THE INTERNATIONAL DE-LEGITIMIZATION CAMPAIGN AGAINST ISRAEL

Analysis & Counter-Strategy

MICHAEL HERZOG

WITH AN OVERVIEW BY
DENNIS ROSS

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Special thanks to
UJA Federation of New York,
The Jewish Federations of North America,
The Jewish Federation of Metropolitan Chicago,
The Jewish Federation of Cleveland,
Mitchell Julis, Art Samberg, Paul Singer,
Wilf Family Foundation for their kind support,
and with fond memories of Alex Grass z"l
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Editors: Barry Geltman & Rami Tal

With deep appreciation and great respect,
this publication is dedicated to
Frances and Natie Kirsh
for their unwavering commitment
to the Jewish Future.

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Introduction

By Avinoam Bar-Yosef

This integrative strategic policy paper is based upon JPPI's comprehensive seven-year project on the international de-legitimization campaign against Israel. This enterprise, has been led by the author of this paper, JPPI Senior Fellow Brig. Gen. (Ret.) Michael Herzog. JPPI has been a pioneer in identifying and addressing this threat with action-oriented policy planning. Brig. Gen. Herzog brought his vast experience as former head of strategic planning for the IDF and chief of staff to four ministers of defense. Herzog refers to the Israel de-legitimization campaign as a serious long-term threat faced by Israel and the Jewish people. JPPI believes that it could be effectively fought with a coherent strategy and appropriate means, as outlined by this paper.

In his illuminating overview, JPPI's Co-Chair Amb. Dennis Ross puts the issue into historical perspective, reminding us of the long tradition of boycotts and divestment initiatives leveled at Israel since its birth. He highlights the uniqueness of today's battle for Israel's legitimacy. Amb. Ross brings to the effort his vast knowledge as one of the most prominent policy planners in recent geopolitical history. The experience he has acquired in recent years as one of the most sought after public figures in the field – frequently appearing in the international media and addressing and interacting with students and academics on college campuses is also well reflected in his analysis. His advice and assessments are routinely solicited by all manner of politicians, organizational professionals and lay leaders, decision makers and opinion leaders.

JPPI began by determining the criteria for distinguishing between legitimate criticism and the denial of Israel's right to exist as a Jewish and democratic state. The extensive project comprises nearly 20 papers spanning a wide range of areas including: security, diplomacy, economics, religion, international law, media, new media, campuses, intellectual and philosophical underpinnings, Europe as the cradle of anti-Israel phenomena, the participation of Jewish individuals and organizations in and against de-legitimizing activity, and more.

In the Israeli Cabinet meeting of June 23, 2013, JPPI presented to Prime Minister Netanyahu and his cabinet ministers the policy recommendation that a unified, coordinated effort – under the auspices of the Ministry of Strategic Affairs – to fight the contemporary phenomena of de-legitimization be made. This critical effort was inspired by JPPI's partner **Nathan (Natie) Kirsh**, who embodies a singular commitment to the Jewish people and has invested significant resources in Israel both as a businessman and a philanthropist. Kirsh understood from the start that a focused effort to combat de-legitimization under one authority was critical to succeeding.

The recommendation was adopted and implemented. The Cabinet Communiqué released by the Cabinet Secretary directly following JPPI's presentation quotes the prime minister:

De-legitimization is a very serious phenomenon. It is a network of incitement against Israel and the Jewish People in order to undermine the existence of Israel as the Jewish national state and its right to defend itself by itself against its enemies. To our regret, this is a wave that has grown in recent years. For a long time, many efforts have been made, both by the Government of Israel and organizations in Israel and around the world to deal with this phenomenon. However, in order to optimize efforts, coordination between the various active bodies must be improved via a comprehensive action plan.

I would like to thank the JPPI and its leaders, Stuart Eizenstat, Dennis Ross and Avinoam Bar Yosef for their ramified and welcome contribution on this matter. In light of the data they presented:

I have assigned to the Strategic Affairs Ministry the overall responsibility for the struggle against de-legitimization, including coordinating the efforts with organizations in Israel and around the world in dealing with the phenomenon directed against Israel and the Jewish People. In the framework of its responsibilities, the Strategic Affairs Ministry will coordinate a professional staff on the struggle against de-legitimization. We will see to it that the Ministry will have at its disposal the authority and the tools necessary to carry out this important mission. The Strategic Affairs Ministry will be responsible for developing a strategy and ways to combat de-legitimization and will work to implement them.

This Cabinet decision shows the impact of JPPI as a professional think tank positioned between the academy and decision makers.

I would like to thank our Co-Chairs **Dennis Ross** and **Stuart Eizenstat** for their guidance. I also want to thank our board member **Prof. Irwin Cotler**, who was among the first to understand the threat and who authored in 2002 our first alert paper titled New Anti-Jewishness. This paper informed our early thinking on the subject. My special thanks and appreciation go to **Michael Herzog** for his stewardship of this project in all its complexity; as well as **Dr. Shlomo Fischer** for his chapters on the Jewish arena; **Dr. Dov Maimon** for his study on the Europe phenomena; and **Colonel Adv. Daniel Reisner** and **Arielle Kandel** for their contributions in the legal sphere. I also extend thanks to **Dan Feferman** for his assistance in this effort.

I am confident that his paper will inform and guide the continuing unified struggle in Israel and the Diaspora against the proponents of BDS who seek to undermine the Jewish state, discount its vibrant democracy and weaken its synergistic ties with the Jewish Diaspora.

A Note to the Reader

This report offers an integrative analysis of the international campaign to de-legitimize the State of Israel. The paper identifies the dynamics at the interface between blackening Israel's image generally and denying its very legitimacy as the nation-state of the Jewish people. Therefore, there is a need to distinguish as much as possible between these two close yet different spheres and to develop an appropriate strategy and toolkit for each of them, targeting different audiences.

Although the international de-legitimization campaign has not succeeded in creating a strategic impact on Israel and the Jewish people, it has somewhat poisoned the atmosphere around Israel in certain parts of the West and beyond, and could do further damage. This report recommends relating to the international de-legitimization campaign as a strategic threat in the long run, especially for as long as the Israeli-Palestinian conflict – its main fuel – remains unresolved. Accordingly, the preparation and implementation of a coherent counter-strategy is imperative. This paper offers the Government of Israel and major Diaspora Jewish organizations key policy guidelines for developing such a strategy.

Overview

By Dennis Ross

De-legitimization is the act of denying the legitimacy of the State of Israel as the nation-state of the Jewish people. This is a deliberate, targeted, and increasingly sophisticated attack on the State of Israel and its connection with the Jewish people. It stems from the realm of ideas and perceptions, is based on and draws from the political space of the ongoing Israeli-Palestinian conflict, and continually develops practical means to wreak damage on Israel.

The Origins of the Modern Phenomenon

Denying the right of the Jewish collective to self-determination and undermining the legitimacy of the State of Israel as the nation-state of the Jewish people, is not a new phenomenon. The Jewish people and the State of Israel have, throughout history, experienced quite a few boycotts of various kinds. However, it seems that this phenomenon has assumed a new and troubling complexion since the early 2000s. A watershed event occurred in September 2001 at the World Conference against Racism (WCAR) in Durban, South Africa (Durban 1), which, under UN auspices, convened some 1500 NGOs and decreed the "complete and total isolation of Israel as an Apartheid state." Demands issued at Durban 1 included: "the imposition of mandatory and comprehensive sanctions and embargoes; the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel." This event laid the foundation for a widespread international de-legitimization campaign. In 2005, the international Boycott, Divestment, and Sanctions movement (BDS) was launched. 170 pro-Palestinian organizations came under its auspices initiating and advocating anti-Israel boycotts. That same year saw the first annual "Israel Apartheid Week" in cities and on campuses around the world.

Main Characteristics of the Phenomenon

In its modern form, de-legitimization is an international campaign propagated in numerous circles in the West. It is advanced by elements of civil society (including under the UN umbrella), and is spread on the internet and especially in social media. It has trickled into mainstream public discourse and is expressed widely

in a number of fields. Muslims, Palestinians and far-left activists in the West comprise its primary engine, and although it is decentralized, there is a significant amount of virtual networking and local cooperation.

De-legitimization has turned into a global battle of perceptions against the State of Israel and against a key element of Diaspora Jewish identity. Moreover, it has developed a set of tools to harm Israel in the economic and legal spheres among others. Its end goal is to turn Israel into a "pariah" state isolated from the world, much like apartheid South Africa. It seeks to deny Israel the legitimate right to defend itself and its unique character and reputation. The intended cumulative endgame is to weaken Israel until it ultimately collapses in a historic process.

Researching the Phenomenon

Over the past seven years, the Jewish People Policy Institute (JPPI) has conducted a deep policy-oriented research project on the de-legitimization of the State of Israel and the connection between world Jewry and the Jewish state. The project originated out of a feeling of necessity in Israel and the Diaspora to understand the phenomenon and to confront it, once it had developed into a perceived strategic threat. It was acknowledged as such by Israel's Prime Minister Benjamin Netanyahu back then.

In order to fully grasp the phenomenon and offer the tools to confront it, JPPI established a series of working groups that thoroughly examined every significant aspect of de-legitimization (including the intellectual, political, security, legal, and economic dimensions, as well as how it plays out in the media, the internet, and on campuses). Significant attention has been paid to its European theater – the beating heart of the phenomenon. The project also looked closely at its Jewish dimension (i.e., its influence on Diaspora communities, their responses in actively taking sides to support or oppose the de-legitimization phenomenon). In addition, the deep historical, religious, and cultural roots of de-legitimization have been thoroughly examined and assessed. Although this document draws from the research in all these areas, it does not dive deeply into each dimension. Rather, it takes a bird's eye view of the phenomenon in order to present a comprehensive, coherent and up to date picture, and suggests guidelines for an overall counter-strategy.

The Changing Environment

Much has changed since JPPI launched the project. Back then, the de-legitimization campaign had already gained momentum, while the awareness of this campaign and the preparedness to confront it, in Israel and the Diaspora, was low. Since then, a high level of awareness has developed and Israel and major Jewish organizations worldwide have taken important steps that have yielded positive results. At the same time, this led to a proliferation of groups seeking to counter de-legitimization, sometimes leading to uncoordinated duplicative efforts and a degree of friction among them. Meanwhile, those promoting de-legitimization have not stood idly by and are constantly adapting to changing circumstances in increasingly sophisticated ways, which are discussed below.

The strategic environment, regional and international, has also changed significantly in recent years. Internationally, the cornerstones at the base of the world order since the end of the Cold War and the Soviet Union's dissolution have eroded: diminishing U.S. dominance, the re-assertiveness of Russia as a key actor in the international area generally and in the Middle East in particular, the rise of China's economic power, and the weakening of Europe to the point where its future and collective identity are in question. This emerging international reality has brought with it a rise in nationalism and populism at the expense of cosmopolitanism.

The Middle East has also undergone dramatic upheavals that have shattered the old order and opened a space for the rise of extremist Islamist elements. This, together with the diminishing U.S. role and impact in the region and Israel's growing military and economic power, has contributed to an unprecedented improvement in relations between Israel and some of its Arab neighbors (especially, but not exclusively, in security matters). All of the above changes, despite bearing significant challenges to Israel, also afford it important advantages in confronting the de-legitimization campaign, including the development of a complex network of connections and alliances – in the Middle East, the Far East (China and India), Africa, and elsewhere – that ameliorate attempts to isolate and weaken Israel.

A Strategic Threat?

A debate is underway as to the extent to which the de-legitimization campaign poses a real strategic threat to the State of Israel. On the one hand, it has yet to achieve any tangible strategic effect, be it economic, legal, diplomatic or otherwise. On the other hand, its range of activity has expanded over the years, and has succeeded in poisoning the atmosphere around Israel in certain Western circles (Western Europe and parts of the United States) and beyond, negatively influencing Israel's image by painting it as an invidious colonialist entity that violates human rights and flouts international law. It targets sensitive points in the connective tissue between Israel and the Jewish people. Its lack of strategic success to date should not be taken as permanent.

Our general conclusion is that de-legitimization should be regarded as a long-term strategic threat to be countered appropriately with a structured strategic framework. In the following pages, we present an analysis of the phenomenon and guidelines for developing an efficacious counter strategy, as well as the practical tools for implementing it.

What Is De-legitimization and How Does it Differ from Criticism?

In order to counter de-legitimization we must first define the term as clearly as possible. This is a basic tool necessary to assist those working on the issue to separate the wheat from the chafe, i.e. to differentiate between de-legitimization and legitimate criticism of Israel, to focus on the heart of the phenomenon, and to craft a clear and effective strategy.

There is a considerable public discourse on this topic, especially but not only in Israel, and numerous research organizations have dealt with it in recent years. However, hardly any of them has adequately defined de-legitimization and thoroughly distinguished and delimited between this phenomenon and legitimate criticism. Different people and groups addressing de-legitimization, including within the Israeli government, operate according to disparate implicit meanings collected under the same heading.

The accepted definition of de-legitimization is the essential denial of the right of self-determination for the Jewish people within a sovereign nation-state in the land of Israel, its historic homeland. When one scratches the surface of the BDS movement and allied groups, this is what is discovered.[1]

Zionism is based on several core assumptions: that Judaism is not only a religion but also a nationality; that it is just and appropriate that the Jewish people have the right to self-determination and to exercise it in its own sovereign political entity; and that Jewish self-determination is inherently attached to a specific geographical location (notwithstanding the political debate over the future of Judea and Samaria). Therefore, denying any of these presuppositions is essentially the negation of the Zionist idea, that the State of Israel is the nation-state of the Jewish people.

The above definition, ostensibly clear and almost self-explanatory, has raised quite a few questions and has proved insufficient to determine the exact space it covers and to distinguish between de-legitimization and legitimate criticism, even when severe. Some argue that the very use of the term grants a kind of

implied legitimacy to an illegitimate phenomenon and to the discourse it creates. Some Israeli governmental bodies have, therefore, offered alternative language to characterize the phenomenon, such as "the assault on Israel's legitimacy" or "the attempt to undermine Israel's legitimacy." These, however, have not caught on.

The basic definition of de-legitimization raises a thorny question: Is it right to lump together under the same heading Jews and Israelis who reject, for authentic ideological or religious reasons, the idea of Jewish self-determination in a nation-state with extremist Islamic elements or anti-Semitism characterized by their hatred of Jews and Israel? Throughout the generations, there have always been religious, spiritual and intellectual streams within the Jewish people that rejected the expression of Jewish self-determination in the form of a state, whether they were Haredim who rejected any national-secular definition, leftists advocating a bi-national state, or thinkers like Ahad Ha-Am who espoused that Jewish collective identity should be expressed in a spiritual rather than political way.

Our conclusion is that, by definition, both types are de-legitimizers, yet the way each should be regarded and confronted requires different approaches in most cases, mainly because of differing points of departure and intention. It would be wrong to relate to those who wish the Jewish people harm in the same manner as those who wish it well but believe that its well-being should not be realized through a nation-state, however misguided in our opinion that may be. In this context, one must also be sensitive to preserving Israel's democratic fabric, as long as the foundations of the state are not undermined.

Another question begging an answer is whether denying the Jewish people a distinct nation-state while calling for a bi-national or multi-national state in the historical Land of Israel should be considered a form of de-legitimization. Ostensibly, the answer straddles a theoretical borderline, since those holding these positions (in contrast to those who call for a state for all its citizens) may accept the Jewish people's right to self-determination within the framework of a sovereign political structure in the Land of Israel, just not in an autonomous, separate entity. At the same time, a deeper look reveals that most of those who hold such a position essentially aim to de-legitimize Israel, according to our definition. Moreover, this kind of argument may be an important indicator of de-legitimization. Therefore, to make an accurate determination, it is essential to assess to the extent possible, the point of departure, intention, and goal of these actors.

More importantly, the above-mentioned core definition is insufficient when dealing with implicit or disguised de-legitimization that falls into a gray area. As former British Prime Minister Tony Blair correctly noted, most of Israel's detractors deny that they are denying its very legitimacy. Only a minority of de-legitimizers explicitly negate Israel's right to exist as the nation-state of the Jewish people. Most of the attacks on Israel's legitimacy are carried out from a legitimate or ostensibly legitimate space in the context of the ongoing conflict with the Palestinians, but in a manner that crosses an abstruse line into de-legitimization, as defined by us, with an emphasis on the demonization of Israel. The rationale for masking de-legitimization in this way appears to be that explicit de-legitimization of Israel is not yet politically correct in the West, but this does not mitigate the severity of the phenomenon or its potential dangers.

The harsh, continuous and repetitive anti-Israel criticism of this type, most of it in the Palestinian context, reverberates and has the cumulative effect of placing a question mark over Israel's legitimacy, even if implicitly. Indeed, in the same "gray area" between criticism and de-legitimization, we find a hidden drift dynamic from criticism to de-legitimization, which often escapes the critic's awareness, and we are not just referring to the radical fringes.

This dynamic can be illustrated with two partially overlapping circles. One circle (the red circle in the diagram below) represents the de-legitimization of Israel, and the second (the blue circle) represents Israel's general image. De-legitimizers push for maximum overlap of the circles such that harsh criticism of Israel not only blackens its image but undermines its very legitimacy. Conversely, it is in the interest of Israel and the Jewish people to separate the circles as much as possible and to arrest this dynamic. The main conclusion of this analysis is that as part of the battle against de-legitimization it is incumbent upon Israel to simultaneously draw a line between criticism and de-legitimization, and directly attack perpetrators and traffickers of de-legitimization (red circle) while striving to improve its overall image (blue circle). These actions in concert will inhibit drifting overlap and exert a separating force between the two circles.
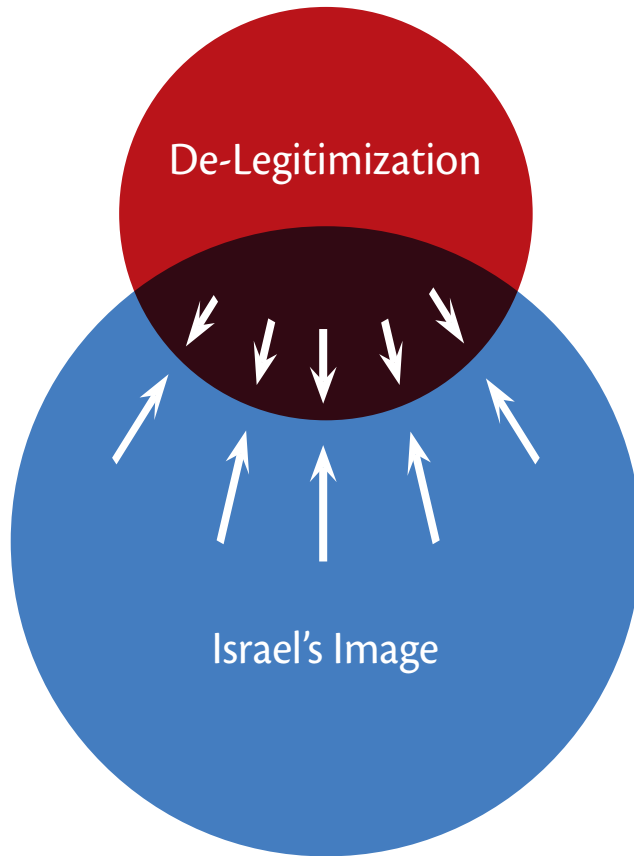
Because a gray zone exists in the overlap of the two circles, many confuse the two and tend to extend the definition of de-legitimization to any expression of harsh criticism of Israel or support for punitive measures against it. This matter needs to be clarified because different definitions dictate different action recommendations. Although there are common elements between the circles, each requires a unique strategy and set of tools for different target audiences.

In our opinion, too narrow or too expansive applications of the definition of de-legitimization are misguided. Too narrow an application will limit focus to Israel's declared and blatant enemies, those explicitly calling for its destruction, and will miss many (if not most) of the less explicit but no less dangerous aspects of the phenomenon. This narrow approach is highly insufficient in the face of a broad, complex, and multifaceted reality. On the other hand, an overly expansive approach could make coping with de-legitimization an unrealistic challenge. Characterizing an overly broad battleground that lumps together naive critics

with malicious deniers of Israel's right to exist, impedes the focus and attention required for adopting or adjusting policies. It drags the issue, and the tools to confront it, into a sensitive and controversial political space, first and foremost within Israel itself, and undermines the likelihood of successful outcomes vis-à-vis important target groups and actors. Proper distinction between Israel's critics and its de-legitimizers is essential in order to effectively deal with the phenomenon. Each category requires its own response, and conflating them could undermine effective messaging within the larger group that does not contest Israel's right to exist. Israel must also be careful not to appear dismissive of criticism or seeking to silence those voicing it.

Clearly, it is imperative to develop a set of indicators for identifying potential de-legitimization and the tools and tests for discerning between genuine de-legitimizers and those expressing legitimate and pointed criticism, difficult and unpleasant as it may be. In principle, this could apply even to cases of those who espouse boycotts and sanctions, as long as they do so out of a *genuine* belief that they are legitimate levers of influence on Israeli polices without seeking the annihilation of the state. This is a profound challenge because the "gray zone" is, by definition, broad, amorphously bounded terrain, and because examining and interpreting intent is inherently problematic. In some situations, reality provides an inexact answer. In some cases, de-legitimization is self-evident. In other cases, an answer exists out there but it is not explicit and requires searching, uncovering, and exposing it in a way that minimizes any doubt regarding the intention behind it. Finally, there are cases, when we will be left with unresolved uncertainty and ambiguity. In light of this, it is important to develop our own indicators and demarcation lines that can assist us in our assessment and analysis of the reality out there.

How Can we Differentiate between De-legitimization and Criticism?

The following are proposed indicators and tools to classify anti-Israel expressions or acts suspected of de-legitimization, and to examine them according to their point of origin, intent, and context:

Essentialization – cases in which criticism of Israel is not confined to any particular Israeli policy or behavior that can be modified, but descends, explicitly or implicitly, to the root of the fundamental ontological essence of the state. This type of criticism frequently relies on political tools, such as UN resolutions (e.g., UNGA Resolution 3379 equating Zionism with racism). It presents Israel as a state based on a profound moral flaw, an "original sin," which, by implication, cannot be rectified, not even by democratic means (such as a legal system or a free press), political means (such as a peace agreement), or with other policy tools. It portrays Israel as morally irredeemable, and seizes on perceived violations of international law and the collective and private right of Palestinians to advance the conclusion that the eradication of Israel is the only just solution. Essentialist criticism is usually accompanied by opposition, even implicitly, to a two-state solution – an important indicator of its classification as possible de-legitimization. Ultimately, essentialist criticism superimposes a question mark over Israel's legitimacy, if not an exclamation mark on the assumption of its illegitimacy.

Conceptual language – The determination of whether an expression of criticism qualifies as "possible de-legitimization" can be found in the conceptual and discursive language deployed against Israel. The discourse developed by the purveyors of de-legitimization is an expression of essentialist criticism, and has spread and serves not only those who have created de-legitimization, but also those lacking knowledge or understanding of the matter who unintentionally disseminate it and contribute to it. This is a well-known social science phenomenon

in which a conceptual language is developed to contain assumptions and implied meanings and is adopted for routine use by the wide public without necessarily comprehending or sharing the intention behind it. When mapping that language, certain expressions stand out (all taken from the Israeli-Palestinian context) such as: "apartheid state" (a clear attempt to paint Israel as a second South Africa); "Nazi state" (a comparison of Israel to Nazism and its symbols is very common among Israel de-legitimizers); "racist state," a state that commits "genocide," performs "ethnic cleansing," is a "war criminal" generally (as opposed to referring to a specific case) responsible for "crimes against humanity" etc. In the end, it is important to define for ourselves which expressions are clearly beyond the scope of substantive and legitimate criticism, and to make it clear to those who use them (and those exposed to them) that they are using tools of de-legitimization.

A record of clear statements or acts of de-legitimization – is a significant tool that can dispel confusion and doubt about the intentions of those who attack Israel. It turns out that in many cases individuals who attack Israel from a space of seemingly legitimate criticism also carry a clear record of unambiguous de-legitimization elsewhere. This record should be uncovered and exposed through various means. This is an important tool in exposing and combatting the propagators of veiled de-legitimization.

Double standard – Double standards vis-à-vis Israel do not necessarily and automatically meet the core definition of de-legitimization. It depends on both context and interpretation. There are different degrees of double standard employed in judging Israel, and there is also a double standard deployed with respect to Israel's right to "a fair hearing" – to present its case. In any event, in our opinion, double standards should be considered as expressions of de-legitimization or contributing to it in cases of unequivocal discrimination based on clear and known lies, or when they accompany other factors we have determined to be indicators of de-legitimization.

The verbal-conceptual indicators presented thus far are indicators of de-legitimization in the **realm of perceptions**. To these add **indicators for de-legitimization with a practical dimension. The first is boycotts of Israel or Israeli products (BDS)** – including economic, cultural, academic, or other boycotts. These are potentially dangerous weapons, as they move the struggle against Israel onto a popular avenue and invite any individual to actively participate.

There are subtleties with respect to this type of indicator that require discussion and explanation. In the intellectual debate, there are those who argue that such measures are a legitimate exercise of pressure and persuasion that have been utilized throughout the world in contexts that fall short of the de-legitimization of an established political entity (as opposed to its regime). In fact, Jews have initiated or supported particular boycotts in the past. In the specific context of Israel, there are those who interpret the above argument as a legitimate tool to pressure Israel to "end the occupation." They claim that as such, it is not necessarily a weapon of de-legitimization, as we defined it, even if it contributes to it and notwithstanding Israel's desire and need to counter any kind of boycott against it. However, we suggest that boycotts of Israel would by and large represent de-legitimization, since Israel is the only country in the world whose legitimacy is regularly questioned. Moreover, most boycotts launched against Israel stem from a clear de-legitimization strategy and are perpetrated by well-known de-legitimizers striving to ostracize, isolate, and weaken Israel to the point of collapse. These de-legitimizers apply double standards to Israel and boycott its people, culture, and products based solely on national affiliation (not to mention academic boycotts that, ironically, violate academic freedom).

Consider the case of the American academic Norman Finkelstein, one of Israel's harshest critics, who for years supported economic boycotts. He caused outrage in 2012 when he publicly excoriated BDS activists for concealing their true goal: the destruction of the State of Israel. Referring to the BDS movement as a "cult," he challenged its leaders to be up front about their true intentions.

The issue of boycotting Israeli products originating in the West Bank, which is politically charged, does not automatically fall within the scope of de-legitimization, but should be considered a potential indicator that needs to be examined. On one hand, the limitation of boycotts to the "territories" implies legitimacy to Israel proper. On the other hand, there are cases of boycotts by Palestinian and pro-Palestinian groups deliberately limited to the "territories" for political expedience. But behind them lies the intention to de-legitimize Israel by erecting a "slippery slope" designed to cross lines and eventually hit Israel proper (see below). To be clear, designating such a boycott as outside the scope of de-legitimization does not mean that Israel will not and should not fight it, but it will require using different tools from some of those used to fight de-legitimization.

"Lawfare" is another important practical indicator of de-legitimization. This phenomenon has become an increasingly common anti-Israel weapon in recent years. It is animated by the intent to criminalize Israel, that is, to portray it as a criminal state that must, like all criminals, be punished to the fullest extent of the law. Legal warfare is waged against the State of Israel in international legal forums (the Palestinian Authority has taken action against Israel in the International Criminal Court [ICC] for alleged war crimes), and against Israeli citizens (primarily government officials, military officers, and members of the defense establishment current and former). Clearly, not every legal claim lodged against Israel satisfies the definition of de-legitimization, but a large number of them do, especially those that systematically attack Israel's right to defend itself against threats to its national security, and those brought by known de-legitimizers. Because of this, and due to the gravity of the threat, it is important to treat lawfare as a key potential indicator that requires a systemic response.

Key Drivers Behind the De-Legitimization Phenomenon

There are a number of key factors behind the de-legitimization campaign that both motivate and fuel it.

A major component of the de-legitimization phenomenon and the main ammunition of its perpetrators is the **ongoing conflict between Israel and the Palestinians**. This conflict provides de-legitimizers with a convenient space and sufficient pretext to attack Israel and undermine its legitimacy. This is because in the eyes of the broader international community, Israel is cast as the Goliath to the Palestinian David, the strong versus the weak, the occupier versus the occupied. The primary responsibility for the absence of a solution is attributed to Israel. The conflict enables de-legitimizers to frame the Jewish people's right to self-determination as antithetical to the Palestinians' right to self-determination. Israel's image is tarnished as a colonialist-settler, racist, peace-rejectionist, oppressive and murderous entity that denies human rights and is characterized by serial violations of international law, war crimes, and crimes against humanity (see the 2009 Goldstone Report as an example).

For the Palestinian side, tarnishing Israel's image and demonizing remain important tools in its national-political struggle. It is no coincidence that the founders of the BDS movement are Palestinians who reject the two-state solution. The Palestinian Authority (PA) itself is characterized by a duality on the matter of de-legitimization, including its attitude toward the BDS movement. On one hand, it has committed politically to a two-state solution that recognizes Israel's right to exist, and for years has been cooperating with Israel on security and economic matters. On the other hand, from the perspective of a historical conflict over the same piece of land, the PA refuses to recognize Israel as the nation-state of the Jewish people, and, lacking a political solution, rejects normalization between the two entities and peoples. Although the PA does not adopt the BDS movement, many of its actions evince the latter's logic, including systematically blackening Israel in international forums and appealing to the International Criminal Court.

The Palestinian public discourse, on both the official and unofficial levels, is blatantly anti-Israel and is often characterized by anti-Semitic overtones.

There is no doubt that there is an overlap between de-legitimization and **anti-Semitism** at some level, and that the latter is responsible for an important part of the phenomenon. After all, we are dealing with the denial of a right of the Jewish people afforded to all other peoples. Jewish Agency Chairman Natan Sharansky has suggested that anti-Zionism becomes anti-Semitism when it includes any of the "three Ds": De-legitimization in the sense of clearly undermining Israel's legitimacy; Demonization; and Double Standard.[2] The inherent overlap of de-legitimization and anti-Semitism has found some recognition in the international community. Thus, for example, Pope Francis (2015), the new Secretary-General of the United Nations Antonio Guterres, and French President Emanuel Macron (2017) have all said publically that those who deny Israel's right to exist are tainted with anti-Semitism. In 2016, the International Holocaust Remembrance Association (IHRA) offered a definition of anti-Semitism, which the British government and the European Parliament later adopted, that included, inter alia, "denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor." As of 2010, the U.S. Department of State adopted a definition of anti-Semitism (based on the definition of the European Monitoring Center on Racism and Xenophobia), and as one of its examples noted "De-legitimization" namely, "denying the Jewish people their right to self-determination, and denying Israel the right to exist."

While recognizing this overlap and the fact that de-legitimization opens a space for expressions of anti-Semitism and vice versa,[3] it is important to remember that the overlap between the two is not entire. One should exercise caution and not rush to characterize all critics or opponents as anti-Semites, especially in the fight for Western public opinion. This could generate more harm than good.

In addition to the above-mentioned major drivers, one should add factors that stem from the intellectual, political, and cultural concepts that have taken hold in the West in recent decades, especially in post-WWII Western Europe, including post-modernism, post-nationalism, post-religion, post-colonialism (interwoven with a sense of European guilt) and post-Zionism. These concepts reject ethno-religious nation-states, view Israel as an artificial colonialist entity, and promote a discourse of human rights, liberalism and pacifism (as an antithesis to a security

discourse in Israel that barricades itself behind practical and virtual boundaries) that presents Israel in a dark light. These concepts migrated to the United States in the 1960s and 1970s, took root mainly on campuses, and have served as the foundation for the new American left. Some of them were cynically used by the Soviet Union in its struggle against the West and during the awakening of Soviet Jewry – including the initiation of the infamous 1975 UN General Assembly Resolution 3379 that equated Zionism with racism – in a manner that left a mark for many years.

The Israeli-Palestinian conflict, as noted, constitutes a platform, a fuel, and a main cover for the de-legitimization campaign, including the use of anti-Semitic overtones and the conceptual-intellectual de-legitimization discourse. This conflict takes up most of the space in the discourse regarding Israel, usually paints it in unflattering colors in the international arena, makes it easier for de-legitimizers to "capture" ignorant or naïve audiences, and creates the negative drift toward de-legitimization. This is especially true since most of the world adopts the Palestinian narrative, according to which the conflict is about occupied territory (and not disputed land, as Israel claims) and that the settlements are at least an obstacle to peace, if not illegal and "colonialist." It is clear, therefore, that although a real breakthrough toward resolving the conflict will not remove de-legitimization from the agenda, as the end goal of de-legitimizers is denying Israel's right to exist within *any* borders, it will nevertheless deny them important ammunition in their struggle against Israel.

The De-Legitimization Campaign – Key Characteristics, Modes of Operation, and Effects

The de-legitimization campaign against Israel is the latest in a chain of attacks against the State of Israel since its inception, with the aim of weakening it until it is destroyed through an historic process. It was preceded by a series of campaigns that all failed – military campaigns, the Arab boycott, political/diplomatic campaigns (such as Zionism = racism), and campaigns of terror. In the eyes of the perpetrators of de-legitimization, this new form of campaign is aimed at Israel's "soft underbelly" – it being a unique entity whose essence is not self-explanatory and cannot be easily understood since it defines itself along both religious and national lines and in the interface between them, and is in a historical conflict with another national movement over the same piece of territory – but holds a superior position on the ground.

This is largely a campaign in the realm of perceptions, presented as a "moral" one. As a result of the ideological negation of Israel's legitimacy, those who stand behind it deny the legitimacy of any Israeli sovereign act aimed at defending and strengthening Israel, including the realization of the right of self-defense, the development of foreign and economic relations, the special relationship with the Diaspora (including the Law of Return), and the defense of Israel's reputation. In this global campaign, the entire world is perceived as a battle-front, every citizen a potential soldier.

It is not by coincidence that this wave of war of perceptions broke out and resonated at the beginning of the 2000s, especially in Western Europe. This is a period in which a number of developments reached fruition and coalesced – receding awareness of the Holocaust, diminished connection to the Bible, the development of modern patterns of anti-Semitism directed against the State of Israel, the adoption of the "post ..." discourse mentioned above, the spread of globalization and cosmopolitanism, decreased tolerance for expressions of ethno-religious nationalism, the human rights discourse superseding the classic

national security discourse, the relative empowerment of non-state actors (the sovereign individual, non-governmental organizations, and civil society elements generally) and the increase in the demographic and political weight of Muslims in Europe. This was also the beginning of the age of social media, the internet networking revolution that developed tools to disseminate and amplify messages widely without ethical or legal filters. Additionally, this coincided with a low point in the Israeli-Palestinian conflict with the failure of the Camp David process, the crushing of the hope for peace built up in the 1990s, and the eruption of the Second Intifada. As mentioned, for some of these factors there have been reversals or changes in recent years (for example, the resurgence of nationalism and populism), however their effects at this time are not yet clear.

A number of actors hostile to Israel came together behind the de-legitimization campaign, led by Muslim elements (including evidence of funding by political Islam), Palestinians, and far-left circles in the West. Although this is a decentralized phenomenon that includes many different entities, one can identify an increasing tendency toward virtual networks, franchises, and local collaborations.[4] This is definitely true in relation to the leading BDS and de-legitimization organizations, such as Students for Justice in Palestine (SJP), Palestine Solidarity Campaign (PSC), or the BDS National Committee (BNC). For example, Students for Justice in Palestine (SJP), which is the leading organization of the de-legitimization campaign on campuses and which grew up as a grass roots organization, increasingly appears to be tied to these networks and external organizations (such as American Muslims for Palestine) which provide funding and professional advice. All in all, we recognize in the West no more than a few dozen main groups dedicated to de-legitimization (and behind them a long trail of "tails"), enabling a focused counter-campaign, as will be presented below.

Taking a broad view, this campaign usually disguises its true intentions in a sophisticated manner, while offering an essentialist criticism of Israel as responsible for the Israeli-Palestinian conflict and its consequences. It places the conflict in a broader context of the denial of human and minority rights and the oppression of the weak and dispossessed. Its hubs can be found in the West (mainly in Western Europe and parts of the United States), among civil society actors (NGOs, campuses, labor unions, the business sector, churches, the media), social networks, and among the youth. This campaign Includes:

a. Laying down an **intellectual platform** for shaping the narrative in a way that implicitly negates the legitimacy of Israel and its actions.

b. Based on this platform, **social networking tools** are used to disseminate the message among broad **civil society** audiences, including widespread use of **social media** with an emphasis on the **younger generation**, frequent use of visual/emotional effects, and use of democratic and administrative means to penetrate civil society institutions and drive their decisions against Israel.

c. The translation of the message into practical anti-Israel tools, while creating constant and unrelenting pressure, including legal attacks on Israel and Israelis (**Lawfare**), an economic attack on trade with Israel and investment in it (**BDS**), and an effort to organize academic, cultural, athletic and media boycotts, all accompanied by conspicuous and aggressive campaigns.

d. Devising a **"legitimate" campaign** that appears to be progressive, liberal, non-violent, and focused on human rights and the protection of a discriminated and oppressed minority against what is presented as colonialism, racism, violence, and the systematic violation of international law. This includes legal "framing"[5] and joining forces **with liberal groups and leading international human rights organizations** (such as Amnesty International and HRW), the **integration of Jews and Israelis** into the campaign in order to give it a "kosher" stamp and to counter accusations of anti-Semitism, and the **frequent use of the UN** as a political-legal-moral "umbrella."

e. In **hijacking the liberal narrative**, there has been an emphasis in recent years on **intersectionality**, which seeks to place the struggle against Israel into the broader context of struggle against all forms of oppression and discrimination. This campaign, which is particularly prevalent on North American campuses, manufactures an artificial image of "solidarity" between various struggles of minority and disenfranchised groups against the strong, privileged, and discriminatory majority, such as blacks (see the efforts to connect to Black Lives Matter), women, LGBT's and more. **As such, it "frames" the Israeli-Palestinian conflict as a simplistic, "black and white" narrative of the aggressor (Israel) versus the victim (the Palestinians),** as opposed to a narrative of a complex conflict between two national movements.

f. Another gradually developing form of "liberal" campaign is the attempt to use the emerging trend of Socially Responsible Investing (SRI), namely incorporating considerations of social good into investment strategies of economic entities, in order to advance an anti-Israel agenda.

g. In the spirit of all of the above is the creation of an **accepted and frequently used lexicon** with a legitimate appearance in order **to tarnish Israel's image** and raise a question mark over its legitimacy, using such labels as apartheid state, racism, ethnic cleansing, colonialism, crimes against humanity, discrimination and aggression.

h. Along with the continuity and persistence in disseminating the message - exploiting any development or eruption in the Israeli-Palestinian conflict to intensify the campaign, focusing on aspects of Israel's behavior that are likely to echo negatively. This includes labelling the settlements issue (which is widely criticized around the world) as a type of colonialism that characterizes Israel in general, and organizing mass protests around security crises (see the ugly wave of anti-Israel events in Europe around Operation Protective Edge in Gaza in the summer of 2014).

i. A deliberate effort to deprive Israel of the ability to freely and legitimately present its case and defend its reputation, as if it is categorically illegitimate and therefore anything that relates to it is similarly illegitimate. This includes deliberate, sometimes violent, interference with lecturers and speakers on campuses and other forums ("Anti-Normalization").

j. Conducting a dynamic campaign that constantly adapts its methods of operation according to lessons learned.

The effects of the de-legitimization campaign. After more than a decade, one can clearly state that the international de-legitimization campaign against the State of Israel has **failed to achieve the strategic effect** its initiators had hoped and strived for.

First, it has not registered a macroeconomic effect. On the contrary, during this period, Israel has experienced stable economic growth, an increase in exports, a tripling of foreign investments and increased trade with Europe, the main theater of BDS activity.[6]

Second, it has not harmed the scope of Israel's foreign relations, which have expanded and developed considerably in recent years.

Third, it has failed to place any Israeli citizen in the legal dock for activities in the service of the Israeli government or the IDF (such as allegations of "war crimes" against Palestinians).

Fourth, it has achieved only limited success in cultural and academic boycotts, and has failed in its attempt to curb tourism to Israel (2017 appears to have set a new all-time record in this regard).

Fifth, it has achieved only limited success in bringing about anti-Israel divestment decisions on campuses and other public institutions (no U.S. university has actually divested from Israel, despite some student-bodies' calls or decisions to do so) and in generating academic boycotts (in the decade following the establishment of the BDS movement, there has been a nearly 50 percent increase in academic cooperation between Israeli and North American universities).

Finally, its impact on civil society has been translated into a very limited influence on governmental and diplomatic decisions – far from what it aspired to achieve.

There are several reasons for this lack of success. From the outset, an economic attack on a country, such as BDS, is limited in its ability to generate a macroeconomic effect if it fails to mobilize a significant international coalition of governments. In Israel's case, in addition to this crucial fact, the potential for successful boycotts was further limited since most of Israel's exports to Europe – Israel's largest trading partner – are production components embedded in products, which are exported by companies with an international profile. Moreover, Israel has developed other foreign markets, especially in Asia, and has at its disposal protective mechanisms against economic boycotts by virtue of its membership in international economic institutions.[7]

It also seems that a significant factor in the de-legitimization campaign's lack of success is the organizational efforts in Israel and the Diaspora designed to deal with it over the last decade. This includes the government's increased focus and mobilization on the issue and the growing intervention of many organizations in the counter-effort, a developing presence on the ground, as well as both preemptive and counter-attacks. Of special note is the Israeli government's preparedness and response capabilities with respect to lawfare attacks against the state and its citizens.

In addition, in a number of cases the de-legitimizers themselves have contributed to their own failure by adopting an extremist line that exposed their true intentions and deterred certain parties from joining them and partially swayed public opinion against supporting their initiatives.

That said, one cannot ignore and should not underestimate the effect that the de-legitimization campaign has nonetheless realized. More than anything else, it has succeeded in poisoning the atmosphere surrounding Israel in certain circles in the West, such as on campuses and in social media, as evidenced by many students and youth, and in some media outlets. By and large, polls consistently portray a problematic image of Israel in the international court of public opinion. The term "Zionism" has been subverted from one that denotes a legitimate, even admirable national movement into a negatively charged alien concept in Western discourse. In the United States, where public support for Israel remains high, opinion polls show a worrying erosion of Israel support among the younger and more liberal generation, especially in the context of the Israel-Palestinian conflict. Even if the full scope of this erosion is not the direct result of the de-legitimization campaign, it is safe to assume that it has contributed to it.

Despite the failure of the de-legitimization campaign, including BDS, on the macro level, it has registered some impact on the micro level by infiltrating Western liberal elites and through them trickling into the mainstream discourse. It is present, felt, and spreading across campuses in North America (despite that until now, it has only significantly infiltrated about 10 percent of them), in the field of academic cooperation between the Western world and Israel, and in the cultural and athletic arenas. It has become a nuisance to many businesses and economic entities in the West who invest in Israel, some of which (like European pension funds or companies such as Veolia or Orange) have decided to reduce or cut off contact with the Israeli market, and it has had some effect on the economically sensitive front of trade unions.

The phenomenon of applying boycotts or restrictions (such as labeling products or tightening customs tariffs) on Israeli products made beyond the "Green Line," or on Israeli companies that are based or operate in the West Bank, is more common than boycotts of Israel proper. In recent years, this has intensified in Europe. As noted above, there is a debate about whether these boycotts and restrictions constitute de-legitimization or are merely a tool to apply political pressure on

Israel's policies in the Palestinian context (which Israel would fight anyway). As they distinguish between "occupied territory" and "Israel proper," they therefore implicitly recognize the very legitimacy of Israel. In any case, although Israel's production beyond the Green Line is negligible (less than 1 percent of all Israeli exports), there is a potential "slippery slope" in that the boycotts or restrictions may gradually metastasize into Israeli entities – including banks – whose main operations are in Israel-proper but which have branches or activities in Judea and Samaria. This threat is manifested, for example, in the "black list" of such companies currently being compiled at the request of the UN Human Rights Council.

An important goal of the de-legitimization campaign is to undermine the connection of Jewish communities in the West to Israel, especially for the younger generation, which it regards as a "force multiplier" for Israel. Indeed, the phenomenon of "distancing" from Israel among Jewish youth in the United States exists and is well known. It can be seen in Pew surveys that show a lower rate of support for Israel among younger Jews than older age cohorts. The main reason for this development is not the de-legitimization campaign, but rather developments in the Jewish community itself such as intermarriage and other phenomena. However, on the political side, de-legitimization has had some influence. In general, one can say that although it has only convinced a very small and negligible part of the Jewish community to become de-legitimizers themselves, it has contributed to the adoption of critical attitudes toward Israel by a larger segment of the community. This derives from the sense of a perceived imperative to choose between its liberal values and support of Israel. An even larger segment simply disassociates itself from the issue of Israel because it regards it as having become too loaded and contentious.

The bottom line is that Israel and the Jewish people should not be indifferent to the campaign being waged against the state and its connection with the Diaspora. They must correctly identify the campaign's focal points, including the vulnerabilities at which it has or may take aim, and prepare accordingly.

As noted above, important developments have taken place on the Israeli/Jewish side in recent years. First, the emerging awareness of the strategic challenge de-legitimization poses. Second, this awareness has been followed by a preparedness to confront the challenge. Numerous think-tanks and Jewish organizations have set out to commit resources to researching this phenomenon and providing

action-oriented policy recommendations. At the initiation of the Jewish People Policy Institute (JPPI) the Government of Israel tasked one ministry, the Ministry of Strategic Affairs, with coordinating the issue, and allocated a dedicated budget for this purpose. This ministry has indeed covered considerable and noteworthy ground in crafting a strategy and translating it into operational measures. Israeli intelligence agencies have established designated functions to monitor such trends. Jewish organizations and a number of civic initiatives in Israel and abroad have emerged to combat de-legitimization, including on campuses, in the public relations field, and on the internet. Connectivity and networking among some of these anti-de-legitimization groups has been established, advocates have been deployed in the "field" (for example, on campuses and to counter the annual "Israel apartheid week" in various cities). A growing number of anti-de-legitimization legislative initiatives have been passed at the local, state, and national levels in the United States and Europe.

Nevertheless, a comprehensive, properly budgeted long-term strategy to combat the phenomenon has not yet been completed, embedded, and implemented in Israel, and subsequently in the Diaspora. There are still deficiencies in the levels of focus, prioritization, organization, networking, coordination, and the mobilization of the necessary human and material resources.

Guidelines for Developing a Counter Strategy and Practical Tools to Fight De-legitimization

As in every military campaign, this one requires developing and adopting a comprehensive strategy, focused intelligence, an operational plan that combines defensive and offensive elements, clear prioritization of efforts, and the proper adaptation of resources to the strategy. The above analysis leads to the conclusion that the struggle is not only a public relations effort, but also requires the integration of policy decisions and tools. It is important to concentrate on the phenomenon's focal points throughout the West – including civil society and cyber space – and not to over extend by rushing to take on any expression anywhere that smacks of de-legitimization.

First, it is important that the Israeli government, and subsequently the leading Diaspora Jewish organizations, adopt a **uniform definition** of de-legitimization that will underpin their actions. They should also adopt the set of **indicators and tools proposed above for distinguishing between de-legitimization and legitimate criticism**. Accordingly, the response should be designed and directed in such a way that differentiates to the extent possible between de-legitimizers and the liberal elements that are not, and possibly even repel them from each other.

Second, based on the fundamental distinction between the circle of de-legitimization and the general circle of Israel's image and between de-legitimizers and those who are not, one should characterize at least **four different target audiences for counter de-legitimization efforts**, and develop a distinct strategy vis-à-vis each of them:

a.   **Hard core de-legitimizers** - Groups and individuals whose mission or aim is to deliberately create, develop, and disseminate the de-legitimization of Israel (as defined above), and their main active supporters. This battle against the hard core should be at the heart of the war on de-legitimization and requires an *offensive* strategy, including:

exposing their true intentions; naming and shaming; a media campaign to undermine them by portraying them as radical, sinister, and totally illiberal; actively fighting them in cyber space; initiating legislation that would render their activities unlawful (see below) as well as bringing lawsuits against them on various grounds (in which Israel is not at the forefront); exposing their financing sources; pressuring banks to close BDS accounts; implementing counter boycotts in appropriate cases; and more.

Focus should be on the primary de-legitimizing entities, not the fringes. This means, according to our findings, dealing with dozens of leading organizations in the West, not hundreds or thousands. This would enable an effective focused effort that moves the de-legitimizers from offense to defense. Concurrently, it is important not to leave open spaces in which they can operate freely and exclusively. This means demonstrating an active and conspicuous presence against their activities on the ground – on campuses, during "Israel Apartheid Week," in major demonstrations, etc.

b. **Those who assist and contribute to de-legitimization, without an intent to delegitimize –** these enablers must be engaged in an active discourse that sheds light on the phenomenon of de-legitimization and sharpens and clarifies the lines separating it from legitimate criticism, including unacceptable expressions that characterize the de-legitimization discourse (such as apartheid). For example, it can be assumed that Judge Goldstone did not intend to de-legitimize Israel in his famous 2009 report on the war in Gaza. But there is no doubt that the report contributed to de-legitimization in determining that Israel had killed civilians as a matter of policy, and therefore committed "war crimes" and is suspected of "crimes against humanity." In this specific case, Goldstone retracted these accusations after being engaged in such a discourse, but it was too little too late. Israel and the Jewish organizations must include in this category minority groups and weak sectors attracted to and captivated by intersectionality, proactively approach them and seek to convince them that the connection between their case and the Palestinian issue is artificial and baseless.

c. **International public opinion at large, most of which lacks knowledge or interest in the Israeli-Palestinian conflict, but is subject to systematic brainwashing against Israel** - Interacting with this target audience lies mainly in the sphere of Israel's image, and its aim must be to prevent it from being drawn into the de-legitimization circle. Working with this target audience requires a significant reinforcement of public diplomacy efforts, including

shifting the discourse on Israel, to the extent possible, away from the prism of the conflict with the Palestinians toward branding Israel as a young, dynamic, democratic state (a unique democracy in a clearly undemocratic region), liberal, tolerant, peace-loving and contributing to the good of humanity. These efforts should not be limited to using tools of knowledge and logic but also strive to appeal to emotions and capture the imagination of the target audience.[8]

d. **Potential partners in the fight against de-legitimization** - It is important to seek these out, and encourage and connect them to a virtual network of those fighting de-legitimization (see below). In this context, efforts should be made to find liberal and non-Jewish partners, work to develop and empower grassroots support in the main centers of de-legitimization, and to expand as much as possible the "tent" under which these partners can come together - to anyone who is willing to fight de-legitimization even if critical of particular Israeli policies.

It is clear that in order to increase the chances of success vis-à-vis these latter audiences, Israel ought to be aware that initiatives and statements made in its domestic public sphere must align with the way it presents itself or answers its enemies. This is especially true of actions (including Israeli legislative initiatives) or statements that contradict or may contradict Israel's brand as a peaceful and liberal nation as opposed to its backward, bellicose enemies. For example, it seems that recently adopted legislation prohibiting anti-Israel activists from entering Israel could damage rather than benefit the anti-de-legitimization effort, since it could distance liberal actors who might otherwise assist in the struggle. In any case, the minister of the interior already holds the authority to block someone's entrance into Israel.[9]

As noted, the main fuel for de-legitimization derives from the Israeli-Palestinian conflict, and the rejection of a political compromise that creates political separation between two legitimate national entities. Therefore, it is important that Israel stand up to this litmus test and deny the de-legitimizers this ammunition. Utterances and initiatives in the Israeli political discourse that fundamentally reject the political solution of Israeli-Palestinian separation (as opposed to assessing the practical odds of success of such a solution at any given time), or appear to close the door to such a solution (such as settlement expansion outside the main settlement blocs), or reject granting basic civil rights to the Palestinians undermine the effectiveness of Israel's efforts with sensitive target audiences in the space between

the circles of Israel's image and de-legitimization. To be clear, this would deny de-legitimizers ammunition, not put an end their campaign, yet it is still significant.

Moreover, even in an age of growing populism and nationalism, **it is important that Israel and the Jewish establishment in the Diaspora not abandon the liberal discourse, nor leave the universal human rights discourse in the hands of their detractors** who bear its name in vain. This discourse is an important tool in the struggle for the moral high ground and it serves the core argument against de-legitimization, according to which rights are inherently universal and therefore cannot and should not be denied the Jewish people. In this context, it is appropriate to conduct an open dialogue with international human rights organizations that do not operate with anti-Israeli agendas and biases. One must also be careful not to be tempted to cozy up to illiberal elements in the West (such as far right parties in Europe that espouse racism and xenophobia), even if they are friendly to Israel.

From a global perspective, Israel should aim (which it does anyway) toward additional target audiences beyond the abovementioned – large and important national and social communities like China and India for example, who are open to contact with Israel and are not tainted by classic European anti-Semitism or by the de-legitimating discourse of the West. Employing such an indirect approach strategy can make an important contribution to thwarting the de-legitimizers' attempts to isolate and weaken Israel.

Some believe that this should be Israel's main effort in the face of the challenge of de-legitimization, since they believe Europe is already "lost" – infected with anti-Semitism or is in decline. This is, in our opinion, a mistaken approach. One should not underestimate the importance of Europe (Israel's largest trade partner and an important part of Jewish history) and the long-term impact of intellectual and cultural currents born and incubated in Europe, from where they move on to American elites and other parts of the world. Europe should not be considered a "hopeless case." On the contrary, it seems that the waves of refugees and terrorism coming from the Middle East (added to the already existing tensions due to the increase in the proportion of Muslims on the continent) – increases an openness in Europe to the Israeli narrative.

Experience teaches that an effective tool for dealing with those who are not de-legitimizers is **direct exposure to Israel** – its reality, its complexity, its dilemmas, its human mosaic, and its democratic fabric. This exposure often helps

to refute myths that serve the de-legitimization campaign. It is also important with young Jewish audiences. Visits to Israel, direct contact with Israelis, and providing first hand presentations of the Israeli reality (such as through emissaries and delegations) in centers of de-legitimization (e.g., campuses, labor unions, international companies, etc.) can be as effective as any other tool in the toolbox. The inclusion of Israelis from Israel's Arab and Ethiopian sectors in such exposure to target audiences abroad appears especially effective in dispelling anti-Israel stigmas.

From an organizational perspective, we conclude that the best approach is to create three centers of gravity to address the challenge of de-legitimization. Around each of these centers of gravity a variety of smaller organizations dealing with this issue will operate. **Specifically, we refer to Israeli governmental, civil society, and Jewish centers of gravity:**
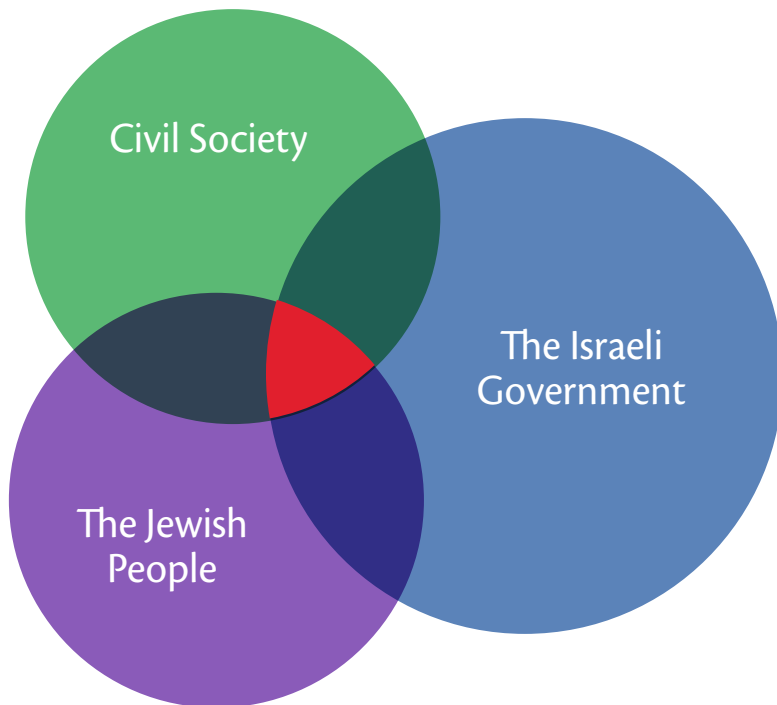
To this end:

a.   While there are many groups involved with this matter today, in many cases they operate without sufficient coordination and transparency, and have significant deficiencies in their toolboxes. It is therefore important to create centers of gravity, each of which brings to bear its inherent relative advantages. It should be significant enough to be able to concentrate activities and initiatives, coordinate between various bodies in its domain, provide assistance and ultimately achieve systemic effects.

b.   **Israel** – the central object of the de-legitimization campaign – must mobilize and lead the effort, and it possesses state tools vital to this effort (such as intelligence, resources, global deployment, implementation mechanisms and other advantages only a state can offer). Although the Israeli government has assigned a single government agency as responsible for handling the issue – the Ministry of Strategic Affairs – our assessment is that it would benefit from further augmentation. Another important state agency in this respect, the Ministry of Foreign Affairs, which has global operational and deployment capacities, has been weakened considerably in recent years.

c.   Alongside the governmental center of gravity, there should be a **civil non-governmental center of gravity**. First, since the main challenge stems from civil society, non-governmental civil society organizations often have an advantage in dealing with them, including being free from the need to adhere to the rules and restrictions applicable to a government, and the ability to appear as an independent party that does not espouse government propaganda. In the present reality, such a center has potential advantages mainly in the field of cyber warfare (some call for the establishment of a non-governmental NSA-like body), and in the fields of law and public diplomacy. In practice, we have encountered several initiatives to establish such a center of gravity (some with covert government support), but so far it has not yet been established, leaving a number of small and limited civil society actors acting on their own like free floating satellites.

d.   **The Jewish center of gravity** should mobilize the resources of the Jewish world, especially the human resources. However, as of now it does not exist, and the various Jewish organizations operate separately with only partial coordination and transparency. One of the ideas raised in this context was to create a kind of "national service" program for Diaspora youth to aid the Jewish people in the war against de-legitimization. Such service would be carried out for a defined period of time either

in Israel or in the Diaspora – preferably in conjunction with the above-mentioned civil center of gravity (taking advantage of the talents of Israeli youth) or as part of it. This could be especially appealing and useful in the area of online warfare.

e.   Among these three centers of gravity there must be a **central coordinating body** that shapes strategy, guides the division of labor, and decides what should be (for political, legal, media, budgetary or other reasons) done by the government and what should be done by the non-governmental bodies. This includes the development of an effective interface for the two-way transmission of information, which will require a mechanism for releasing classified government information to civilian bodies. Our impression is that the existing interface is weak and lacks a synergistic effect, which hinders the ability of the civilian entities to maximize their potential in this context, especially the ability of commercial companies to fight threats against them.

f.   Moreover, there is room for developing **interconnectedness and networking** between those involved in countering de-legitimization (the "Blue Network" far beyond what currently exists and certainly no less and hopefully more capable than the interconnectedness and networking established by the de-legitimizers – the "Red Network").

Israel's current government has started moving in this general direction, yet in a somewhat different way than that outlined in this paper. At the initiative of the Ministry of Strategic Affairs, the government recently adopted a resolution launching a collaborative venture of the Government of Israel and world Jewry to establish a joint government-civil society body to fight de-legitimization. The platform for this initiative will be a newly-established Public Benefit Company (PBC), named Solomon's Sling, whose funding (initially around $70 million) and steering committee will divide in equal shares between Israel's government and private donors from around the Jewish world – following the model of the Birthright or Masa programs. While a step in the right direction, this model presents too high a governmental profile in our view, including governmental regulatory constraints, and does not maximize the advantages of the model offered above.

In recent years, countless ideas and initiatives on how to combat de-legitimization efforts have emerged. It is neither the intent nor the scope of this paper to relate to all of them. In our opinion, it should be the role of the above-discussed centers of gravity to attract these ideas and initiatives and examine them from the point

of view of an overarching strategy, based on the following cumulative criteria: **what is important?, what is missing?, and what is effective?.**

From this perspective, we opted to review and highlight a number of ideas and initiatives that answer all the above questions (i.e., what is important, missing and effective).

First, it is imperative to **create an intellectual platform** to shape an up-to-date Zionist narrative and the ideological-moral justification for the self-determination of the Jewish people in its own nation-state. This platform is lacking in the face of that of the de-legitimization campaign. To this end, a group of heavy weight intellectuals of great international stature must be recruited, including non-Jews, to write and disseminate this narrative. This narrative, which will include a human rights and collective rights discourse, should be shaped within the tension between the universal rights to which Jews are entitled and the uniqueness of the Jewish story – the definition of Judaism along both religion and national lines, and, as noted by Rabbi Jonathan Sacks, the fact that only the Jews established a nation-state in Palestine and only they have never been absent from that territory over the course of history.

Second, in the context of the war against the hard-core perpetrators of de-legitimization (the first target audience analyzed above):

a.   One should note the **importance of legislative tools, alongside administrative decisions,** in denying space, freedom of operation and legitimacy for attacks on Israel. In recent years, these have greatly progressed in North America (in the United States, over 20 states have already adopted anti-BDS legislative initiatives at the time of this writing and more are on the way, and a legislative initiative at the federal level is advancing.[10] Canada has also taken steps in this direction). In Europe, France has had a law against boycotts/discrimination since 2003, which withstood a test in the Supreme Court of Appeals. The British government, in 2017, announced a legal ban on boycotts against Israel by local councils. The leading political party in Germany adopted, also in 2017, a resolution denouncing the boycott of Israel, and Germany's mainstream conservative parties are now proposing legislation that would allow states to expel foreigners who make anti-Semitic statements, including refusal to recognize Israel's right to exist. Several German central municipalities have already decided to deny BDS activities public support and to ban them in public spaces. The Swiss parliament decided, in March 2017, that the state would not fund any organization that supports racism, anti-Semitism, or BDS.

b. Decisions were taken against BDS by the Supreme Court and the ruling party in Spain. These initiatives should be encouraged and expanded to the greatest extent possible, with the aim of creating a kind of binding international code that will delegitimize the de-legitimization campaign – driving it away from debates over justice and morality – and help draw the line between criticism and de-legitimization.

c. **New offensive tools** ought to be developed. This is especially relevant for **lawsuits brought** against de-legitimizers on various grounds. One should not be content only with legal defensive action, as successful as it may be. In such actions, the Israeli government should not position itself at the forefront but rather leave them in the hands of civilian elements. The same goes for initiatives to close the bank accounts of BDS entities, which have scored some initial successes.[11]

d. The advantages of operating on the internet (currently exploited by de-legitimizers) should be utilized to the fullest extent in the framework of an organized cyber program, to be developed by Israel's government, enlisting the talents of Israeli and Jewish youth for integrated online warfare.

Third, in the framework of the required efforts against the main **centers of civil society** in the West:

a. We recommend launching an initiative with the **Catholic Church**, as part of an organized strategic plan, in order to elicit recognition from its leaders – at least implicitly – of the right of the Jewish people to a nation-state in its historic homeland. JPPI conducted a comprehensive project on this topic and formulated operational recommendations to be presented to relevant Israeli policy makers. For reasons not detailed in this paper, we see an opportunity for such an initiative (despite the difficulties) and believe that it is possible to recruit the present Church leadership – which holds moral influence over 1.2 billion believers – as a tacit partner in the struggle against de-legitimization.

b. We recommend investing a broader, more comprehensive and more professional effort vis-à-vis the **trade union sector.** Current efforts, undertaken mainly by the Histadrut Labor Union, are greatly lacking and require active Israeli government attention and support**.**

c. Although the de-legitimization campaign on **campuses** has drawn increased on-the-ground counter efforts in recent years, we recommend further expanded efforts given the importance of shaping the awareness of future intellectual elites in the West. Beyond what is being done

directly with students and lecturers, additional efforts should be initiated with university administrators, with the aim of defining an obligatory code of academic freedom up to the level of incitement and discrimination embodied in many de-legitimization activities.

Fourth, we recommend **formulating a comprehensive plan vis-à-vis the UN, a central platform for the de-legitimization phenomenon**. This includes exposing, pressuring, and seeking to change its structural systemic discrimination against Israel (in the very bodies of the United Nations and its policy agendas) and its open door to clear de-legitimizers. The current reality of a new UN Secretary-General, who openly opposes de-legitimization, and of a new American administration open to this Israeli discourse, provides an opportunity for such an initiative.

Fifth, we recommend that the Israeli government be better prepared to provide a **protective umbrella for Israeli and international for-profit companies** exposed and subject to BDS attacks. From what we have learned thus far, the government's awareness of the challenge of corporate de-legitimization and the connection between it and these companies is lacking. Within the government system itself, we recommend undertaking a discrete policy project to identify which economic sectors are most susceptible and vulnerable to economic attacks (our "Achilles' heels"), and the indicators ("red lights") whose appearance would demand a special Israeli response deployment.

Sixth, Israel should pay careful attention to the **legal dimension** in these efforts. The importance of counter-legislative initiatives and lawsuits in responding to efforts to provide legal "framing" for de-legitimization, has already been noted. To these should be added, activism designed to adapt the interpretation of international law to the up-to-date security challenges facing Israel, as well as Western countries currently exposed to terrorist and guerilla threats emanating from and aimed at civilian targets. Israel must also maintain constant awareness of the fact that the independence and professionalism of its own judiciary is an essential shield against international attempts to criminalize it.

Finally, we draw special attention to the **Jewish world dimension** at the interface of the de-legitimizers and Israel. This dimension requires an expansion beyond the scope of this paper as it touches upon a series of Jewish identity issues that must be addressed unrelated to the fight against de-legitimization, especially Jewish

education and strengthening ties with Israel. The bottom line is that Israel must relate to Diaspora Jews as being targets of a common threat and therefore as natural partners in countering it – while also being aware of the unique challenges and difficulties they face in this context and of the fact that some of them have been adversely affected by the de-legitimization discourse. Israel's decision-making process on matters of national security, such as de-legitimization, must include a structured consideration of the broader Jewish people dimension. Alongside the establishment of Jewish center of gravity to combat de-legitimization, as recommended above, it is important to connect Jewish youth in the Diaspora to an updated Zionist narrative that can serve as a source of identification and mobilization for the war on de-legitimization. Israel should also partner with non-establishment Jewish organizations for the sake of this war.

Endnotes

1   This is the significance of the stated goals of the BDS movement according to its founding platform from 2005: ending the "Israeli colonization" of "all Arab lands," recognizing equal rights for Israel's Arabs and defending the "right of return" for all Palestinian refugees, meaning that they return to their homes and properties in today's Israel.

2   http://jcpa.org/article/3d-test-of-anti-semitism-demonization-double-standards-delegitimization/
    This definition was later adopted by the U.S. State Department.

3   Israel's Ministry of diaspora released (January 21, 2018) a report portraying a worrying picture of anti-Semitism in Europe and noting the inter-connection between expressions of anti-Semitism and de-legitimization.

4   See, for example Dan Diker, BDS UNMASKED, JCPA, 2016

5   Daniel Reisner, De-legitimization in the Legal Arena (JPPI, 2013); Pnina Sharvit Baruch and Keren Aviram, Delegitimization of Israel: the Legal Framework, in: The De-legitimization Phenomenon: Challenges and Responses, INSS Memorandum No. 169, September 2017, pp 55-66.

6   See, for example https://www.bloomberg.com/news/articles/2016-06-02/israel-boycott-is-failing-when-measured-by-main-economic-gauge

7   See: Nizan Feldman, In the Shadow of Delegitimization: Israel's Sensitivity to Economic Sanctions, INSS, Memorandum No. 163, January 2017; Eyal Kauffman, An Analysis of the Possible Implications of an Economic Boycott on Israel, Knesset's Research and Information Center, December 2014 (Hebrew).

8   The issue of enhancing public relations efforts and Israel's Hasbara system is not the subject of this paper and deserves a separate discussion.

9   In the meantime, Israel's Strategic Affairs Ministry produced a list of senior activists of some twenty international organizations actively promoting BDS, mostly from Europe and the US, whose entry to Israel would be prevented. The list of organizations was made public. The very publicity drew some criticism as it was claimed that it inadvertently allows the BDS movements to portray themselves as a symbol of values such as free speech and democracy, even though they do not espouse them at all.

10   The Israel Anti-Boycott Act and The Combatting BDS Act of 2017

11   For example, over the last year bank accounts of BDS elements have been closed in the United States (Comerica), Germany (Commerzbank), the UK (Co-op Bank), and Ireland (Bank of Ireland). In January 2018, the deputy mayor of the city of Frnakfurt announced that the municipal government will end all commerce relations with banks that conduct business with organizations supporting BDS against Israel.

Conclusion

A century after the Balfour Declaration, 70 years since the UN resolution on the partition of the Land of Israel followed by the establishment of the state of Israel, and 50 years since the Six-Day War, the legitimacy of the Zionist idea is still under attack, especially in the context of the unresolved conflict with the Palestinians. Israel and the Jewish people should view this campaign as a long-term strategic threat and confront it with an orderly strategy and appropriate tools, as they did and succeeded in confronting the previous waves of attack on the embodiment of the Zionist idea: military, terrorist, economic, and political.

About JPPI

The Jewish People Policy Institute (JPPI) is an independent professional policy planning think tank incorporated as a private non-profit company in Israel. The mission of the Institute is to ensure the thriving of the Jewish people and the Jewish civilization by engaging in professional strategic thinking and planning on issues of primary concern to world Jewry. Located in Jerusalem, the concept of JPPI regarding the Jewish people is global, and includes aspects of major Jewish communities with Israel as one of them, at the core.

JPPI's activities are action-oriented, placing special emphasis on identifying critical options and analyzing their potential impact on the future. To this end, the Institute works toward developing professional strategic and long-term policy perspectives exploring key factors that may endanger or enhance the future of the Jewish People. JPPI provides professionals, decision-makers, and global leaders with:

- Surveys and analyses of key situations and dynamics
- "Alerts" to emerging opportunities and threats
- Assessment of important current events and anticipated developments
- Strategic action options and innovative alternatives
- Policy option analysis
- Agenda setting, policy recommendations, and work plan design

JPPI's publications address six main areas of Jewish People challenges and well-being: Geopolitics Impacting World Jewry; Community Bonds; Identity and Identification; Demography; Material Resources; and, Intellectual and Cultural Achievement. A full set of major publications can be found on our website: www.JPPI.org.il.

JPPI is unique in dealing with the future of the Jewish people as a whole within a methodological framework of study and policy development. Its independence is assured by its company articles, with a board of directors co-chaired by Ambassadors Stuart Eizenstat and Dennis Ross – both have served in the highest echelons of the U.S. government, and Leonid Nevzlin in Israel – and composed of individuals with significant policy experience. The board of directors also serves as the Institute's Professional Guiding Council.