

Who is annexing Whom?

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IN A rare late-night session, the Knesset has finally adopted two obnoxious racist laws. Both are clearly directed against Israel's Arab citizens, a fifth of the population.

The first makes it possible to annul the citizenship of persons found guilty of offences against the security of the state. Israel prides itself on having a great variety of such laws. Annulling citizenship on such grounds is contrary to international law and conventions.

The second is more sophisticated. It allows communities of less than 400 families to appoint "admission committees" which can prevent unsuitable persons from living there. Very shrewdly, it specifically forbids the rejection of candidates because of race, religion etc. – but that paragraph is tantamount to a wink. An Arab applicant will simply be rejected because of his many children or lack of military service.

A majority of members did not bother to show up for the vote. After all, it was late and they have families, too. Who knows, some may even have been ashamed to vote.

But far worse is a third law that is certain to pass its final stages within a few weeks: the law to outlaw the boycott of the settlements.

SINCE ITS early stages, the original crude text of this bill has been refined somewhat.

As it stands now, the law will punish any person or association publicly calling for a boycott of Israel – economic, academic or cultural. "Israel", according to this law, means any Israeli enterprise or person, in Israel or in any territory controlled by Israel. Simply put: it is all about the settlements. And not only about the boycott of the products of the settlements, which was initiated by Gush Shalom some 13 years ago, but also about the recent refusal of actors to perform in the settlement of Ariel and the call by academics not to support the so-called University Center there. It also applies, of course, to any call for the boycott of an Israeli university or an Israeli commercial enterprise.

This is a fundamentally flawed piece of legislation: it is anti-democratic, discriminatory, annexationist, and altogether unconstitutional.

EVERYBODY HAS the right to buy or not to buy whatever he or she desires, from whomsoever he or she chooses. That is so obvious that it needs no confirmation. It is a part of the right to free expression guaranteed by any constitution worth its salt, and an essential element of a free market economy.

I may buy from the store on the corner, because I like the owner, and shun the supermarket opposite, which exploits its employees. Companies expend huge sums of money to convince me to buy their products rather than others.

What about ideologically motivated campaigns? Years ago, while on a visit to New York, I was persuaded not to buy grapes produced in California, because the owners oppressed the Mexican migrant workers. This boycott went on for a long time and

was – if I remember right – successful. Nobody dared to suggest that such boycotts should be outlawed.

Here in Israel, rabbis of many communities regularly paste up posters calling upon their flock not to buy at certain shops, which they believe are not kosher, or not kosher enough. Such calls are commonplace.

Such publications are fully compatible with human rights. Citizens for whom pork is an abomination, have the right to be informed about which shops sell pork and which do not. As far as I know, no one in Israel has ever contested this right.

Sooner or later, some anti-religious groups will publish calls to boycott kosher shops, which pay the rabbis – some of them the most intolerant of their kind – heavy levies for their certificates. They support a vast religious establishment that openly advocates turning Israel into a "Halakha state" – the Jewish equivalent of a Muslim "Shari'a state". Many thousands of Kashrut supervisors and myriads of other religious functionaries are paid for by the largely secular public.

So what about an anti-rabbinical boycott? It can hardly be forbidden, since religious and anti-religious are guaranteed equal rights.

SO IT appears that not all ideologically motivated boycotts are wrong. Nor do the initiators of this particular bill – racists of the Lieberman school, Likud rightists and Kadima "centrists" – claim this. For them, boycotts are only wrong if they are directed against the nationalist, annexationist policies of this government.

This is explicitly stated in the law itself. Boycotts are unlawful if they are directed against the State of Israel – not, for example, by the State of Israel against some other state. No Israeli in his right mind would retroactively condemn the boycott imposed by world Jewry on Germany immediately after the Nazis came to power – a boycott that served as a pretext for Josef Goebbels when he unleashed on April 1, 1933, the first Nazi anti-Semitic boycott ("Deutsche wehrt euch! Kauft nicht bei Juden!")

Nor does any upright Zionist find fault with the boycott measures passed by Congress, under intense Jewish pressure, against the late Soviet Union, in order to break down the barriers to free Jewish emigration. These measures were hugely successful.

No less successful was the worldwide boycott against the Apartheid regime in South Africa – a boycott warmly welcomed by the South African liberation movement, though it also hurt the African workers employed by the boycotted white businesses (an argument now repeated by Israeli settlers, who exploit Palestinian laborers for starvation wages).

So political boycotts are not wrong, as long as they are directed against others. It's the old "Hottentot morality" of colonial lore – "if I steal your cow, that's right. If you steal my cow, that's wrong."

Rightists can call for action against left-wing organizations. Leftists cannot call for action against right-wing organizations. It's as simple as that.

BUT THE law is not only anti-democratic and discriminatory, it is also blatantly annexationist.

By a simple semantic trick, in less than a sentence, the law-makers do what successive Israeli government did not dare to do: they annex the Palestinian occupied territories to Israel.

Or maybe it's the other way round: are the settlers annexing Israel?

The word "settlements" does not appear in the text. God forbid. Much as the word "Arabs" does not appear in any of the other laws.

Instead, the text simply states that calls for the boycott of Israel, which are forbidden by the law, include the boycott of Israeli institutions and enterprises in all territories controlled by Israel. This includes, of course, the West Bank, East Jerusalem and the Golan Heights.

This is the core of the matter. Everything else is camouflage.

The initiators want to silence our call for boycotting the settlements, which is gathering momentum throughout the world.

THE IRONY of the matter is that they may achieve the exact opposite.

When we started the boycott, our stated objective was to draw a clear line between Israel in its recognized borders – the Green Line – and the settlements. We do not advocate a boycott of the State of Israel which, we believe, sends the wrong message and pushes the Israeli center into the waiting arms of the extreme right ("The whole world is against us!") A boycott of the settlements, we think, helps to re-institute the Green Line and make a clear distinction.

This law does the exact opposite. By wiping out the line between the State of Israel and the settlements, it plays into

the hands of those who call for a boycott of Israel in the belief (mistaken, I think) that a unified Apartheid state would pave the way for a democratic future.

Recently, the folly of the law was demonstrated by a French judge in Grenoble. This incident concerned the quasi-monopolistic Israeli export company for agricultural products, Agrexco. The judge suspected the company of fraud, because products of the settlements were falsely declared as coming from Israel. This could well be fraud, too, because Israeli exports to Europe are entitled to preferential treatment which the products of the settlements are not.

Such incidents are occurring more and more often in various European countries. This law will cause them to multiply.

IN THE original version, boycotters would have committed a criminal offence and been fined. That would have caused us great joy, because our refusal to pay the fines and subsequent imprisonment would have dramatized the matter.

This clause has now been omitted. But every single company in the settlements and, indeed, every single settler who feels hurt by the boycott can sue - for unlimited damages - any group calling for the boycott and any individual connected with the call. Since the settlers are tightly organized and enjoy unlimited funds from all kinds of casino owners and sleazy sex merchants, they can file thousands of suits and practically paralyze the boycott movement. That, of course, is the aim.

The fight is far from over. Upon the enactment of the law, we shall call upon the Supreme Court to annul it, as contrary to Israel's fundamental constitutional principles and basic human rights.

As Menachem Begin used to say: "There are still judges in Jerusalem!"

Or are there?