the political model upon which it exists.

In the last two decades, the international attempts to undermine the legitimacy of Israel have become a driving force behind a broad civil society campaign encompassing a wide range of civil society organizations, grassroots groups, as well as local and international initiatives. This diverse group of actors shares an overarching goal — to delegitimize the political model of the state of Israel by tarnishing its basic image as well as by promoting policy steps to support its demise. This movement has no headquarters — no central governing body regulating or allocating its efforts. Instead, it operates as a sort of distributed network — that is, a loosely connected network of international actors, each working separately within their own local context, but mutually led by a joint effort to promote a specific political agenda through different means. This combined effort turns delegitimization into a new strategy of active opposition to the existence of the state Israel.

Despite the diversity of actors involved in the campaign and their decentralized mode of operations, the campaign nevertheless functions as a coordinated, network-based global effort. Its tactics and agendas are often coordinated through a number of organizational hubs, its member organizations share strategies,

use similar discourse,¹² exchange knowledge through joint forums, and coordinate joint transnational actions during times of crisis (see the section “The delegitimization campaign — main catalysts and organizational logic”).

In its current form, the delegitimization campaign presents a new paradigm for the long-standing fight against Zionism.

In its current form, the delegitimization campaign presents a new paradigm for the long-standing fight against Zionism, which resonates in the campaign's agency and strategy. First, previous efforts to fight Zionism in the context of the Arab-Israeli conflict were mostly led by nations and proto-states. However, this campaign is mostly based on a wide array of civil society and non-governmental organizations (NGOs). This feature increases the effectiveness of the movement in reaching a broad audience in the West. The movement enjoys the relative public popularity of civil society organizations and grassroots activity. It also enables the movement to detach itself from controversial and unpopular representatives of anti-Zionism, such as radical regimes. Second, while previous anti-Zionist efforts focused considerably on military action as the main method to precipitate the collapse of Zionism, this campaign is largely defined by the adaptation of the strategy of non-violent resistance.

¹² For example, terms and concepts such as “ethnic cleansing,” “apartheid,” “colonialization,” “pink-washing,” and “green-washing.” Perceived martyrs such as Muhammad Al-Durrah and the American activist Rachel Corrie achieve a status of icons, which is replicated by different nodes in different global locations.

Third, the delegitimization campaign reveals a close alliance between Middle Eastern and Western actors. The movement often functions through interfaces between global political actors (e.g., radical left-wing activists in Europe) and regional actors (e.g., Hamas affiliates in Europe). It serves as a meeting place for regional anti-Zionists and opposers of Zionism, which often share very little in common other than their animosity toward Israel.¹³

Anti-Zionism in historical perspective: From state-based logic of destruction to a civil society-based logic of implosion

The political-diplomatic struggle against Israel's right to exist is a long-standing effort that can be dated back to the first days of Israel's existence. However, in the first two decades following the establishment of Israel (1948), it can be seen as a secondary strategy in the overall attempt to undermine the new state's resilience. The main approach, which was mostly led by the Nasser regime in Egypt and by the Ba'ath regimes in Syria and Iraq, to bring about the demise of the Jewish state focused on physical destruction by military and economic means,¹⁴ rather than on international or public advocacy.¹⁵

The gradual shift from a direct destructive approach to an international challenge of its legitimacy is partly an outcome of the 1967 Six-Day War. First, the war signified a change in the Soviets' tone toward Israel and an enhancement of Soviet-led political efforts to delegitimize Zionism. This effort culminated in the Soviet-led General Assembly Resolution 3379 (1976, revoked in 1991), which claimed Zionism to be "a form of racism and racial discrimination." Second, the war signified the decline of the destruction paradigm, that is, the belief that the elimination of Israel

could be achieved by military means alone. Moreover, the war precipitated a change in the political mindset of the Arab political elites toward the concept of territorial compromise with Israel. In the following years, with the signing of peace treaties between Israel, Egypt (1979), and Jordan (1994), the Arab taboo of recognizing Israel as a sovereign state was essentially broken.¹⁶ In parallel, the 1967 war initiated the shift of the Palestinian struggle from the Arab nations to the Palestinian national movement.¹⁷ The emergence of the Palestine Liberation Organization (PLO) as a central actor also redefined the international community as a key target audience. Lacking the military capacity to engage in a direct confrontation with Israel, the logic of the PLO in its early phases¹⁸ was to combine guerrilla warfare with an attempt to mobilize international support for the Palestinian cause.¹⁹ Beyond raising international awareness about the Palestinian plight, the movement was active in creating a web of political and military ties with radical left-wing organizations in Europe under the banner of solidarity between revolutionary movements. This marks an historical entry point for the anti-Zionist

16 Sabri Jiryis, "The Arab World at the Crossroads: An Analysis of the Arab Opposition to the Sadat Initiative," *Journal of Palestine Studies* 7, no. 2 (1978): 26–61, <https://bit.ly/3cduOYd> (accessed 23 December 2019).

17 The symbolic moment marking this shift was the Arab League's Rabat Summit (1974), which declared the PLO to be the "sole legitimate representative of the Palestinian people."

18 PLO Chairman Yasser Arafat's acknowledgment (1988) of UN Resolution 242 as the basis for the resolution of the Israeli-Arab conflict is considered a historical turning point in the Palestinian national movement's approach to Israel's basic right to exist. See United Nations, "Yasser Arafat General Assembly Speech (Part 1)," *UN Radio Classics*, <https://www.unmultimedia.org/classics/asset/C792/C792a/> (accessed 21 April 2020). The signing of the first and second Oslo Accords (1993, 1995) is considered a ratification of the movement's commitment to the two-state solution framework. See Avi Shlaim, "The Rise and Fall of the Oslo Process," in Louise Fawcett, *International Relations of the Middle East* (Oxford, 2016), 241–61.

19 One main example is the Stages Program accepted by the Palestinian National Council in 1974, which supported the use of diplomatic means (alongside armed struggle) to negotiate the "liberation" of parts of the nation as a gradual basis to achieve the final objective of the "liberation of all Palestinian territory." See Permanent Observer Mission of Palestine to the United Nations, "10 Point Program of the PLO (1974)," <https://bit.ly/2xx3rch> (accessed 23 December 2019).

13 A vivid example for such a meeting place is the series of "Cairo Conferences" since 2002, which have been attended by a wide spectrum of anti-Zionist activists, ranging from the radical European Left to members of Middle East–based Islamists. See elaboration about this forum in the chapter "The Delegitimization Campaign against Israel" (p. 9).

14 See, for example, the Arab Boycott, the 1966 Arab League decision to divert the headwaters of the Jordan River.

15 The Reut Institute, *Building a Political Firewall Against Israel's Delegitimization – Conceptual Framework* (Tel Aviv, March 2010), 31–38, <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf> (accessed 2 December 2019).

agenda into the European radical left's debate, although in this phase its acceptance was mostly limited to the extreme left. Despite growing criticism about Israeli occupation and a change in the basic perception of Israel as the conflict's "underdog," clear notions of anti-Zionism failed to gain much traction among the mainstream European left. Even during focal events such as the Sabra and Shatila Massacre (1982) and the outbreak of the First Intifada (1987), the protest against Israel was mostly limited to its policies. Challenges to Israel's basic legitimacy among the mainstream were relatively rare.²⁰

The Second Intifada as the defining context of the new delegitimization campaign

The collapse of peace talks at the Camp David Summit (2000) — and even more so the outbreak of the Second Intifada a few months later — provided the political and practical context for an international delegitimization campaign against Israel.

For Palestinian protagonists of the campaign, turning to international delegitimization of Israel mainly emanates from the failure of both the negotiations and armed struggle strategies in the first decade of the millennium. First, the collapse of the peace process strengthened the voices opposing the Oslo Process-based two-state solution within the leadership of the Palestinian national movement as well as among intellectuals and the diaspora.²¹ Second, the wide-scale military confrontation of the Second Intifada represented a nadir in Palestinian elites' belief in the feasibility of reaching an agreed solution with Israel. Third, the destructive impact of the Second Intifada on the Palestinian society and political milieu and its failure to achieve concert political results demonstrated the limits of the armed struggle approach. The rising popularity of the non-violent international delegitimization method could therefore be seen as an outcome of adaptive learning — it is perceived mainly among key members of Palestinian civil society and the youth as a viable replacement to the two previous paradigms of national

action, which failed to yield results. The non-violent struggle method already existed in the Palestinian narrative as a core strategy during the First Intifada (1987–1993). However, in the post–Second Intifada context, it not only serves as a method to advocate the Palestinian right to self-determination, it is also often directed at challenging the Jewish people's right to self-determination. In such a climate, the struggle against the policy of occupation and the opposition to the legitimacy of this policy's creator — Israel — tend to converge in Palestinian narratives and social beliefs.²²

The Second Intifada also served as a basis for co-operation between Palestinian challengers of Israeli legitimacy and political allies in the West. The international audience became a key part of the Palestinian tactic of struggle during the Second Intifada. The asymmetric nature of warfare, which was mostly conducted within Palestinian urban centers, the high friction levels between the Israeli military and the Palestinian population, and the high toll in Palestinian civilian casualties provided the context for the mobilization of international outrage against Israel. It often led to portraying Israel in the international media as a country involved in war crimes.²³ As such, it provided fertile ground to turn the outrage over Israel's actions into a challenge of its international legitimacy.

The Durban Conference and the "apartheid strategy": Precipitating Israel's collapse through global isolation

Convened during the early phase of the Second Intifada (2001) in Durban, South Africa, the World Conference against Racism (WCAR, also known as Durban I) provided both the conceptual and practical basis for the emergence of a civil society-led campaign of delegitimization. It served as the ideal site to turn the success story of the global civil society campaign against the apartheid regime in South Africa into a source of inspiration for a civil society battle against Zionism. The Durban Conference constitutes a key event in providing the ethos and political context, and of no less importance, in shaping the strategies

²⁰ Based on a series interviews conducted by the author in London and Israel in February–September 2010 and January–April 2019.

²¹ Khalil Shikaki, "Do Palestinians Still Support the Two-State Solution? Why Israeli Settlements Are the Greatest Obstacle to Peace," *Foreign Affairs*, 2018, <https://www.foreignaffairs.com/articles/middle-east/2018-09-12/do-palestinians-still-support-two-state-solution> (accessed 2 December 2019).

²² Based on a series of interviews conducted by the author in London and Israel in February–September 2010 and January–April 2019. On the convergence of anti-occupation and delegitimization discourses, see section "Discursive choices of articulation" (p. 30).

²³ "UN to Send Mission to Jenin," *The Telegraph*, 20 April 2002, <https://www.telegraph.co.uk/news/1391591/UN-to-send-mission-to-jenin.html> (accessed 21 April 2020).

and interfaces that have led this movement ever since.

The conference was convened under the auspices of the United Nations (UN) High Commissioner for Human Rights with the aim of combating racism and racial discrimination in accordance with UN General Assembly Resolution 52/111. The conference's main forum was attended by governmental delegates. However, the major arena in relation to delegitimization was the NGO forum, combining around 3,000 international NGOs, which was held in parallel to the main conference at a nearby venue. On the inter-state level, attempts by Israel's enemies to use the international platform to reintroduce the reference to Zionism as a form of racism were eventually blocked by Western nations and the High Commissioner herself.²⁴ Nevertheless, the NGO forum turned into what American political columnist Charles Krauthammer described as an exhibition of hate aimed "to brand one country as uniquely transcendently evil."²⁵ The final NGO forum declaration denounced Israel's "brand of racism and apartheid and other crimes against humanity and [...] ethnic cleansing." Israel was also accused of "genocide," and the establishment of Israel was defined as a "hate crime" in itself.²⁶

The Durban conference was the place where the strategy of implosion – the perception that the international isolation of Israel would eventually lead to its collapse – was first set.

On the practical level, the Durban Conference has served as the basis for the consolidation of the main strategies used by the delegitimization campaign to brand Israel as a pariah state until this day (often dubbed "the apartheid strategy"²⁷). This was the place

where the overarching strategy of implosion, that is, the perception that the isolation of Israel on the international level – politically, economically, and culturally – would eventually lead to its collapse, was first set.²⁸ It was also the site where this strategy was broken down to a practical set of methods that were later implemented into policy campaigns. Two strategies discussed in Durban later became main pillars of the movement's activity and still serve as its *modus operandi*. The NGO forum in Durban is considered to be the conceptual birthplace of the BDS movement.²⁹ Second, the concept of using universal jurisdiction to persecute Israeli nationals and officials in international tribunals was raised in the NGO forum's "action program." The participants' focus on these two specific strategies, which are synonymous with the fight against South Africa's apartheid regime, was designed to demonstrate the argued resemblance between this regime and Israel, and to "crown" Israel the new apartheid state. The forum was also one of the sites in which the discourse and vocabulary of the new campaign was created. Terms such as "ethnic cleansing," "genocide," and narratives affiliating Zionism with the apartheid regime might have appeared before. However, the Durban forum was a main catalyst in turning them into a common script to be used by different nodes of the delegitimization campaign in various contexts.

Lastly, the Durban forum illustrated the emerging alliance between region-based anti-Zionists and opposers of Zionism from the international radical left. The forum was initiated through a joint effort of

²⁴ As referred by Marry Robinson: "[T]he specific debate that Zionism is racism has been used [...] to challenge the very existence of the State of Israel itself." See Harris Schoenberg, "Demonization in Durban: The World Conference Against Racism," *The American Jewish Year Book* 102 (2002): 85–111 (87), <http://www.staff.city.ac.uk/p.willetts/NGOS/WCAR/SCHOENBG.PDF> (accessed 23 December 2019).

²⁵ Harris Schoenberg, "Demonization in Durban" (see note 24), 95.

²⁶ *Ibid.*, 102–103.

²⁷ Honest Reporting, *Boycott, Divestment, Sanctions (BDS) – An Introduction* (January 2012), <https://honestreporting.com/wp-content/uploads/2012/07/BDS-an-Introduction.pdf> (accessed 24 October 2019).

²⁸ It was defined in the discussions as an effort toward the "launch of an international anti-Israeli-apartheid movement" that would implement "a policy of complete and total isolation of Israel [...] the full cessation of all links." See Harris Schoenberg, "Demonization in Durban" (see note 24), 102–03.

²⁹ On the importance that the BDS movement allocates to the WCAR as a conceptual basis, see Palestinian Civil Society, "United against Apartheid, Colonialism and Occupation – Dignity and Justice for the Palestinian People," Palestinian Civil Society's Strategic Position Paper for the Durban Review Conference, Geneva 20–24 April 2009, https://bds-movement.net/files/English-BNC_Position_Paper-Durban_Review.pdf (accessed 23 December 2019).

Palestinian and Arab NGOs³⁰ alongside neo-Marxist and radical left-wing organizations.³¹

The delegitimization campaign — main catalysts and organizational logic

On the international level, the delegitimization campaign originated with — and is perpetuated by — five core groups. As a network-based campaign, it is hard to identify a clear hierarchy or division of labor between these core groups. Previous work presumed the dominance of Western members of the campaign in guiding and influencing Palestinian members. Nevertheless, as the evolution of the BDS movement as well as the “Gaza Freedom Flotilla” initiative of 2010³² show, Palestinian protagonists often take a leading role in shaping the campaign’s activities and standing issues.

Actors affiliated with the radical left in Europe and North America — These actors serve as the main hub of contextualized delegitimization, with special emphasis on the anti-colonialism movement and neo-Marxists. In the last decades, Israel has been perceived within these circles as one of the main, if not leading embodiment of “colonialism.” In the United Kingdom, for example, far-left organizations such as the Stop the War Coalition and the Socialist Workers Party have taken a leading role in promoting the delegitimization of Israel through demonstrations, conferences, and activism.³³

Opposers of Zionism within academic and intellectual circles — This group represents a wide array of academic researchers, philosophers, and thinkers who reject Zionism as a form of political expression. Among this very diverse group, we can broadly distinguish between two ideological schools of thought.

On the one hand, there are the intellectuals and scholars who reject Zionism as an inherently illegitimate political model based on its incompatibility with their moral justifications of national sovereignty. One representative of this mindset is the philosopher Michael Neumann of Trent University, who referred to Zionism, rather than to Israel’s actions, as the main cause of the Israeli-Arab conflict.³⁴ On the other hand, we find intellectuals and scholars such as the feminist philosopher Judith Butler,³⁵ the historian Ilan Pappé, and the political scientist Norman Finkelstein,³⁶ all of whom reject the Zionist model based mainly on Israel’s past and current policies toward the Palestinians. A common feature in this scholarly trend is the tendency to connect the Zionists’ actions during the 1948 Arab-Israeli War, which they often describe as “ethnic cleansing,” with Israel’s current policies of occupation in order to indicate the inherent immorality of the Zionist model itself.³⁷

Far from representing a monolithic scholarly movement, this group nevertheless plays two important roles in promoting the delegitimization campaign globally. First, they provide a scholarly framework for the grassroots activity of the campaign’s

30 For example, the Palestinian Centre for Human Rights and the Palestinian Society for the Protection of Human Rights and the Environment.

31 Michael Schechter, *United Nations Global Conferences* (New York, NY, 2005), 177–82.

32 The “Gaza Freedom Flotilla” (2010) — the attempt to launch an international flotilla to “break Israel’s siege” over Gaza. It developed into a violent clash in the high seas with the Israel navy. It stands as testimony to the delegitimization campaign’s ability to mobilize its different groups and hubs into a joint and coordinated action, mainly Hamas activities and affiliates, Palestinian diaspora organizations, and radical left-wing groups. See Reut Institute, *The Gaza Flotilla: The Collapse of Israel’s Political Firewall* (Tel Aviv, 2010), <http://reut-institute.org/en/Publication.aspx?PublicationId=3900> (accessed 24 October 2019).

33 One of the vocal speakers for the delegitimization campaign is former member of British Parliament George Gallo-way, the founder of the far-left Respect Party (dissolved in

2016). In Spain, the far-left Podemos party served as a driving force in promoting the municipal boycott of Israel as part of the BDS campaign. See Shiri Moshe, “‘Wave’ of Anti-Israel Municipal Resolutions Pass in Spain with Help of Far-Left Parties,” *the algemeiner*, 24 June 2018, <https://www.algemeiner.com/2018/06/24/wave-of-anti-israel-municipal-resolutions-pass-in-spain-with-help-of-far-left-parties/> (accessed 24 October 2019).

34 Cleland Lefevre, “Professor Neumann and Beyond — A View from the Left,” *jewishtribalreview.org*, 12 February 2004, <https://web.archive.org/web/20060903122650/http://www.jewishtribalreview.org/lef.htm> (accessed 2 December 2019).

35 See, for example, Judith Butler, *Parting Ways — Jewishness and the Critique of Zionism* (New York, NY, 2012).

36 “Norman Finkelstein: Israel Is Committing a Holocaust in Gaza,” *Today’s Zaman*, 19 January 2009, <https://bit.ly/2Wncbdv> (accessed 23 December 2019).

37 Itamar Inbari, “māh šeyiśrā’ el bišā’ h be-48 h w’ tihw r’ etnyi” (translation: “What Israel conducted in 1948 is ethnic cleansing”), *ma’ariv*, 9 October 2006 <https://www.makorishon.co.il/nrg/online/1/ART1/488/649.html> (accessed 24 October 2019).

activists. They introduce the challenges to the basic legitimacy of Zionism as well as related concepts, such as imposing the one-state paradigm, into the academic discussion. Second, this group has had a pivotal role in lending credibility to the delegitimization campaign among the intellectual elites in the West. In this context, academia serves as a major hub for the promotion of the delegitimization of Israel. The academic boycott of Israel is one of the main pillars of the BDS movement.³⁸

An influential trend in the intellectual debate over Israel's legitimacy is the growing attempt by the campaign's supporters to apply segments of Intersectionality Theory³⁹ to encourage a unified position against Israel's right to exist as a Jewish state. Hence, the call for collaboration between different minority groups against dominant power structures is utilized by the campaign's supporters to place Zionism as a main target. This utilization serves as a factor in changing the progressive elites' discourse regarding Israel and the conflict. Its effect can be seen in the relative ease with which radical anti-Zionist positions are adopted⁴⁰ by academic associations and movements representing minorities.⁴¹

Palestinian civil society organizations and the BDS movement — Challenges to Israel's political legitimacy became a defining feature for the current generation of post-Oslo Palestinian civil society leaders. It is a common component of the ideology presented by key Palestinian civil society actors active both in Israel and in the occupied territories. Usage of the discourse of delegitimization — such as the terms “apartheid” and “colonialization” — became part of the common jargon of these organizations in their daily internal

communication as well as in their international engagement. Above all, this mindset of rejection has shaped Palestinian civil society's code of conduct toward Israel and Israelis, as evident in the key role it played in the establishment and promotion of the BDS movement.

The BDS movement — initiated in 2005 through the “Palestinian civil society call for BDS” — has become a trademark of Palestinian civil society, both as a rallying call within Palestinian society as well as an advocacy campaign directed at the international community. On the organizational level, the BDS movement is orchestrated by the Palestinian BDS National Committee (BNC), an umbrella organization composed of 28 leading members of Palestinian civil society. Among the signatories to the call, one can find political advocacy groups such as the “Palestinian Grassroots Anti-Apartheid Wall Campaign” alongside general organizations representing a wide range of audiences and topics, such the General Union of Palestinian Women and the General Union of Palestinian Teachers. One of the main promoters of BDS is the Palestinian NGO Network (PNGO) — a key civil society actor comprising 67 Palestinian NGOs.⁴²

Nevertheless, in this overarching atmosphere of delegitimization within Palestinian civil society, an important distinction should be made between Palestinian NGOs, which are actively involved in the BDS campaign or in other forms of delegitimization, and NGOs that passively support these campaigns. The latter's support of BDS should be contextualized (but not ignored) by the strong in-group pressures that exist within Palestinian civil society to support BDS (see discussion on *implicit delegitimization* in the chapter “Four Shades of Criticism and Delegitimization,” p. 33).

Palestinian diaspora — Key members of the Palestinian diaspora in the West play an important role in promoting the delegitimization agenda. They mainly fulfill two capacities, the first of which is through the personal involvement of prominent members of the diaspora in initiating international delegitimization activity within the public sphere. A prominent example is Ghada Karmi, a lecturer at the University of Exeter and a vocal opposer of Israel's right to exist in both academic and public circles in the United Kingdom. The second capacity is through the activities of

38 BDS Movement, “Why Boycott Israeli Universities?” <https://www.bdsmovement.net/academic-boycott> (accessed 24 October 2019).

39 Reut Group, *Navigating Intersectional Landscapes – Rules for Jewish Community Professionals*, (Tel Aviv, 2019), <https://www.reutgroup.org/Publications/Navigating-Intersectional-Landscapes> (accessed 24 October 2019).

40 Nick deSantis, “Native American-Studies Group's Leadership Supports Israel Boycott,” in *The Chronicle of Higher Education* (2013), <https://web.archive.org/web/20160304192152/https://www.chronicle.com/blogs/ticker/native-american-studies-groups-leadership-supports-israel-boycott/70673> (accessed 3 June 2020).

41 “Statement on Black Lives Matter Platform,” *truah*, 4 August 2016, <https://www.truah.org/press/statement-on-black-lives-matter-platform/> (accessed 24 October 2019).

42 BDS Movement, “Palestinian BDS National Committee,” <https://bdsmovement.net/bnc> (accessed 23 December 2019).

prominent Palestinian diaspora-led organizations such as the Palestinian Return Centre (PRC) and Al-Awda — The Palestine Right to Return Coalition. Spread across Europe, these organizations keep close connections through joint forums and conferences. One example is the “Palestinians in Europe Conference,”⁴³ which has been hosted by the PRC in different locations across Europe since 2003, and is often used to plan different initiatives to delegitimize Israel. As a diaspora, the main policy item promoted by this community is the fulfillment of the right of return of Palestinians to Israel. Nevertheless, these groups’ agendas often touch upon a range of different topics — from the promotion of the one-state paradigm to support for the BDS movement. Palestinian diaspora organizations also fulfill an important role as an interface between delegitimization initiators within the Palestinian occupied territories and potential allies in Europe and North America. For example, the PRC and other Hamas affiliates in Europe played an important role during the 2010 flotilla to Gaza in connecting key delegitimization organizations in Europe with members of Hamas’s leadership in Gaza.

Hamas and its network of affiliates and supporters in Europe — In the last decade, we have seen a growing adoption of the logics and practices of the international delegitimization campaign by Hamas as part of its warfare strategy against Israel. In some cases, the international campaign to delegitimize Israel is seen as a complementary aspect to Hamas’s policy of violent struggle. As defined by the former chairman of the Hamas Political Bureau Khaled Mashal: “[W]e have to focus on lifting the fabricated legitimacy the world has provided the Zionist entity [...] we are challenging Israel in the region, and the world is starting to be furious with it, therefore I’m saying that Israel has initiated the countdown leading to its end.”⁴⁴

Part of Hamas’s interest in the international campaign of delegitimization is related to the movement’s growing effort to improve its international standing.⁴⁵ The delegitimization campaign is seen as a platform

to enhance the movement’s own international legitimacy while advancing its strategic vision of undermining Israel’s resilience.

In this context, the agenda promoted by the international delegitimization campaign supports several of Hamas’s strategic goals. On the immediate level, Hamas views the international pressure promoted by the campaign as an instrument to limit Israel’s ability to use its military power against the organization in future military clashes in Gaza. In addition, some of the campaign activities, such as the flotilla to Gaza, support Hamas’s political goal of exacting pressure on Israel to ease its blockade of Gaza.

Nevertheless, on the strategic level, Hamas’s leadership often refers to the long-term potential of the campaign to undermine Israel’s legitimacy as a sovereign state.⁴⁶ Accordingly, in the last decade, Hamas has incorporated the logic of delegitimization into the movement’s operational mindset. Hamas appears in this context as both a supporter of existing efforts as well as an initiator of new campaigns directed mainly at the international audience.

As an initiator — Hamas took a pivotal role in organizing and coordinating the international flotilla to Gaza campaign through its own capacities as well as through affiliated organizations in Europe.

As a supporter — Hamas was involved in the original call for BDS through their involvement in the BNC. In parallel to the organizational affiliation, leaders have mentioned the activities of the BDS movement as being an important pillar in the fight against Israel.⁴⁷ Hamas also supported the campaign’s effort to demonize Israel by initiating arrest warrants against Israeli officials visiting Europe following “Operation Cast Lead” (2008–2009).⁴⁸

At the same time, the last decade has seen the emergence of several organizations and figures within the delegitimization campaign in Europe (with special focus on the United Kingdom) that have direct affilia-

⁴³ Palestinian Return Centre, “17th Palestinians in Europe Conference Kick-Started in Denmark” (London, 28 April 2019), <https://prc.org.uk/en/post/4072/17th-palestinians-in-europe-conference-kick-started-in-denmark> (accessed 24 October 2019).

⁴⁴ Reut Institute, *The Gaza Flotilla* (see note 32).

⁴⁵ Hamas’s takeover of Gaza in 2007 and the pursuant cycles of fighting with Israel presented the movement with the need to gain external legitimacy.

⁴⁶ Reut Institute, *The Gaza Flotilla* (see note 32).

⁴⁷ Khaled Abu Toameh, “Hamas Warns against ‘Normalization’ amid Reports of Israel’s Upped Regional Ties,” *Times of Israel*, 7 March 2018, <https://www.timesofisrael.com/hamas-warns-against-normalization-amid-reports-of-israels-upped-regional-ties/> (accessed 23 December 2019).

⁴⁸ Maya Bengal and Amit Cohen, “kāk hebiy’ a ḥam’ as lhozā’ at šaw hama’ ašār neged libniy” (translation: “This is how Hamas brought about the arrest warrant for Livni”), *ma’ariv*, 20 December 2009, <https://www.makorishon.co.il/nrg/online/1/ART1/980/633.html> (accessed 23 December 2019).

tion or strong ties to Hamas.⁴⁹ A central delegitimization organization that maintains strong ties with Hamas is the PRC — a central hub of delegitimization based in the United Kingdom that is active across Europe. In 2011 the PRC was defined by the German Ministry of the Interior as a cover organization for Hamas in Europe.⁵⁰ The center maintains close ties to Hamas, hosts senior Hamas activists at its conferences, and promotes Hamas's agendas in Europe.⁵¹ The last decade also has seen the enhancement of organizational and operational ties between suspected Hamas affiliates and key hubs of delegitimization in Europe.⁵²

The network-based features of the delegitimization campaign

On the organizational level, members of the delegitimization campaign coordinate efforts and exchange knowledge through a set of interfaces.

The role of “hubs of delegitimization”⁵³ as catalysts — Within the campaign, we can identify a few central organizations that act as hubs of sorts. These organizations fulfill a role in setting the agenda and define standing issues for joint activity, as well as a role in coordinating efforts between different nodes on the local — and sometimes also on the transnational — level. One main example is the activity of the Palestine Solidarity Campaign (PSC), which is a central network-based organization that is located in the United Kingdom and estimated to have more than

3,000 members. The PSC has been central in promoting calls for boycotts and other elements of the delegitimization agenda in a number of arenas such as campuses, academia, Parliament, churches, and UK trade unions. It has more than 40 branches across the United Kingdom.⁵⁴ Other prominent examples of organizational hubs of delegitimization include the PRC, the BDS movement, the Friends of Al-Aqsa, and the Jewish Voice for Peace. The first two are also active in Germany.⁵⁵

Shared strategies — A unifying element of the delegitimization campaign is the ability to share experiences and exchange practices between its members around the globe and through multiple organizational affiliations. Three main common strategies applied by the network as a joint method are the promotion of BDS, the attempt to apply universal jurisdiction against Israeli officials traveling abroad, and the flotillas to Gaza operations (which have declined over the last decade). The common feature of these strategies is that they are simultaneously promoted by different nodes of the delegitimization campaign in different locations around the world.

Joint forums — The joint activities of the delegitimization campaign are supported by a number of forums, enabling inter-organizational communication, the exchange of knowledge, and in some cases mobilization for action and the practical coordination of efforts. These refer to both social media forums, such as the “Electronic Intifada” website, that assist in creating an intersubjective sense of community, as well as physical forums in the form of periodical conferences and gatherings. For example, since 2002, the annual conference first dubbed the “Cairo Conference” (also known as “the International Campaign against U.S. and Zionist Occupation”), and later moved to Beirut, became a key meeting place of international radical-left activists (e.g., George Galloway and the Stop the War Coalition) and regional actors (including members of Hamas and Hezbollah) within the delegitimization campaign.⁵⁶

49 The importance Hamas allocates to delegitimization as part of its international efforts could be seen in the case of Muhammad Sawalha, a senior Hamas operative based in London who carries diplomatic missions for Hamas in Europe. In the last decade, Sawalha was the driving force behind the establishment of a number of delegitimization organizations and activities, among them the organization of the “Gaza freedom flotilla.” See Reut Institute, *The Gaza Flotilla* (see note 32).

50 Bundesministerium des Innern, *Verfassungsschutzbericht 2011* (Berlin, 2012), <https://bit.ly/35sW81T> (accessed 21 April 2020).

51 Reut Institute, *The Gaza Flotilla* (see note 32).

52 For example, between the Palestinian Solidarity Campaign, a key hub of delegitimization in the United Kingdom and the PRC.

53 The Reut Institute, *Building a Political Firewall against Israel's Delegitimization* (see note 15). The report relates to hubs of delegitimization as physical locations rather than organizations.

54 “PSC Branches,” *Palestine Solidarity Campaign*, <https://www.palestinecampaign.org/get-involved/branches/> (accessed 24 October 2019).

55 “Notes of the Knesset,” *Knesset*, 25 May 2016, <https://m.knesset.gov.il/News/PressReleases/pages/press250516n.aspx> (accessed 28 October 2019).

56 Hamas affiliates in Europe used the Beirut conference of 2010, conducted just six months before the launch of the first flotilla to Gaza, to outline the flotilla action plan and

Shared advocacy events — One of the main advantages of the delegitimization campaign is the capacity of key actors within it to mobilize other members to take joint action. This capacity has appeared to be especially effective during different points of escalation in the Israeli-Palestinian conflict. It was a key force behind the anti-Israeli demonstrations that took place in different Western cities during large-scale Israeli military campaigns in Gaza in the last two decades, and the flotilla to Gaza operation. Another example is the Israel Apartheid Week, which was started in 2005 and offers a series of annual international events — lectures, rallies, and cultural performances — that are organized simultaneously on university campuses and in other public locations across North America and Europe. Its stated purpose is to “raise awareness about Israel’s apartheid regime over the Palestinian people and build support for the growing [...] BDS movement.”⁵⁷ This event serves as a central outreach tool to raise support on campuses.⁵⁸

coordinate their efforts with European radical left-wing activists. See Reut Institute, *The Gaza Flotilla* (see note 32).

⁵⁷ Israeli Apartheid Week, “Israeli Apartheid Week” (2019), <http://apartheidweek.org/> (accessed 24 October 2019).

⁵⁸ “Israel Apartheid Week,” *Reut Group*, 1 April 2006, <https://www.reutgroup.org/Publications/Israel-Apartheid-Week> (accessed 24 October 2019).

Unpacking Delegitimization — The Main Agendas and “Gray Areas”

The core aspect of delegitimization of Israel as a political agenda is the rejection of the Jewish people’s right to self-determination through national sovereignty in any part of the former area of Mandatory Palestine.⁵⁹

In the last two decades, there have been considerable efforts to define the concept of delegitimization of Israel and specify its main agenda items.⁶⁰ Most of these efforts have examined the concept of delegitimization as one brand in the broader phenomenon of the “new anti-Semitism.” Notwithstanding their conceptual value, most of these efforts tend to lack specificity on the important issue of discussing the lines separating delegitimization of Israel from criticism of Israeli policy.⁶¹

⁵⁹ See, for example, Tony Judt, “Israel: The Alternative,” *The New York Review of Books*, 23 October 2003, <https://www.nybooks.com/articles/2003/10/23/israel-the-alternative/> (accessed 23 December 2019).

⁶⁰ There are two notable efforts. The first is the influential IHRA (International Holocaust Remembrance Alliance) “working definition of antisemitism,” published in 2016. See International Holocaust Remembrance Alliance, “Working Definition of Antisemitism,” 26 May 2016, <https://www.holocaustremembrance.com/working-definition-antisemitism> (accessed 23 December 2019). The second effort is the “3D Test of Anti-Semitism,” published in 2004 by Natan Sharansky. See Natan Sharansky, “3D Test of Anti-Semitism: Demonization, Double Standards, Delegitimization,” *Jerusalem Center for Public Affairs*, 21 October 2004, <https://jcpa.org/article/3d-test-of-anti-semitism-demonization-double-standards-delegitimization/> (accessed 23 December 2019).

⁶¹ An exceptional attempt to systematically deal with the topic can be found in Michael Herzog, *The International Delegitimization Campaign against Israel – Analysis and Counter Strategy* (Jerusalem: The Jewish People Policy Institute, 2018), http://jppi.org.il/new/wp-content/uploads/2018/03/JPPi-Delegitimization_eng.pdf (accessed 23 December 2019). In

The challenge of unpacking the concept of delegitimization not only relates to conceptualizing the core agenda of the delegitimization campaign. It also requires highlighting specific “gray areas” — topics that often raise controversy on whether they fall within the category of criticism of Israel’s policy or within the category of delegitimization of Israel. This task becomes ever more important considering the delegitimization campaign’s strategy of blurring the differences between criticism and delegitimization (see the chapter “The Strategy of Blurring the Differences between Delegitimization and Criticism,” p. 27).

This chapter therefore proposes a conceptual framework of four core items of delegitimization and two selected “contested issues.” These two contested issues were chosen on the basis of their current policy relevance. This framework does not aim to delineate rigid fault lines, rather it aspires to encourage an informed discussion on the definition of the concept “delegitimization of Israel.”

Core items

A country born in sin

This item refers to the trend of challenging the moral foundations of Israel as a pretext to challenging its current legitimacy. This is mostly done by offering a certain interpretation of the historical events surrounding the establishment of Israel or the Zionist movement in a manner that challenges its current

principle, the IHRA’s “working definition” (see note 60) differentiates between anti-Semitism and “criticism of Israel similar to that leveled against any other country” but does not elaborate on the matter.

right to exist. Two main narratives are often mentioned by delegitimization supporters in this context. First, the description of Zionism and the establishment of Israel as a colonial conspiracy by Western powers. This narrative — the sources of which could be found in Soviet political thought — tends to gain traction mostly within the anti-colonialist movement.⁶² As put forward by the Palestinian lawyer and activist Hassan Jabareen: “We must state before the international community that the Israeli regime, both within and outside of the 1967 Line, is a colonial system that is so obviously in contravention of international law that a serious question mark hangs over its very legitimacy. A deficient democratic regime is still a legitimate regime, while a colonial regime, under international law, lacks legitimacy.”⁶³

The second narrative focuses on the claim that Israel executed a pre-mediated act of “ethnic cleansing” or “genocide” of the Palestinian native population during the 1948 war as a justification to argue its current illegitimacy. As mentioned later in this chapter, one of the argumentative mechanisms used to substantiate this claim is to portray Israel’s current actions as a direct continuation of its claimed “ethnic cleansing” policy during the 1948 war. Following this line of argument, one can see the existence of Israel as an ongoing crime/injustice.

It is important to emphasize that this definition of delegitimization relates only to attempts to use a historical interpretation of the 1948 war in a manner that reflects directly on Israel’s current right to exist. Based on this approach, discussions about Israeli actions during the 1948 war or the “Nakba narrative” (which focuses on the suffering of Palestinian refugees) are not considered in this paper as acts of delegitimization.

Demonization by association (through discourse and practice)

The demonization of Israel is promoted by affiliating Israel and its policies with some of the worst human-right violations of the 20th century. Creating a direct or associative linkage between Israel and these illegitimate regimes — all of which were dismantled through international intervention — is designed to undermine Israel’s legitimacy and justify a similar fate for the Zionist political model. A common trend among the delegitimization campaign is to compare Israel with the Nazi regime.⁶⁴ However, as examined in the section “The Durban Conference and the ‘apartheid strategy’” (p. 11), the most common method is to compare Israel with the South African apartheid regime.

Associating Israel with a selected group of pariah regimes – all of which were dismantled through international intervention – is designed to undermine Israel’s legitimacy and justify a similar fate for Israel.

A second instrument used to demonize Israel by association is “methodical typecasting,” which is the selective promotion of particularly harsh methods — previously reserved for use against the worst benighted regimes of the 20th century — and using them against Israel. The particular choice of protest methods is designed to present an unmistakable moral claim regarding the object of the protest. These methods’ main value is in shaping Israel’s image as a pariah state. Hence, by prescribing the same treatment for Israel as the one administered for the Nazis, the Milosevic government, and the apartheid regime, the delegitimization campaign hopes to associate Israel with this notorious group of illegitimate regimes. Two methods stand out in this regard.

⁶² Alex Ryvchin, “Red Terror: How the Soviet Union Shaped the Modern Anti-Zionist Discourse,” *Australian Institute of International Affairs*, 10 September 2019, <http://www.internationalaffairs.org.au/australianoutlook/red-terror-how-the-soviet-union-shaped-the-modern-anti-zionist-discourse/> (accessed 24 October 2019).

⁶³ “Jewish Nation State Law: Q&A with Adalah’s Hassan Jabareen” (Institute of Palestine Studies, 26 July 2018), <https://www.palestine-studies.org/en/node/232073> (accessed 24 October 2019).

⁶⁴ One of the most prominent examples is international law scholar Richard Falk’s article in which he compared Israeli policies in Gaza with Nazi practices of collective punishment and called for the international system to stop Israel’s “current genocidal tendencies.” See Richard Falk, “Slouching toward A Palestinian Holocaust,” *countercurrents*, 7 July 2007, <https://www.countercurrents.org/falk070707.htm> (accessed 23 December 2019).

First, the BDS movement is a key part of the attempt to demonize Israel as an “apartheid”⁶⁵ nation and challenge its basic international legitimacy.⁶⁶ It focuses on promoting economic, academic, and cultural boycotts as well as political sanctions against Israel. In the last decade, as part of an attempt to increase its public outreach, key members tried to downplay the movement’s anti-Zionist vision. Nevertheless, as examined at length in the section “Operational choices” (p. 28), the statements made by the movement’s leaders as well as their official positions indicate clearly their commitment to challenging Israel’s basic legitimacy.⁶⁷ In this context, the movement calls for “a boycott of Israel’s entire regime of oppression, including all of the Israeli companies and institutions that are involved in its violations of international law,” under which the movement includes (among other things) all of Israel’s academic and cultural institutions. In addition, at least one of the three stated goals of the movement relates to Israel’s basic existence rather than to its policy — its support of imposing the practical implementation of the “right of return” of Palestinians into “their homes and properties” within pre-1948 Israel proper.⁶⁸

65 BDS Movement, “What is BDS?,” <https://bdsmovement.net/what-is-bds> (accessed 23 December 2019).

66 In a statement given to the United Nations Human Rights Council (2009), Richard Falk defined the global BDS campaign as a “legitimacy war” against Israel. See Omar Barghouti, *Boycott, Divestment, and Sanctions: The Global Struggle for Palestinian Rights* (Chicago, 2011).

67 *The BDS Movement Promotes Delegitimization of the State of Israel*, ReViews, no. 16, 2010 (Tel Aviv: Reut Institute, 10 June 2010), <https://bit.ly/2SAch9> (accessed 28 October 2019).

68 BDS Movement, “Palestinian Civil Society Call for BDS,” <https://bdsmovement.net/call> (accessed 23 December 2019). The other two goals are: “Ending its occupation and colonization of all Arab lands and dismantling the Wall; and recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.” On the radical approach to the right of return as a main agenda item of delegitimization against Israel, see also the section “A demand for an unconditional fulfillment of the ‘right of return’ of Palestinian refugees” (p. 20).

The BDS movement serves as a branding tool for “methodical typecasting.” Applying an instrument previously reserved for the apartheid regime against Israel serves to associate the two.

The BDS movement is often examined for the alleged threat it poses to Israel’s economy or political status. Yet, because the movement is strongly associated publicly with the civil society-led campaign against the apartheid regime, its main value is as a branding tool. Applying an instrument previously reserved for the apartheid regime against Israel therefore serves to associate the two and challenge Israel’s basic legitimacy.⁶⁹

Second, the linkage between the method and the political agenda it hopes to promote also appears in the campaign’s strategic litigation efforts. The attempt to selectively use international jurisdiction and international law forums to persecute Israeli officials carries both a connotative and a practical meaning. This is a tool previously used by the international community only in cases of acute violations of *jus cogens* (such as genocide or crimes against humanity) — for example at the Nuremberg trials, and the arrest and conviction of Augusto Pinochet of Chile. In addition, in some cases it forms a direct challenge to the sovereignty of Israel’s legislative institutions, and therefore indirectly reflects on the international legitimacy of its core institutions.

A demand for an unconditional fulfillment of the “right of return” of Palestinian refugees into pre-1967 Israel

The demand for the return of Palestinian refugees, who fled during the 1948 war, to their homes has been a central political claim presented by Arab leaders since the establishment of Israel.⁷⁰ However, when discussing the role of the right of return as a core Palestinian demand, we need to distinguish between two narratives. First is the position that per-

69 See, for example, the clear comparison in the movement’s essay on “The Origins of Israel: Zionism and Settler Colonialism.”

70 Some see Article 11 of UN general Assembly Resolution 194, which resolves that “refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date,” as an international acknowledgment of this claim.

ceives the right of return as a bargaining chip⁷¹ — a maximum demand whose implementation is meant to be negotiated during the final stage of a Palestinian-Israeli peace process. In this context, the traditional position of the international community tends to assert that the matter of right of return is an issue to be resolved in peace negotiations between the parties.⁷² The Arab Peace Initiative (2002), which called for a “just and agreed upon solution” on the issue, demonstrates the same logic. In addition, the long-standing approach of the international community toward solving the Palestinian refugee issue focuses mainly on the measures of economic compensation and refugees’ return into the future Palestinian state. Its basic assumption is that only a small minority of the refugees and their offspring would be resettled within the borders of pre-1967 Israel.⁷³

Nevertheless, the narrative promoted by the delegitimization campaign presents the right of return as an uncompromisable right of the Palestinian people to be resettled in pre-1967 Israel. In this context, it is viewed as an inherent right that supersedes Israel’s right to exist as a Jewish state. It differs from the international community’s approach on two core principles. First, on the level of implementation, it promotes the physical return of Palestinian offspring to their forefathers’ prewar homes within Israel. In this context, prominent members of the campaign often refer to physical return as a tool to bring upon the collapse of the Jewish state. As defined by Ghada Karmi: “The only way to reverse (the theft of Pales-

tine) is on the basis of rights and justice; that is the right of return of the refugees and the dispossessed and the exiles back to their homeland. If that were to happen, we know very well that that would be the end of a Jewish state in our region.”⁷⁴ Second, instead of a negotiable claim that is meant to provide leverage for compromise, this approach sees the right of return as an “irreducible minimum,”⁷⁵ which cannot be negotiated, let alone compromised. Some representatives of this approach claim that this right could not be compromised by negotiators because it constitutes an “individual right,” the fulfillment of which depends on the individual wishes of the refugees’ offspring themselves.

Moral discussions aside, it is clear that providing millions of Palestinians (more than 5.5 million are registered with UNWRA⁷⁶) with an unlimited right to resettle in Israel carries a direct impact on the future existence of Israel as a Jewish state.

Palestinian negotiators and intellectuals have openly acknowledged that the full implementation of the right of return will challenge Israel’s basic national identity. As emphasized by Palestinian President Mahmoud Abbas in an internal briefing with his negotiation team (2009): “As for the number of refugees: it doesn’t make sense to demand that Israel take in five million refugees or even one million refugees — that would mean the end of Israel.” Nevertheless, in the last two decades, there has been an increase in support for the maximalist approach to the right of return within Palestinian civil society and among political elites. The “return of the right of return” in its radical form to the center of the Palestinian political debate is one of the main examples of the radicalization of opinions in Palestinian society in the post —

⁷¹ An example of this approach can be found in top PLO official Salah Khalaf’s statement in 1990: “We accept that a total return is not possible [...] We recognize that Israel would not want to accept large numbers of Palestinian returnees who would tip the demographic balance against the Jewish population. Nonetheless, we believe it is essential that Israel accept the principle of the right of return or compensation with the details of such a return to be left open for negotiation [...]. We shall for our part remain flexible regarding its implementation.” See Nathan Thrall, *The Only Language They Understand: Forcing Compromise in Israel and Palestine* (New York, NY, 2017).

⁷² See European External Action Service, “Middle East Peace Process,” 15 June 2016, https://eeas.europa.eu/regions/middle-east-north-africa-mena/337/middle-east-peace-process_en (accessed 23 December 2019).

⁷³ See, for example, the Clinton Parameters: The Jewish Peace Lobby, “The Clinton Parameters,” *peace lobby*, 23 December 2000, https://web.archive.org/web/20150117011736/http://www.peacelobby.org/clinton_parameters.htm (accessed 23 December 2019).

⁷⁴ Richard Millet, “Ghada Karmi Calls for ‘the End of a Jewish State in Our Region,’” *Richard Millet’s Blog*, 16 January 2011, <https://richardmillet.wordpress.com/2011/01/16/ghada-karmi-calls-for-the-end-of-a-jewish-state-in-our-region/> (accessed 24 October 2019).

⁷⁵ International Crisis Group, *Bringing Back the Palestinian Refugee Question*, Middle East Report, no. 156 (Brussels, 9 October 2014), <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israel-palestine/bringing-back-palestinian-refugee-question> (accessed 24 October 2019).

⁷⁶ United Nations Relief and Works Agency for Palestine Refugees in the Near East; see “UNRWA in Figures,” UNRWA, 2018, https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2019_eng_sep_2019_final.pdf (accessed 24 October 2019).

Second Intifada era.⁷⁷ It can be seen as the outcome of the lack of prospects for implementing the Palestinian right to self-determination within an independent state.

By presenting it as a human rights issue, the campaign aims to reframe the radical approach to the right of return from being a challenge to Israel’s existence into a valid claim within the mainstream discourse.

In the international context, the radical approach to the right of return became a key aspect of the delegitimization campaign’s agenda. It appears as a leading action item in the attempt to use human rights discourse to introduce items that knowingly challenge Israel’s future existence into the mainstream political discussion. In this case, the main challenge to Israel’s existence is not from the attack on its image but from the practical implications of the proposed policy claim. Main hubs of delegitimization, such as the BDS movement, include this approach to the right of return as a core political demand.⁷⁸ Moreover, the right of return serves as the core platform behind the establishment of a number of network organizations such as the US-based Al-Awda — The Palestine Right to Return Coalition.⁷⁹

In addition, in the last decade the ethos of return was adopted as a main public cause by members of the “Axis of Resistance,”⁸⁰ and specifically by Hamas (e.g., through its close relations with the PRC). Hamas’s focus on the topic is motivated, among other factors, by the realization that the topic serves as a weak point in relations between the Palestinian Authority

(PA) and the Palestinian public and diaspora.⁸¹ Presenting itself as a defender of refugees’ right to return therefore serves an internal interest in the power struggle with the PA.

Call to enforce the replacement of Israel with a one-state model against the democratic will of its citizens

The one-state political model has an important role for anti-Zionists because it presents an alternative theoretical model to both the Zionist project as well as the paradigm of the two-state solution. Its value for the delegitimization campaign is not so much as a practical program but as a political vision.

The basic idea of the “one-state solution” is replacing Israel with a bi-national state stretching from the Mediterranean Sea to the Jordan River in which every citizen enjoys equal rights. This political approach sees the solution to the Israeli-Palestinian conflict to be a model of political power-sharing between the residents of the former area of Mandatory Palestine on the basis of “one person, one vote.” This solution is often affiliated with a broader political ideology that opposes the legitimacy of states established on religious or ethnic principles. Therefore, it perceives the claim of the Jewish people’s right to self-determination through national sovereignty as improper.⁸²

It is important to emphasize that the examination of the one-state model as an aspect of delegitimization does not relate to the validity of the political concept itself, but to the delegitimization campaign’s attempt to enforce it through international pressure on Israelis and Palestinians. As presented by one of the most prominent speakers of the one-state approach, Professor Saree Makdishi: “No privileged group in the history of the world has ever voluntarily renounced its privileges [...] the Israelis will never relinquish their privileges until they are ‘compelled’ preferable [sic] by non-violent means [...] to accept the parameters of a single democratic state.”⁸³ This logic

⁷⁷ International Crisis Group, *Bringing Back the Palestinian Refugee Question* (see note 75).

⁷⁸ BDS Movement, “Palestinian Civil Society Call for BDS,” 9 July 2005, <https://bdsmovement.net/call> (accessed 24 October 2019).

⁷⁹ “About,” Al-Awda, <https://al-awda.org/about/> (accessed 24 October 2019).

⁸⁰ The term “Axis of Resistance” is mostly attributed to the political alliance between Iran, Syria, Hezbollah, and Hamas. See International Crisis Group, *Drums of War: Israel and the “Axis of Resistance,”* Middle East Report, no. 97 (Beirut, 2 August 2010), <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israel-palestine/drums-war-israel-and-axis-resistance> (accessed 21 April 2020).

⁸¹ See International Crisis Group, *Bringing Back the Palestinian Refugee Question* (see note 75).

⁸² Reut Group, “Promotion of the One-state Solution” (Tel Aviv, 11 January 2004), <http://www.reut-institute.org/en/Publication.aspx?PublicationId=324> (accessed 24 October 2019).

⁸³ Sam Ayache, “After Zionism, One State for Israel and Palestine,” *dialogue-review* (2012), http://www.dialogue-review.com/en/article_33_p_17.html (accessed 28 October 2019).

of coercion is often justified by the claim that the current political model of Israel is “illegitimate,” and therefore the moral imperative of replacing it supersedes the democratic wishes of Israel’s citizens. In this context, the overwhelming majority of Israelis reject the one-state solution. This theoretical formula does not even appear as a viable topic to members of the Jewish majority in Israel. Moreover, it receives limited (yet ever growing) support from the Palestinians. A consistent trend in public polls during the last decade shows that the two-state solution is still favored by the Palestinian public over the one-state model.⁸⁴

In the decades following the founding of Israel, the concept of replacing Israel with a one-state model was mostly presented by either radical left-wing actors (e.g., Matzpen⁸⁵), or as a political plan to be implemented following the military destruction of Israel.⁸⁶ The recent introduction of the one-state approach into the intellectual mainstream in the West is linked directly with the practical decline of the two-state solution in the post–Second Intifada era. On the normative level, it is presented by its supporters as a form of “just solution”⁸⁷ to the conflict while presenting the two-state solution as a perpetuation of injustice.⁸⁸ On the practical level, the collapse of the political process, which emphasized the parties’ inability to fulfill the two-state solution framework,

strengthened the appeal of the one-state model as a possible alternative.⁸⁹

The one-state approach was widely adopted and incorporated into the agenda of the delegitimization campaign as an alternative paradigm to the two-state solution. For example, in 2007, prominent figures of the delegitimization campaign – such as the co-founder of the BDS movement, Omar Barghouti, and co-founder of the website Electronic Intifada, Ali Abunimah – joined together with international pro-one-state scholars and organized an international conference in Madrid under the title “One country, one state” and the motto of “Enduring and just peace in a single state.”⁹⁰ In 2012, a group of anti-Zionist activists and scholars, including Ghada Karmi, Diana Buttu, and Omar Barghouti, contributed to the publication of the collection of essays “After Zionism: One State for Israel and Palestine,” which aims to promote the one-state solution as a political alternative.⁹¹

Despite its rising popularity within intellectual circles, the one-state solution still remains mainly a theoretical slogan. It has yet to lend itself as a viable paradigm for the resolution of the Israeli-Palestinian conflict on either the regional or international level. Jewish organizations and American leaders often refer to the rising popularity of the one-state solution within the circles of the American progressive camp as the new challenge facing Israel.⁹² The election of Rashida Tlaib of the Democratic Party to the US House of Representatives (2019) – the first congresswoman to openly support the one-state solution – is per-

84 A poll conducted by the Jerusalem Media and Communication Center in cooperation with Friedrich-Ebert-Stiftung from October 2018 indicates 37.5 percent support for the two-state solution as the best solution to the conflict, in comparison to 30.3 percent for the one-state solution. Nevertheless, support for the one-state model had increased from 18.1 percent in February 2017, and 21.3 percent in July 2016. See Jerusalem Media and Communication Center (JMCC), “Poll No. 93: Ceasefire, Confederation and Gender,” 16 October 2018, <http://www.jmcc.org/documentsandmaps.aspx?id=880> (accessed 28 October 2019).

85 Moshé Machover, “Resolution of The Israeli – Palestinian conflict: A Socialist Viewpoint – Moshé Machover,” *matzpen*, 10 February 2009, <https://matzpen.org/english/2009-02-10/resolution-of-the-israeli-palestinian-conflict-a-socialist-viewpoint-moshe-machover/> (accessed 28 October 2019).

86 For example, by the formal position of the 5th National Council of the PLO (1969).

87 Virginia Tilley, *The One-state Solution: A Breakthrough for Peace in the Israeli-Palestinian Deadlock* (Michigan, 2005).

88 Cherine Hussein, *The Re-Emergence of the Single-State Solution in Palestine/Israel: Countering an Illusion* (New York, NY, 2015).

89 A poll conducted by Maryland University in 2018 among Americans shows a tie among supporters of the two-state and one-state solutions as the preferred solution to the Israeli-Palestinian conflict. See Sadat Chair/College of Behavioral and Social Sciences Staff, “Poll: Public Support Grows for One-State Solution to Israeli-Palestinian Conflict,” *Maryland Today* (University of Maryland), 13 December 2018, <https://today.umd.edu/articles/poll-public-support-grows-one-state-solution-israeli-palestinian-conflict-5c6cdd8a-b379-43eb-94cb-ecbbfb666e3f> (accessed 28 October 2019).

90 “Statement: One Country, One State,” *electronic intifada*, 9 July 2007, <https://electronicintifada.net/content/statement-one-country-one-state/773> (accessed 28 October 2019).

91 Sarah Irving, “‘After Zionism’ Puts Forth Debates on One-state Solution,” *electronic intifada*, 14 August 2012, <https://electronicintifada.net/content/after-zionism-puts-forth-debates-one-state-solution/11579> (accessed 28 October 2019).

92 Amit Tibon, “One-state Solution Gains Ground in America – and Pro-Israel Groups Are Worried,” *haaretz*, 15 December 2018, <https://bit.ly/2Wnco0h> (accessed 28 October 2019).

ceived as an indication in this context. Nevertheless, despite the one-state concept being presented as an alternative paradigm to the two-state model, attempts to turn it into a political action plan among international intellectuals and practitioners alike are relatively scarce. This is especially apparent when considering the attention being given to the two-state solution. In Israel and the West Bank, the idea of “one state” is still largely perceived as an imported idea formulated by intellectuals outside the region, rather than as a concrete policy option that is considered by local stakeholders to be feasible. On the regional level, the concept was mostly presented (both by the Israeli Zionist left and the PA)⁹³ as a doomsday scenario to increase the sense of urgency among the Israeli electorate to reengage with the two-state solution.

Nevertheless, the one-state approach is a classic case in which Israeli government policy provides the basis for the promotion of a delegitimization agenda against Israel’s right to exist. Israel’s settlement policy, which gradually hinders the practical feasibility of dividing the land into two geographically consistent entities, and the planned annexation of parts of the West Bank precipitate the creation of what could be described as a “one-state reality” on the ground.⁹⁴ These policies are often presented by supporters of the delegitimization campaign as proof of the irrelevancy of the two-state solution paradigm.⁹⁵

Contested issues – the gray areas between delegitimization and criticism of Israel

Interference in Israel’s domestic policy on Arab minorities’ rights

In the last decade, the delegitimization campaign has been gradually adopting a new strategy to shift a major part of its focus to domestic issues concerning Israel’s treatment of its Arab minority. This trend

appears in the strengthening of connections between international delegitimization organizations and political actors from the Arab minority within Israel. Focusing on the political claims of the Palestinian citizens of Israel enables the delegitimization campaign to promote two goals: first, to further blur the differences between the issue of the occupation and the basic questions related to the 1948 war; second, by internationalizing the topic, the campaign attempts to challenge Israeli institutions’ legitimacy to fulfill state sovereignty on domestic matters. In this context, key members of the delegitimization campaign redirected their focus to the topic of the ongoing land conflict between the Israeli authorities and members of the Bedouin minority in the Negev.⁹⁶ In the campaign’s rhetoric, this conflict is often presented as a continuation of the “ethnic cleansing” of the native Palestinian habitants in 1948.⁹⁷

There is an acute difference between external criticism aimed at changing a domestic policy and supporting an attempt to use the policy to challenge the sovereign’s right to rule.

Criticism of a nation’s domestic policy, and especially in regards to matters of minority discrimination, is a key role of the international community, both on the governmental and non-governmental levels. Whether it is the treatment of Muslim citizens in China, the Hungarian treatment of Middle Eastern refugees, or the rise of the Alternative for Germany party in Germany, foreign criticism on matters that lie within the sovereign domain of other countries is an integral part of international relations. Nevertheless, there is an acute difference between external criticism aimed at changing a domestic policy and supporting an attempt to use the policy to challenge the sovereign’s right to rule. This is especially apparent in the current case, where the challenge to Israeli domestic policy is conducted against the backdrop of an intended campaign to demonize Israel and is often

⁹³ Akiva Eldar, “Palestinians Threaten to Adopt One-state Solution,” *haaretz*, 26 February 2010, <https://www.haaretz.com/1.5052297> (accessed 28 October 2019).

⁹⁴ On the one-state reality, see also: Muriel Asseburg and Jan Busse, *The End of the Two-State Settlement?* SWP Comment 24/2016 (Berlin: Stiftung Wissenschaft und Politik, April 2016), https://www.swp-berlin.org/fileadmin/contents/products/comments/2016C24_ass_Busse.pdf (accessed 23 December 2019).

⁹⁵ Ayache, “After Zionism, One State for Israel and Palestine” (see note 83).

⁹⁶ See “Haneen Zoabi: Justice for Palestinians in Israel,” *Palestine Solidarity Campaign*, 27 January 2017, <https://www.palestinecampaign.org/haneen-zoabi-justice-palestinians-israel/> (accessed 23 December 2019).

⁹⁷ Nora Barrows-Friedman, “Mass Demolition as Israel Ethnically Cleanses Naqab Desert,” *electronic intifada*, 31 May 2013, <https://electronicintifada.net/blogs/nora-barrows-friedman/mass-demolition-israel-ethnically-cleanses-naqab-desert> (accessed 21 April 2020).

promoted by anti-Zionist organizations. The main dilemma arises in regards to the campaigns to amend Israeli policy that are promoted by organizations/individuals affiliated with the delegitimization campaign. One example is the recent campaign against the “Israel as the Nation-State of the Jewish People” law (2018). The controversial law received wide criticism, both in Israel and on the international level, for prioritizing Israel’s Jewish identity above its democratic nature. Nevertheless, some of the most vocal critics of the law were known anti-Zionists⁹⁸ who used this legislation to question the basic legitimacy of Israel as a Jewish state.

Considering the current efforts to use Israel’s domestic issues to promote delegitimization, foreign protests of Israel’s policies vis-à-vis its Arab minority should be examined on the merits of their essence and affiliation. It should be examined whether the effort is aimed at a specific policy issue or is being directed to demonize Israel as a whole. It should also be examined whether the effort is being manufactured to amend the policy or to reintroduce the 1948 question as a politically debated issue on the international level. However, the reality is that, in some cases, political campaigns against the Israeli government’s treatment of its non-Jewish citizens intertwine both logics — they aim to challenge a specific policy but often do so on the basis of the broader anti-Zionist ideology.

Partial boycott initiatives

As examined earlier in this chapter, the BDS movement uses the boycott tool first and foremost as an instrument to brand Israel as a pariah state. Different from the full boycott strategy, in the last decade we have witnessed a growing number of initiatives calling for a partial boycott — which aims at Israel’s presence beyond the 1967 lines. The two main examples are boycotts of goods made in the settlements and boycotts of Israeli and foreign companies involved in Israel’s activities in the West Bank. These calls serve as one of the main forms of protest against Israel’s ongoing occupation and settlement policy today.⁹⁹ In this context, it is important to distinguish

between boycotts of Israel’s presence within the occupied territories and efforts to differentiate the occupied territories from Israel. Differentiation efforts — such as the European Commission instruction (following the European Parliament decision in 2015) to differentiate Israeli products made the settlements from other Israeli products — do not pertain to the proposed definition of partial boycotts.

At first glance, the partial boycott policy can be seen as a clear example of a measured method of criticism of Israeli policy. By focusing solely on Israeli settlements and businesses in the occupied territories, the supporters of these initiatives are protesting the Israeli policy of occupation while seemingly differentiating Israeli policy from the matter of Israel’s existence.

Considering the initiators’ agenda and the associative meaning of boycotts as a political tool, partial boycotts can become a method to delegitimize Israel as a whole.

Nevertheless, partial boycotts can become a method to delegitimize Israel as a whole. In this context, attention should be given both to the affiliation and associative impacts of these partial boycott initiatives.

First, on the level of the partial boycott campaign’s motivation: A large share of the partial boycott efforts are initiated by the BDS movement and used as one tool in a set of policy campaigns aimed to delegitimize Israel as a whole. In fact, recurrent statements by key BDS leaders demonstrate that the movement advocates this partial tool as a tactical means to harness the support of mainstream actors (see elaborated discussion in the chapter “The Strategy of Blurring the Differences between Delegitimization and Criticism,” p. 27). In this context, the partial boycott is often seen by BDS advocates as a “slippery slope” to attract critics of Israeli policy in a later phase into the broader campaign for the full boycott of Israel. Moreover, it could be claimed that, even if these efforts are ineffective, the participation of critics in BDS-initiated partial boycott campaigns lends momentum to a movement that is directly implicated in challenging the right of Israel to exist. Second, using political/economic boycotts against a country is considered an exceptionally severe international form of pressure,

⁹⁸ See note 63.

⁹⁹ See, for example, United Nations Human Rights Council, “Database Pursuant Human Rights Council Resolution 31/36,” <https://www.ohchr.org/EN/HRBodies/HRC/Regular>

Sessions/Session31/Pages/DatabaseHRC3136.aspx (accessed 28 October 2019).

which was previously used mainly against some of the worst human right violators in modern political history. It could therefore be claimed that using boycotts against Israel, even in limited form, conveys a normative message about its basic illegitimacy. It associates Israel with a notorious group of human rights violators whose international legitimacy was brought into question by using this particular boycott tool. Moreover, as described earlier in this chapter, the strong association of this particular tool with the struggle against the illegitimate South African apartheid regime is the main reason for its adoption by the delegitimization campaign in the first place (“methodical typecasting”). Therefore, considering the normative meaning associated with the boycott tool, some would claim that there is no such thing as a “partial boycott.”

The main dilemma facing critics of Israeli policy is whether to treat partial boycotts as a proactive pressure method against Israel’s policies or as a tool that (intentionally or unintentionally) contributes to the campaign to delegitimize Israel. One way to tackle this dilemma is by addressing the implications mentioned above — the associative meaning of the boycott tool and the affiliation of boycott campaigns with the BDS movement, which aims to delegitimize Israel as a whole. At minimum, critics of Israeli policy who promote taking economic steps against Israel’s occupation should distance themselves from the BDS movement and emphasize their commitment to the right of Israel to exist (see elaborated discussion in the chapter “Policy Recommendations,” p. 38).

The Strategy of Blurring the Differences between Delegitimization and Criticism

Mainstreaming the delegitimization of Israel: Turning liberal critics into a source of legitimacy

“Seven years after the Palestinian civil society call for BDS against Israel was launched, the global BDS campaign has become stronger, more widespread, more effective and certainly more diverse [...] it is time to push even further into the mainstream to entrench Israel’s pariah status.”¹⁰⁰

A strategic goal of the delegitimization campaign is to move its agenda from the margins into the mainstream of European political discourse.

A strategic goal of the delegitimization campaign is to move its agenda from the margins into the mainstream of European political discourse, with an emphasis on liberal-progressive circles. Rather than achieving drastic change overnight, mainstreaming the delegitimization agenda is a key component in the strategy that sees delegitimization as a long-term advocacy campaign. Rather than reaching some sudden tipping point, the goal is to initiate a gradual, slow, yet fundamental change within the Western liberal elites’ common discourse and mindset toward Israel’s basic legitimacy as a sovereign nation. On the practical level, this effort is aimed at turning the campaign’s activities against Israel — for example, its call

for BDS or its maximalist approach toward the right of return — into the dominant frame of reference toward Israel within the liberal-progressive milieu.

This objective places the mainstream liberal-progressive circles in Europe as a key target audience for the campaign. In this context, liberal-progressive elites and key institutions — with emphasis on academia and the human rights community¹⁰¹ — are perceived as a prime objective of influence for the campaign for three reasons. First, the high level of criticism that already exists within these groups toward Israel’s policies makes it more likely that this audience will accept the campaign’s goals in the future. The goal is to turn critics of policy into supporters of delegitimization. Second, they are perceived as potential sources of legitimacy vis-à-vis larger audiences — the affiliation or adoption of the delegitimization agenda by known bastions of liberal political thought and human rights organizations could increase its credibility in the eyes of the general public.¹⁰² Third, due to the institutional status within policy circles, they are also perceived as a potential

¹⁰⁰ Palestinian BDS National Committee, “BDS at 7! — Celebrating, Reflecting and Further Mainstreaming,” BDS Movement, 9 July 2012, <https://www.bdsmovement.net/news/bds-7-celebrating-reflecting-and-further-mainstreaming> (accessed 28 October 2019).

¹⁰¹ See, for example, the call of the US Campaign for the Academic and Cultural Boycott of Israel for all US faculty, administrators, students, and staff “to uphold the academic boycott of Israel by refusing participation in Study Abroad programs in Israel.” US Campaign for the Academic and Cultural Boycott of Israel, “We Will not Study in Israel until Palestinians Can Return: Boycott Study Abroad in Israel!” <https://usacbi.org/boycott-study-abroad-in-israel/#pledge> (accessed 23 December 2019).

¹⁰² The Reut Institute, “The Assault on Israel’s Legitimacy: London As a Case Study” (Tel Aviv, 19 December 2010), <http://reut-institute.org/en/Publication.aspx?PublicationId=3949> (accessed 21 April 2020).

platform of influence within the political and social milieu in the West.¹⁰³

The delegitimization campaign's strategy of blurring as a method

In the last decade, a core strategy of the delegitimization campaign to mainstream its agenda has been to blur the differences between criticism of Israeli policy and challenges to Israel's basic legitimacy. This policy is led by two logics: first, the attempt to mobilize the wide and diverse groups of critics of Israeli policy into the delegitimization campaign; second, it is meant to "legitimize delegitimization," that is, to gradually incorporate items of the delegitimization agenda into the mainstream discussion by affiliating them with current campaigns that criticize Israeli policies.

The blurring strategy appears in three main aspects of delegitimization advocacy efforts – on the level of operational choices, public policy, and discursive trends. In this context, one of the notable adaptive users of this strategy in the last decade has been the BDS movement.

Operational choices: The BDS movement's open-tent approach as a tactical tool to mobilize critics

In the last decade, the ambition to appeal to the mainstream has driven the BDS movement leaders to adopt an open-tent approach that accepts, and even encourages, the incorporation of a broader range of political views in the movement's activities. This includes critics of Israeli policy, and in some cases even left-wing Zionists.

The inclusion of policy critics in the BDS movement's activities is often described by the movement's leaders as a tactical maneuver aimed at increasing its outreach.

The inclusion of political groups that do not concur with the delegitimization campaign's overarching

¹⁰³ Nathan Thrall, "BDS: How a Controversial Non-violent Movement Has Transformed the Israeli-Palestinian Debate," *The Guardian*, 14 August 2018, <https://www.theguardian.com/news/2018/aug/14/bds-boycott-divestment-sanctions-movement-transformed-israeli-palestinian-debate> (accessed 21 April 2020).

anti-Zionist goals has been a topic of discussion within the BDS movement. This lively discussion demonstrates the importance that the movement gives to gaining support among mainstream critics. In this context, the inclusion of policy critics in the movement's activities is often described by the movement's leaders as a tactical maneuver aimed at increasing its outreach. BDS activist Ahmed Moor argues that "[t]he movement may be burgeoning but remains too small. Why shouldn't we indulge in ad-hoc partnerships to get things done? [...] many self-proclaimed Zionists have done an immeasurably positive amount of work in skinning the Zionist cat [...] shouldn't they be asked to join the BDS movement? If it came down to it, I'd be happy to work with the racist up the street to get the city to fix a neighborhood pothole."¹⁰⁴ The same tactical open-tent approach also appears in the position of British Committee for Universities of Palestine: "While some Israelis do employ the term colonialism or apartheid, they limit these terms' applications to the Palestinian territory occupied in 1967, not to Historic Palestine [...] we believe that this formulation vindicates one aspect of the logic of the BDS movement [...] [nevertheless] such Israeli support for BDS cannot be ignored and is to be welcomed."¹⁰⁵

The practical implication of the BDS movement's open-tent approach can be found in the changing attitude toward partial boycotts (mostly directed at settlement goods only). The movement's official call for boycotts tends to avoid distinguishing between Israel within the 1967 lines and Israel's occupation. However, its focus during the last decade has been mostly directed at the more popular method of the partial boycott of goods from settlements. Despite the inconsistency of the partial boycott tool with the movement's overarching goals, the leaders of the movement seem to acknowledge its potential appeal to broader audiences and accept it as a "necessary compromise" to promote the movement's goals within mainstream audiences. Omar Barghouti, for example, views BDS as a "comprehensive boycott of Israel, including all its products, academic and cultural institutions, etc." but shows flexibility for "the tactical

¹⁰⁴ Ahmed Moor, "BDS Is a Long-term Project with Radically Transformative Potential," *Mondoweiss*, 22 August 2010, <https://mondoweiss.net/2010/04/bds-is-a-long-term-project-with-radically-transformative-potential/> (accessed 28 October 2019).

¹⁰⁵ BDS Movement, "BDS and the Israeli Left," 16 September 2009, <https://bdsmovement.net/news/bds-and-israeli-left> (accessed 28 October 2019).

needs of our partners to carry out a selective boycott of settlement products [...] as the easiest way to rally support.”¹⁰⁶

In addition, some BDS supporters also describe the partial boycott campaign as a stepping stone that can be used later to convince critics to support the overarching goals of the movement — hence to challenge Israel's basic legitimacy rather than to only focus on its policies.¹⁰⁷

Tactical obscurity: Duality of discourses regarding the campaign's radical goals

A key aspect of the strategy of blurring is the tactic of obscurity that is displayed in public by key speakers of the campaign in regard to their strategic vision — hence the demise of Israel as a sovereign nation. This is done to avoid alienating policy critics or discouraging them from joining the campaign's activities. This tactic is sometimes apparent in the difference in tone taken by the campaign's key figures on internal panels and the line of argument they display in public media. Whereas on internal panels, the goal of seeing Israel's demise serves as an explicit rallying call, in public media they adopt a more ambiguous approach regarding the movement's overall goals and often refrain from speaking of their opposition to Israel's right to exist.

This duality of discourses is apparent in the BDS movement's public policy approach. The BDS movement's positions and the statements made by its leaders leave very little doubt that its call is aimed at challenging Israel's legitimacy, rather than resisting Israeli occupation. Nevertheless, in interviews aimed at wider progressive circles, the movement's leaders present a pluralistic approach regarding the desired solution for the Israeli-Palestinian conflict. Instead of presenting their stated goal of challenging Israel's right to exist, they tend to either rely on subjective terms such as “justice” or, in accordance with the open-tent approach, abstain from prescribing a specific solution to the Israeli-Palestinian question. For example, in an interview on September 2009 with the progressive Jewish publication *The Forward*, Omar

Barghouti stated that the BDS movement “does not adopt a particular political solution. [...] The main strategy is based on the principle that human rights and international law must be upheld and respected no matter what the political solution may be.”¹⁰⁸

Nevertheless, in interviews and internal debates within the delegitimization campaign, key leaders of the BDS movement present a much clearer vision regarding their opposition to Israel's right to exist as a Jewish state. In an interview given to the radical news site *Mondoweiss*, BDS activist Ahmed Moor presents the clear goals of the movement: “So BDS does mean the end of the Jewish state [...] I view the BDS movement as a long-term project with radically transformative potential [...] the success of the BDS movement is tied directly to our success in humanizing Palestinians and discrediting Zionism as a legitimate way of regarding the world.”¹⁰⁹ Haidar Eid, a prominent member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel from Gaza, listed as his “new year resolutions” for 2019: “Liberate Palestine, Move to Haifa, Write a book on the defeat of Zionism, another book on the knockout victory of the BDS movement, tour the Zionism museum with foreign friends.”¹¹⁰ Far from being a dove within a radical movement, Barghouti himself has stated: “A Jewish State in any shape or form could nothing but contradict the basic right of the Palestinian indigenous population [...] no Palestinian, a rational Palestinian, not a sell-out, will ever accept a Jewish State in Palestine.”¹¹¹ American academic Virginia Tilley referred to the actual goals of the BDS movement in an article published on the Scottish PSC website: “A coordinated movement of BDS against Israel must convene to contain not only Israel's aggressive acts

¹⁰⁶ Gal Beckerman, “Palestinian-Led Movement to Boycott Israel Is Gaining Support,” *Forward*, 16 September 2009, <https://forward.com/news/114212/palestinian-led-movement-to-boycott-israel-is-gain/> (accessed 28 October 2019).

¹⁰⁷ Reut Institute, “The BDS Movement Promotes Delegitimization of the State of Israel” (see note 67).

¹⁰⁸ Gal Beckerman, “Palestinian-Led Movement to Boycott Israel Is Gaining Support,” *Forward*, 16 September 2009, <https://forward.com/news/114212/palestinian-led-movement-to-boycott-israel-is-gain/> (accessed 28 October 2019).

¹⁰⁹ Mondoweiss, 22 April 2010, as in: Reut Institute, “The BDS Movement Promotes Delegitimization against Israel” (Tel Aviv, 13 June 2010), <http://www.reut-institute.org/Publication.aspx?PublicationId=3868> (accessed 23 December 2019).

¹¹⁰ Haidar Eid, tweet, *twitter.com*, 31 December 2018, <https://twitter.com/haidareid/status/1079610931573854208> (accessed 28 October 2019).

¹¹¹ Omar Barghouti, “Omar Barghouti: ‘No Palestinian Will Ever Accept a Jewish State in Palestine’,” *youtube.com*, <https://www.youtube.com/watch?v=vYvpsGd8K4Y> (accessed 28 October 2019).

and crimes against humanitarian law but also, as in South Africa, its founding racist logics [...].¹¹²

One tactic often used by the campaign to lower the profile of its anti-Zionist goals could be dubbed as “putting 67 at the forefront, and 48 in the fine print.” The campaign recognizes the importance of the struggle against Israeli occupation as a standing issue among Western liberal circles. Therefore, the campaign attempts to use issues related to Israel’s occupation as an initial “hook” for mobilization, and to connect them in a later phase to the question of Israel’s basic legitimacy. For example, PSC presents “ending the Israeli occupation of Palestine” and “peace and justice for everyone living in the region” at top of the initiative’s aims.¹¹³ Nevertheless, a closer examination of the detailed list of aims presented by the organization (seven items) reveals its stated opposition to “the apartheid and Zionist nature of the Israeli state.” The official call for BDS starts with the standing issues of the “Wall of Separation” and the annexation of territories occupied during the 1967 war, and only later describes Israel as a colonialist state and presents the demand for the physical return of refugees within pre-1967 Israel.¹¹⁴ Hence, the international protest against the occupation is turned into a solid platform to present claims about Israel’s illegitimacy as a nation.

Discursive choices of articulation: Conflating the semantic fields of occupation and colonialization

“The BDS movement does not adopt a particular political solution to the colonial conflict [...]”
Omar Barghouti¹¹⁵

One aspect of the campaign’s effort to change the Western mindset regarding Israel’s legitimacy is the precipitation of a gradual change in the common discourse regarding Israel.

¹¹² Reut Institute, “The BDS Movement Promotes Delegitimization of the State of Israel” (see note 67).

¹¹³ Palestine Solidarity Campaign, “About,” <https://www.palestinecampaign.org/about/> (accessed 28 October 2019).

¹¹⁴ Palestinian Civil Society, “Palestinian Civil Society Call for BDS” (see note 68).

¹¹⁵ Gal Beckerman, “Palestinian-Led Movement to Boycott Israel Is Gaining Support,” *Forward*, 16 September 2009, <https://forward.com/news/114212/palestinian-led-movement-to-boycott-israel-is-gain/> (accessed 23 December 2019).

In an attempt to create a “semantic spillover,” key speakers of the campaign juxtapose common terms and concepts from the discourse of criticism against Israeli policy, with terms taken from the delegitimization discourse.

In an attempt to create a “semantic spillover,” key speakers of the campaign juxtapose common terms and concepts from the discourse of criticism against Israeli policy, such as occupation, expropriation, or discrimination, with terms taken from the delegitimization discourse, such as colonialization, apartheid, ethnic cleansing, and genocide.

This semantic trend is more than simply a confusion in terms — but a discursive policy meant to incorporate items and perspectives that question Israel’s basic legitimacy into the mainstream political discussion about Israel. This policy is mostly effective with first-time activists or unexperienced audiences that lack the capacity to differentiate between the nuances of the Israeli-Palestinian conflict jargon or to identify the broader political agenda they wish to promote. Moreover, working with grassroots activists — for whom the Israeli-Palestinian topic is only one of many causes — the introduction of delegitimization terminology as a component of the criticism of Israel’s policies enables the campaign to install their claims in these groups’ formal positions.

In this context, the BDS movement serves as a main interface to introduce critics of Israeli occupation policy with the delegitimization discourse and reopen the 1948 file. Sami Hermez, an anti-Zionist academic, writes that “BDS enables a discourse that moves beyond ‘ending the occupation’ to place demands for the right of return and equal rights for Palestinians in Israel as top priorities.”¹¹⁶ The leadership of the BDS campaign frequently employs this intended confusion in terms. On the BDS’s call to “end the occupation and colonization of all Arab lands and dismantling the Wall,” the speakers mash together popular policy-related issues (ending occupation, dismantling the wall) with a concept that challenges Israel’s basic legitimacy (the colonization of all Arab lands). This approach can be seen as an

¹¹⁶ Sami Hermez, “Answering Critics of the Boycott Movement,” *electronic intifada*, 1 October 2009, <https://electronicintifada.net/content/answering-critics-boycott-movement/8470> (accessed 2 December 2019).

attempt to appeal to critics of the Israeli occupation, or even a broader attempt — to redefine the topic of occupation as a matter relating to the colonialist nature of the Zionist project. The same intended mixture of terms appears in the BDS movement's description of Israel as a "regime of settler colonialism, apartheid and occupation over the Palestinian people," which juxtaposes different terms from different political contexts in order to create the impression that they are interlinked.

The Israeli right-wing trend of blurring the differences: A political tool to delegitimize foreign and domestic criticism

The delegitimization campaign is often used by Israeli right-wing actors as an advocacy tool to undermine international as well as domestic criticism of the Israeli government's policies. The growing attention both in Israel and the international community to delegitimization activity (with emphasis on the BDS campaign) provides these actors with the context to portray acts of criticism as anti-Zionism, and in some cases even as anti-Semitism.¹¹⁷

One illustrative example is the Israeli government's response to the European Commission instruction (following the European Parliament decision in 2015) to differentiate Israeli products made in the settlements from other Israeli products. Despite the instruction of the European Union (EU) bearing no relation to the BDS campaign or to delegitimization, it was presented by government officials as a "step which is bound to strengthen the radical actors promoting the boycott of Israel and denying its right to exist [...]" Moreover, some officials introduced it not only as "anti-Israeli," but also as "anti-Jewish," alluding to the Nazi labeling of Jewish products in the 1930s.¹¹⁸ Another recent example was the govern-

ment's response to the Airbnb decision (2019 — later reversed) to remove listings in Israeli settlements in the West Bank, which had no relation to the BDS movement or the delegitimization campaign. Nevertheless, the decision was described by Israeli officials as a "wretched capitulation" to the BDS movement, and the company was threatened with legal action in the United States.¹¹⁹

Framing international criticism of the Israeli government's policy as delegitimization also plays a role in the government's public policy vis-à-vis the Israeli audience. Utilizing the Israeli public's preoccupation with delegitimization, some Israeli right-wing actors are attempting to blur the lines between cause and effect regarding Israeli policies and Europe's negative reactions; they instead claim this reaction is due to an intrinsic European animosity toward Israel. Recent polls suggest that this public policy line has been successful. When asked to assess the cause for global criticism of Israel, 59 percent of the respondents mentioned "basic hostility toward Israel" as the main factor, and only 34 percent related it to disagreements with the Israeli government's policy.¹²⁰

Utilization of the anti-delegitimization campaign to silence domestic criticism of governmental policy

In the last decade, Israeli politicians and activists on the right have used the public perception of delegitimization as a strategic threat to Israel in order to delegitimize domestic opposition from the left. In the process, far right organizations have attempted to brand left-wing critics as intentional or negligent collaborators in the global campaign against Israel's legitimacy.

¹¹⁷ The author does not wish to take a position on the ongoing debate regarding the relation between anti-Semitism and anti-Zionism. The claim that denying people the right to self-determination constitutes a form of racism against them deserves a separate discussion. Nevertheless, it is the author's position that not all supporters, let alone participants, in delegitimization activities are in fact motivated by anti-Semitism.

¹¹⁸ Itamar Eichler, "'šimwñ mššārym — kmw' tla' y šāhob'. haqrab hayisra' eliy be ' yiropāh" (translation: "Product marking — like a yellow badge." The Israeli battle in Europe), *ynet*, 3 November 2015, <https://www.ynet.co.il/>

[articles/0,7340,L-4720549,00.html](https://www.ynet.co.il/articles/0,7340,L-4720549,00.html) (accessed 28 October 2019).

¹¹⁹ Dan Williams, "Airbnb to Remove Listings in Israel's West Bank Settlements," *Reuters*, 19 November 2018, <https://reut.rs/2xvxIYY> (accessed 21 April 2020).

¹²⁰ Mitvim, *The 2017 Israeli Foreign Policy Index of the Mitvim Institute* (Ramat Gan: Mitvim — The Israeli Institute for Regional Foreign Policies, November 2017), <https://go.aws/35qUttM> (accessed 24 October 2019).

Israeli left-leaning NGOs's are often described by right-wing actors as a "fifth column" – a tool of foreign intervention – aimed at weakening Israel's resilience by slandering it abroad.

The main target of this campaign has been Israel's civil society – left leaning human rights and advocacy NGOs. They are often described as a "fifth column" – a tool of foreign intervention – aimed at weakening Israel's resilience by slandering it abroad. Far-right speakers often focus on these organizations' activities on the international stage to justify public and legal action against them under the title of fighting delegitimization. For example, in 2015, the head of the right-wing organization Im Tirtzu, Ronen Shoval, called the Israeli prime minister to declare the left-wing advocacy group "Breaking the Silence" an illegal organization because of its "intensive promotion of delegitimization of Israel in various international arenas."¹²¹ This call was part of the "undercover" ("shtulim") narrative of Im Tirtzu, which asserted that some Israeli NGOs in the field of human rights were actually serving as foreign propaganda tools to "weaken the Israeli society and Israel's ability to defend itself ..."

In the last few years, governmental backing for these claims has been a source of controversy, both in Israel and within the international community. Two pieces of legislation related to the topic stood at the center of attention. The first was the NGO Transparency Law (2016), requiring NGOs that are mainly funded by foreign governments to declare their source of funding in public and political appeals as well as in media campaigns. Beyond the practical burden it puts on NGOs, the law also enhances the narrative that Israeli NGOs serve foreign entities and explicitly contribute to the delegitimization campaign against Israel.¹²² The second is an amendment to a previous law from 2017, which allows for refusing entrance of BDS activists into Israel and the Palestinian territories. This amendment has been challenged by the political left and center as part of an overarch-

ing political attack on the freedom of expression and the pluralism of Israel's civil society. Other critics focused on the ineffectiveness of such measures and the damage they do to Israel's democratic image.¹²³

The controversy revolves around two principle topics. First, it relates to the claim that the government is willing to challenge some of Israel's democratic values in the effort to fight delegitimization. Actions such as preventing the entrance of tourists or prohibiting governmental funding to cultural forums are all claimed to challenge basic democratic rights in the name of fighting against delegitimization. Second, it relates to the government's position on the question of who can be defined as a delegitimization supporter? The Israeli government is often criticized for politicizing delegitimization by adopting a broad interpretation of the term and applying it to left-leaning Israeli NGOs.¹²⁴ It can be argued that this approach further limits the already shrinking spaces for civil society's criticism in Israel.

¹²¹ Shlomo Zasane, "amutot haštwliym" (translation: Planted organizations), *israel hayom*, 14 December 2015, <https://www.israelhayom.co.il/article/338531> (accessed 28 October 2019).

¹²² "Notes of the Knesset," *Knesset*, 25 May 2016, <https://m.knesset.gov.il/News/PressReleases/pages/press250516n.aspx> (accessed 28 October 2019).

¹²³ Michal Hatuel-Radushitzki, "‘āz mǎh ‘im hen ‘‘ anti-šemiyywt’ – tnw lahēn lhikānes" (translation: So what if they are "anti-Semitic" – let them in), *ynet*, 24 July 2019, <https://www.ynet.co.il/articles/0,7340,L-5556431,00.html> (accessed 28 October 2019).

¹²⁴ See, for example, the campaign against the New Israel Fund (NIF), which was based on the claim that NIF promotes the "systematic delegitimization of Israel" because, among its beneficiaries, one can find organizations supporting BDS and other items of delegitimization. This is despite the fact that the NIF cut its ties with organizations involved in delegitimization.

Four Shades of Criticism and Delegitimization: Typology of Critics and Actors Involved in Delegitimization

The proposed typology distinguishes between four different ideal-type categories of political actors in an attempt to discern not only between critics and “delegitimizers,” but also mainly between different types of parties supporting the delegitimization agenda. In this context, this proposed framework differentiates between involvement in *explicit delegitimization* and *implicit delegitimization*. This terminology relates to the actual role that delegitimization activity plays in the ideological agenda and practical work of an organization. Explicit delegitimization is a pre-meditated attempt to promote items of delegitimization as part of the agent’s core agenda. Implicit delegitimization pertains to a general support for different aspects of the delegitimization campaign, which is often motivated by in-group pressure to conform rather than a genuine commitment to the campaign’s goals.

Dealing with ideal typecasts, this typology hardly covers the wide range of different organizations, initiatives, and advocacy groups involved with the Israeli-Palestinian conflict in the region and on the international level. Nevertheless, this typology aims to provide a basis to develop an engagement policy vis-à-vis these organizations (see next chapter), by distinguishing between the nature of their criticism and the level of their contribution to delegitimization activity.

Category A: Illegal/violent anti-Zionists

This category pertains to elements within the delegitimization campaign that are affiliated with — or serve

as liaisons to — terrorist organizations,¹²⁵ promote illegal content, or are involved in promoting violent actions against Israel and Israelis. This category relates to two types of organizations.

The first type concerns the affiliates of terrorist organizations. Most notable in this context are Hamas’s affiliates in Europe. As described in the section “The delegitimization campaign — main catalysts and organizational logic” (p. 13), a key aspect of Hamas’s adoption of delegitimization as a strategy is the increase in its activity in Europe through a set of affiliated and linked organizations. The PRC and Muhammad Sawalha were presented in this paper as key examples of hubs of delegitimization that are accused of supporting and, some claim, representing Hamas’s interests in Europe. The PRC is active in Germany and has held its main annual event, the “Palestinians in Europe Conference,” twice in Berlin (2010 and 2015).¹²⁶ This category also includes organizations and individuals from the delegitimization campaign who provide direct funding to illegal organizations such as Hamas.

The second type relates to those involved in acts of classic anti-Semitism. These are less common, as open anti-Semitism is perceived not only in Europe, but

¹²⁵ The definition is based on German and EU legal designations.

¹²⁶ Palestinians in Europe Conference, “Final Statement: the 13th Palestinians in Europe Conference — Berlin, Germany,” *al-awda*, 1 May 2015, <http://www.alawda.eu/index.php/en/the-conference/3837-final-statement-the-13th-palestinians-in-europe-conference-berlin-germany> (accessed 28 October 2019).

also by the majority of Palestinian and Arab civil society actors, as a damaging practice. Nevertheless, these acts include not only open references, but also the presentation of narratives and terms that are historically connected to anti-Semitic propaganda, in relation to the “Zionists” and Israel.¹²⁷

The connecting thread between these two types of actors is their attempt to utilize the growing popularity of the delegitimization campaign to promote their extreme agendas.

Category B: Non-violent initiators of delegitimization

This category relates to organizations involved in explicit delegitimization. Organizations belonging to this category could be plainly described as *initiators* of delegitimization activity or active promoters of its agenda on the international level. This relates to organizations whose sole or main purpose is to promote the delegitimization of Israel or any of the main items of the delegitimization agenda described in the operational definition of delegitimization in the chapter “Unpacking Delegitimization” (p. 18). In some cases, these organizations openly challenge Israel’s legitimacy as a sovereign nation. In others, they leave space for ambiguity regarding their aims, but directly promote items of the delegitimization agenda.

Category C: Implicit adopters/supporters of delegitimization activity

This relates to organizations that adopt one or more items of the delegitimization agenda as part of their general policy — but their core activity does not relate to promoting delegitimization. This adoption/support could appear in the form of an official statement of support or through a decision to create strategic ties with known hubs of delegitimization. As such, these organizations are involved in implicit

delegitimization. They do not promote delegitimization as part of their organizational vision, but their cumulative support provides the campaign with the critical mass of support it needs to become a central political actor. This category is especially relevant in the case of Palestinian civil society, where the dominance of delegitimization and the BDS movement often makes supporting them a necessity for political inclusion.

The current climate of hostility toward Israel within Palestinian society often makes it hard to distinguish between explicit initiators and implicit supporters of delegitimization (categories B and C). One issue of controversy is whether the personal involvement of key representatives within an organization in explicit delegitimization should reflect on the designation of their organization.

Category D: Responsible critics

This category relates to critics of Israeli policy who knowingly abstain from incorporating items of delegitimization into their agenda. They do this, for example, by abstaining from supporting BDS or by abstaining from using a discourse of demonization in their criticism of Israel. Defining actors as “responsible critics” does not reflect the tone of their criticism. Critics of Israeli policy — no matter how harsh their criticism is — should be considered a valid component of the constructive discussion over the Israeli-Palestinian conflict, just as long as their criticism does not enter the realm of challenging Israel’s basic legitimacy.

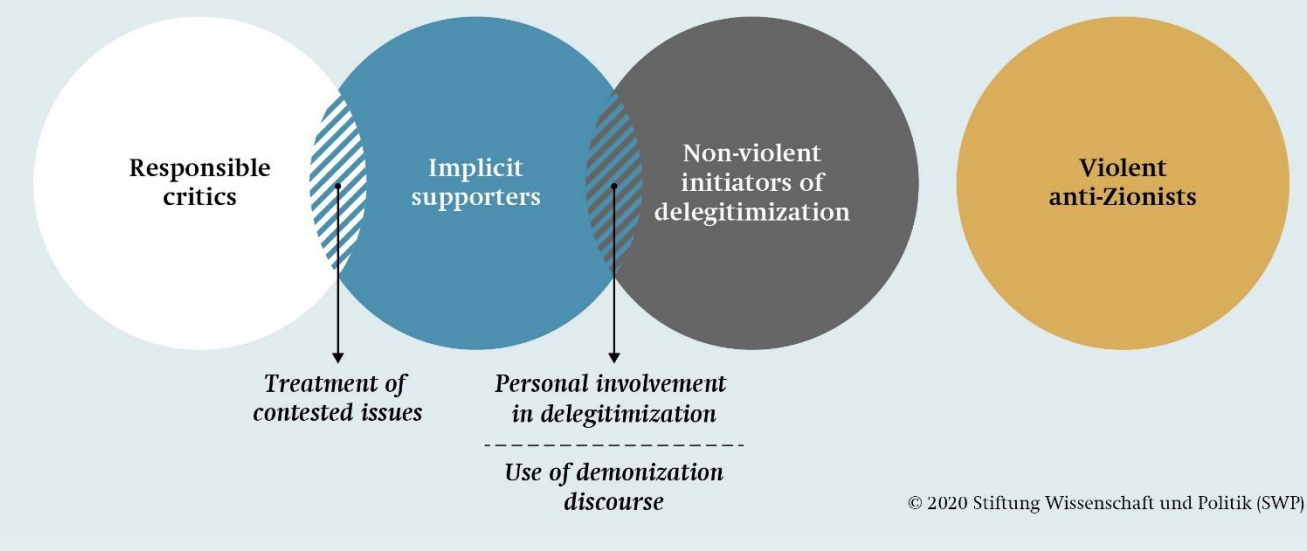
Within this group of responsible critics, a special emphasis should be given to a rare but important group of organizations that openly draw a distinction between their policy of criticism and delegitimization. In this context, there is a relative lack of discussion within the Western human rights community regarding the need to separate criticism from delegitimization. This effort to distinguish is mostly associated with advocacy groups from the Jewish progressive camp or within Israel’s civil society. One example is T’ruah: The Rabbinic Call for Human Rights, which is a North American network of cantors and a vocal critic of Israel’s policy in the West Bank. The organization’s official policy clearly distances itself from the BDS movement.¹²⁸ In addition, the organization took

¹²⁷ See, for example, the common claim among these circles of a “global Zionist conspiracy” to control world leaders, or the claim that Israel has been involved in killing Palestinian children to harvest their organs — all known historical narratives used for centuries to demonize Jews. See “Belgian Official: Israel Steals Organs of Palestinian Kids,” *presstv*, 21 October 2018, <https://www.presstv.com/detail/2018/10/21/577649/israel-organ-harvesting-belgian-official> (accessed 28 October 2019).

¹²⁸ “Our Positions and Policies,” *truah*, <https://www.truah.org/positions/> (accessed 28 October 2019).

Figure

Typology of critics of Israel



a clear stand against the definition — created on a platform published by the Black Lives Matter movement — of Israeli occupation as “genocide,” while confirming their strong support of the movement’s goals.¹²⁹ This differentiation represents a clear effort by a progressive organization to confront the growing trend of using the discourse of delegitimization within its milieu without softening the tone of its criticism.¹³⁰

In the process of *constructive differentiation*, different organizations present different views on the perceived boundaries between criticism and delegitimization. Nevertheless, the important feature of these efforts is the attempt to deal with the contemporary political conundrum of critics of Israeli policy in the era of delegitimization — how to promote assertive criticism of Israel without supporting deconstructive agendas.

¹²⁹ “Statement on Black Lives Matter Platform” (see note 41).

¹³⁰ Another example is Jstreet’s (a progressive advocacy group that has been a strong supporter of the two-state solution and a critic of the current Israeli government’s policies) decision in 2018 to publicly withdraw its endorsement for Congresswoman Rashida Tlaib because of her rejection of the two-state solution. See Allison Kaplan Sommer, “J Street Withdraws Support for Rashida Tlaib over Refusal to Endorse Two-state Solution,” *haaretz*, 17 August 2018, <https://www.haaretz.com/jewish/.premium-j-street-withdraws-support-for-rashida-tlaib-1.6387971> (accessed 28 October 2019).

The Delegitimization Campaign As a Challenge to European Foreign Policy Principles

The international delegitimization campaign negates two core principles of European Middle East policy. First, as a campaign devised to bring about the collapse of Israel's political model, it stands in direct contradiction to the core commitment adopted by European nations and the EU to Israel's right to exist as a Jewish and democratic nation.¹³¹ In this context, in the current state of affairs, delegitimization can hardly be considered an imminent threat to Israel's existence or its political and economic resilience. The campaign has so far had very limited success in changing the global mindset about Israel on the political leadership level or in the general public. Nevertheless, the campaign has had some success in changing the common discourse within liberal-progressive circles in the West. These changes in discourse and mindset do not mean that these actors necessarily adopt the campaign's call to treat Israel as a pariah state. Rather they demonstrate a new willingness within these circles to even consider Israel's basic legitimacy as a valid issue for debate. As liberal-progressive institutions such as academia and human rights organizations serve as a breeding ground for the future generation of Western political leadership,

these changes carry the long-term potential to undermine Israel's political legitimacy in the future. Weak signals of this gradual change are already apparent in the positions and narratives presented by the new progressive milieu, within which challenges to the Jewish right to self-determination are becoming ever more apparent.¹³²

Second, the delegitimization campaign serves as a long-term obstacle to European efforts to promote a mutually agreed-upon solution to the Israeli-Palestinian conflict.¹³³ In this context, much of the attention had been given to the campaign's influence on the economic or political resilience of Israel.

As a perceived success story, the campaign is shaping the positions of a new generation of Palestinian leaders toward rejectionism and opposition to the two-state solution.

However, the main deconstructive, long-term effect of the campaign can be found in its impact on the positions of a new generation of political and civil society leaders within the occupied territories. As a narrative,

131 See, for example, the German commitment to a "Jewish and democratic state" in Koalitionsvertrag zwischen CDU, CSU und SPD, *Ein neuer Aufbruch für Europa, eine neue Dynamik für Deutschland, ein neuer Zusammenhalt für unser Land* (Berlin, 2018), 151, https://www.cdu.de/system/tdf/media/dokumente/koalitionsvertrag_2018.pdf?file=1 (accessed 23 December 2019). The EU's commitment to Israel's right to exist has been a recurrent item in the European Parliament president's speeches over the years. See, for example, Times of Israel, "Full Text of European Parliament President's Speech to Knesset," *Times of Israel*, 12 February 2014, <https://www.timesofisrael.com/full-text-of-european-parliament-presidents-speech-to-knesset/> (accessed 21 April 2020).

132 One prominent example is the progressive wing of the Democratic Party in the United States, where the delegitimization agenda is slowly becoming a valid part of the political discussion about the party's Middle East policy. Another example is the position adopted by key members of the Black Lives Matter movement regarding the Israeli-Palestinian conflict, and specifically a platform published by the movement accusing Israel of "genocide." See Mazin Sidahmed, "Critics Denounce Black Lives Matter Platform Accusing Israel of 'Genocide,'" *The Guardian*, 11 August 2016, <https://bit.ly/3c4Pr8S> (accessed 28 October 2019).

133 See European Union External Action Service, "Middle East Peace Process" (see note 72).

delegitimization serves as a catalyst for radicalization in public positions, and specifically in the positions of Palestinian civil society regarding the concept of mutual agreement with Israel. It promotes rejectionism as an alternative paradigm to the long-standing European approach of negotiated solution along the lines of the two-state framework. Despite its limited success, in the last two decades the delegitimization campaign has gained the image of a success story from the perspective of the Palestinians — an effective instrument of resistance in a region where the traditional methods have failed to yield results. Related campaigns such as the BDS movement are presented as a central pillar in the 21st century Palestinian resistance culture.¹³⁴ Therefore, the delegitimization campaign serves as an emerging strategic narrative that will affect the mindset and long-term thinking of the future Palestinian leadership for years to come.

134 See, for example, Thrall, “BDS: How a Controversial Non-violent Movement Has Transformed the Israeli-Palestinian Debate” (see note 103). The campaign’s influence on the growing rejectionism also appears in its involvement in the campaign of anti-normalization with Israel and Israelis. See, for example, Haidar Eid, “Words without Borders ‘Dialogue’ Violates Palestinian Boycott Call,” *electronic intifada*, 9 August 2010, <https://electronicintifada.net/content/words-without-borders-dialogue-violates-palestinian-boycott-call/8971> (accessed 21 April 2020).

Policy Recommendations

This chapter aims to tackle the delegitimization campaign's strategy (which is also utilized by certain political actors in Israel) of blurring the differences between criticism of Israel's policy and challenging its basic legitimacy. For this purpose, the chapter offers a framework of constructive differentiation between criticism and delegitimization. The framework includes a set of practical guidelines, which are partially based on the typology of critics presented in the previous chapter. It is designed to enable an effective space for criticism of Israeli policy that is devoid of efforts to delegitimize Israel.

The framework of constructive differentiation is designed to tackle the dilemmas presented by the delegitimization campaign to both governmental and non-governmental members of the European foreign policy community. Therefore, it includes two clusters of recommendations aimed at two main audiences: first, critics of Israeli policy from within the European civil society/human rights community who do not consider themselves anti-Zionists; second, European civil society and political actors (e.g., German political foundations) that are currently engaged with the Palestinian/Arab world.

Maintaining the integrity of critical voices: Applying responsibility in discourse and action when criticizing Israel's policy

Opposing other nations' policies and promoting international pressure to confront them is not only a legitimate but also a constructive aspect of civil society's role within a democratic society. Nevertheless, in an era when criticism of Israel's policy is often utilized by the delegitimization campaign to promote their own political goals, the careful articulation and contextualization of criticism become even more vital. The challenge for critics is therefore to preserve the ability to oppose items of Israeli policy without unintentionally providing victories to the delegitimization campaign. This challenge becomes ever more

important considering the campaign's direct effort to influence the mainstream of public debate. In such circumstances, differentiation is crucial, not only to prevent the delegitimization of Israel, but also to preserve the integrity of the criticism of Israeli policy as a constructive form of political action. Upsetting this effort requires critics of Israel to assume responsibility in both official discourse and action.

Responsibility in discourse entails abstaining from using terms borrowed from the discourse of delegitimization, which could contribute to the perceived demonization of Israel. A comparison between Israeli occupation and the apartheid regime could be perceived as a viable form of protest against Israeli occupation policy. However, when presented against the backdrop of a broad global campaign to demonize Israel as the new apartheid regime, using these terms could easily provide unintended momentum for the delegitimization campaign. Facing the ongoing campaign's effort to promote a discursive shift in the debate regarding Israel, the cautious usage of terminology when criticizing Israel carries a special importance.

Responsibility in action relates mainly to two different types of choice organizations make. First, it relates to European NGOs' general engagement policy with civil society and political actors involved with the conflict (e.g., providing funding and tangible support). Recommendations regarding this type of activity is the topic of the next section of this chapter. Second, it relates to European NGOs' direct involvement in campaigns aimed at protesting Israeli policies.

In this paper, I defined a number of contested issues, such as participation in limited boycotts, that are currently being utilized by the delegitimization campaign to attract critics to join the campaign's activities. This framework suggests applying special caution when participating in campaigns of criticism on these topics. In this context, this framework recommends the application of a *double parameter* to distinguish between campaigns that promote criticism of Israel and those that promote delegitimization. First, critics should address the *associative context* of the campaigns they choose to support. For exam-

ple, as exemplified in the case of limited boycotts, they should be aware of the negative influence that applying certain methods has on the public's view of Israel's basic legitimacy. Second, critics should be aware of the *organizational affiliations* and overall policy goals of the actors leading the campaigns. In this context, in the last few years there seems to have been a constructive change among left-wing political actors in Germany in applying greater responsibility when protesting against Israel's policy. One example is Die Linke's (the Left Party of Germany) public decision to refrain from participating in an event supporting the BDS movement in the European Parliament.¹³⁵ Applying responsibility in action also entails making clear distinctions when engaging in criticism against Israeli policies. For example, this framework recommends that any initiative attempting to differentiate or exclude Israeli capacities beyond the 1967 lines will be accompanied by a clear statement emphasizing the legitimacy of Israeli sovereignty within the 1967 borders.

Proposed guidelines for institutional engagement with the different types of critics

Based on the typology of critics presented in the chapter "Four Shades of Criticism and Delegitimization" (p. 33), the framework includes policy guidelines (the four E's introduced below) for both the governmental and non-governmental sectors for their engagement with organizations critical of Israel that are situated in Europe, within the international community, and above all in the Middle East.

Proposed guideline for engagement with illegal/violent anti-Zionists: Encounter

The EU as well as European governments should make an active effort to implement a zero-tolerance policy toward any form of anti-Zionism affiliated with illegal terrorist organizations or with anti-Semitism. This includes identifying and taking legal action

against affiliates of Hamas who are using the guise of the non-violent activity of the delegitimization campaign to operate and promote their own agenda on European soil. In Hamas's case, this policy recommendation corresponds directly with its definition as an illegal terrorist organization by Germany and the EU.¹³⁶

Proposed guideline for engagement with non-violent initiators: Evade

This framework recommends that European governmental and non-governmental actors treat initiators of delegitimization as any other radical political group. It suggests applying the same measures toward initiators of delegitimization as they would to any other political advocacy group that aims to sabotage the concept of an agreed upon solution between Israel and the Palestinians. The goal is to confine the delegitimization campaign to the margins of political activity in Europe without jeopardizing basic democratic values such as the freedom of speech.

This framework recommends that the European foreign policy community abstain from cooperation with — let alone provide support to — the initiators of delegitimization against Israel, whether individuals or organizations. It recommends engaging in an effort to identify and define the organizations belonging to this category that are active in Europe, and refrain from providing them governmental funding or political support.

Proposed guideline for engagement with implicit supporters: Engage assertively

Implicit supporters of delegitimization constitute a key factor in the effort to confront attempts to mainstream delegitimization. Their continuous general support of delegitimization is often enabled by the failure of international partners to hold them accountable for these positions. As these organizations lack a strong ideological connection to the campaign's cause, the basic assumption is that their involvement in implicit delegitimization could be reversed through outside pressure.

¹³⁵ Cornelia Ernst, Thomas Händel, Sabine Lösing, Martina Michels, Martin Schirdewan, Helmut Scholz, and Gabi Zimmer, "Gemeinsame Erklärung der Delegation Die Linke im EP zur GUE/NGL-Veranstaltung 'Boycott, divestment, and sanctions: achievements and challenges,'" *Die Linke*, 3 December 2018, <https://bit.ly/2Wnvvdv> (accessed 2 December 2019).

¹³⁶ See European Council — Council of the European Union, "EU Terrorist List," <https://www.consilium.europa.eu/en/policies/fight-against-terrorism/terrorist-list/> (accessed 21 April 2020) and Bundesamt für Verfassungsschutz, "Hamas," *German Federal Domestic Intelligence Service*, <https://bit.ly/2zQRLSp> (accessed 21 April 2020).

My approach promotes a policy of critical dialogue with delegitimization supporters in a manner that provides European partners a proactive role. Contrary to the position often expressed by various opposers of delegitimization, my approach promotes a policy of critical dialogue with these types of delegitimization supporters rather than a policy of containment or isolation. This dialogue aims first and foremost to be a policy tool to encourage an informed discussion about the inclusion of the delegitimization agenda in these organizations' platforms and serves as an incentive for agenda revision. Specifically, in regards to Palestinian NGOs, assertive engagement aims to turn the European foreign policy community's feedback into a clear message to Palestinian partners that delegitimization represents a central point of divergence between European positions and their own. At minimum, it could prevent a false perception that the international community is supportive of Palestinian or international attempts to delegitimize Israel as a state.

The proposed policy corresponds with two factors that influence civil society activity in the occupied territories. First, as mentioned, the majority of Palestinian civil society organizations officially support key items of the delegitimization agenda. Therefore, disconnecting ties with them would result in curtailing European support to important agents of capacity-building and development within Palestinian society.¹³⁷ Second, the current trend of non-normalization creates a reality of almost complete disconnection between Israeli and Palestinian civil societies. In such a reality, the role that Western civil society engagement plays with Palestinian civil society is ever more important. Western civil society actors often serve as a rare voice of moderation in times of growing friction, and as an important promoter of the two-state solution in a time when this model is being challenged by both Israeli policies and Palestinian radicalization. Rather than being seen as a responsive adjustment to a changing reality, assertive dialogue with implicit supporters should be perceived as a proactive step.

Unpacking the proposed policy of assertive engagement entails practical steps in the relations of Euro-

pean governmental and NGOs with implicit Palestinian supporters. A few proposals in this context:

- Apply a critical dialogue with these organizations by emphasizing the contradiction in perceptions regarding the method of protest as well as the political approach to the resolution of the Israeli-Palestinian conflict.
- Create linkage-based incentives: European partners could offer incentives for Palestinian partners to revise their discourse and affiliations by creating a direct linkage between abstaining from supporting delegitimization and upgrading the level of partnership.
- In accordance with the current EU policy: Increase measures of oversight to prevent the utilization of funding for delegitimization-related activities.

Proposed guideline for engagement with responsible critics: Empower

Responsible critics serve as an important component in the differentiation between criticism and delegitimization of Israel. Securing the space for responsible criticism of Israel's policies is a key component in confronting the campaign to delegitimize Israel. Supporting them serves two constructive goals. First, it enables an effective space for constructive criticism of current Israeli policies that stand in contradiction to European core positions. In the process, it assists in preserving the pluralistic nature of Israeli democracy by confronting attempts to limit spaces for criticism within Israel. Second, it prevents the "slippery slope" of criticism leading to delegitimization by preserving the possibility of being "pro-Palestinian" and, at the same time, supporting Israel's right to exist.

¹³⁷ Many of these NGOs serve as key agents in the attempt to build state and self-governing capacities within the occupied territories. Others can be seen as conflict management instruments for their support in improving the quality of life for Palestinians or offering non-violent methods to resist the occupation.

Abbreviations

BDS	Boycott, Divestment, and Sanctions
BNC	BDS National Committee
EU	European Union
IHRA	International Holocaust Remembrance Alliance
NGO	Non-Governmental Organization
NIF	New Israel Fund
PA	Palestinian Authority
PLO	Palestine Liberation Organization
PRC	Palestinian Return Centre
PSC	Palestine Solidarity Campaign
UN	United Nations
WCAR	World Conference against Racism

