

De-Legitimization and 'Lawfare:' Israel's Fourth Struggle

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Within 63 years of independence, Israel has achieved something unparalleled and unheard of in modern history. Though hugely outnumbered by its enemies, Israel has always prevailed on the battlefield. It has maintained the highest standards of democracy despite a constant state of war and terror. It has turned a backward and forsaken region of the former Ottoman Empire into one of the most productive, dynamic and technologically-advanced economies in the world. It has forged a coherent and functioning nation out of dozens of ethnic and linguistic groups.

So Israel is head-and-shoulders above the other nations that have gained independence since the Second World War. But it is also head-and-shoulders above them in terms of the purpose it serves: to safeguard a people whose powerlessness led to genocide, to rebuild a country that was destroyed during Antiquity, and to regenerate a culture that is the pillar of Western civilization.

What a paradox and what an irony, then, that it is precisely this country (and only this country) whose right to exist and whose very legitimacy are being challenged.

I know that many people who fight Israel or who question its right to exist say they do so because of Israel's policies.

If such is the case, why is it that the very same people who are constantly on Israel's case are silent on China's occupation of Tibet, on Turkey's occupation of Cyprus, on Morocco's occupation of Western Sahara, or on the statelessness of the Kurds?

Why do the people who try to stop Israel from building a security fence to protect its citizens have no problem with the fence that the United States is building on its border with Mexico or with the fence that Turkey built in occupied Cyprus?

Why do the same people who accuse Israel of war crimes in Gaza turn a blind eye at NATO's lethal actions in Afghanistan and praise the Sri Lanka government for wiping off Tamil terrorism?

Why do the same people who call the IRA and the ETA terrorist organizations describe Hamas and Hezbollah as political parties?

Why does the co-called Human Rights Council, a body dominated by human rights abusers, constantly accuses Israel of human rights violations but never has anything to say about countries such as Sudan, China, or Saudi Arabia?

And why does the legitimate criticism of Israel's policies always has to degenerate into denying Israel's right to exist?

The answer is that calling into question Israel's right to exist (what is known as "de-legitimization"), and harassing Israel in kangaroo courts (something known as legal warfare or "lawfare") are part of a deliberate policy.

I call it Israel's fourth struggle.

The first struggle was military. Since its independence, Israel has been attacked and fought against on the battlefield by relentless enemies. But all attempts to eliminate Israel by the sword have failed.

So our enemies tried to make us suffocate economically by boycotting Israeli companies. This attempt has failed too. While most Arab countries are economic basket cases, Israel is an economic wonder.

The third attempt consisted in breaking the morale of Israeli society through terrorism. Yet Israeli society has withstood terrorism heroically, and the IDF has managed to turn the tables on our enemies.

It is not that Israel's enemies have given up on war, boycott, and terror. They are still quite active on those three fronts. But they realize that none of those struggles will bring them victory –even though an Iranian nuclear bomb would completely change the equation, Heaven forbid.

The fourth struggle consists in trying to bring about Israel's demise by convincing the world and Israel itself that the Jewish state is criminal and illegitimate.

Our enemies are trying to depict Israel as a criminal state and as a remnant of colonialism with the hope that the world will eventually declare Israel an illegitimate member of the international community.

Unfortunately, this campaign is actually bearing fruit. Israelis are good at military strategy, at technological innovation and at enduring hardship. But they are lousy with PR, as you've probably noticed. Not only that, but Israelis themselves are taking part in the de-legitimization and lawfare campaigns. So if we want to win the fourth struggle, we (meaning Jews both in Israel and in the Diaspora) must get our acts together.

Whether you call it de-legitimization, lawfare or media war, the fourth struggle against Israel may be fatal if we fail to understand it and, of course, to win it.

The reason why I'm using the expression "fourth struggle" is that this struggle is part of the fourth generation war, a concept developed by the American journal *Marine Corps Gazette* in an article published in 1989. This article argued that ideologically motivated but technologically weak countries or movements would likely try to fight the West through psychology rather than technology.

Unlike previous generations of warfare, the fourth generation war does not attempt to win by defeating the enemy's military force. Rather, it tries, through propaganda, to convince the enemy that it cannot win, and to convince the world that the aggressor is actually the victim and that the victim is actually the

aggressor. And the same way that mechanized war was made possible by tanks and airplanes, the media war is made possible by the television and the internet.

Fourth generation war is not just a theory. In fact, copies of the 1989 article I just mentioned were found by US troops in the caves of Tora Bora, the al-Qaida hideout in Afghanistan. In February 2002, Abu Ubeid al-Qurashi, one of Osama bin Laden's deputies, revealed that al-Qaida had adopted the "Fourth Generation War" strategy, and that the purpose of this strategy is to undermine popular support for soldiers within the enemy's society. In this type of war, TV screens are considered as powerful if not more powerful than tanks.

This is the war that has been imposed upon Israel and upon the Jewish people, and this is the war that we must win.

We must win this war because Israel is indeed growingly perceived as criminal and illegitimate, and because genocide is always preceded by the de-legitimization and demonization of the target population. The Jews in Nazi Germany were depicted as enemies from the inside and were called "vermin." In Rwanda, the Tutsis used to be called "cockroaches." In Iraq, Saddam Hussein described the Kurds as "monkey-faced people" before killing them with chemical weapons. And today, the Iranian President calls Israel a "cancer." More and more people around the world agree with him.

The demonization and defamation of Israel is not a new phenomenon. During the first Lebanon war, the PLO tried to compare Israel to the Nazis and the

Palestinians in Lebanon to the Jews during World War II. And this is indeed the narrative that was adopted at the time by many journalists in Europe and elsewhere.

With the launching of the second Intifada in 2000, the PLO and its allies unleashed an aggressive media war against Israel. First there was the al-Dura blood libel in September 2000, a television scene fabricated by Palestinian cameraman Talal abu-Rahma and broadcast by French TV channel France 2. Then there was the Durban Conference in September 2001, which was orchestrated to brand Israel as an apartheid and colonialist state.

The purpose of the al-Dura hoax was to describe Israel as a country that intentionally and purposely kills children. And it worked.

Al-Jazeera repeatedly ran the clip of the boy being shot, and for several days the picture of his alleged death became the network's emblem. These images had a galvanizing effect in the Arab world. When Osama bin Laden made a recruiting video before 9-11, he had a special section on Muhamed Al Durah, explaining that when "the Israelis" murdered the boy, they killed every Muslim child in the world. Daniel Pearl was beheaded with a picture of Mohamed al Durah behind him and scenes of Al Durah spliced into the slitting of his throat.

As for the Durban Conference, its absurd contention that Israel is colonialist and racist has become the conventional wisdom on Western campuses and among a growing number of Western journalists.

The result is not a mere nuisance but a real threat.

Over the last decade, Israeli politicians and army officers have been threatened with arrest in countries such as the United Kingdom for alleged war crimes. Boycotts and divestment campaigns against Israeli products and institutions are spreading across Europe. Israeli officials are prevented from speaking on US campuses. On European campuses, some have been attacked by mobs. Members of European parliaments have been discussing suspending the Association Agreement signed between Israel and the EU in 1995. In many Western intellectual circles, it has become politically incorrect not to question the legitimacy of the Jewish state.

The de-legitimization and lawfare strategy is based on three messages:

1. Israel is criminal. It does not defend itself, but only attacks harmless people and intentionally kills innocents.
2. Israel is racist. Like apartheid South Africa, it promotes a segregationist social model.
3. Israel is colonialist. There is no historical connection whatsoever between the Jews and Palestine.

If Israel is criminal, racist, and colonialist, then it is illegitimate and has no right to exist. It must therefore be isolated, banned and pressured until it gives up on its

own existence. And if it refuses to do so, then Iran's president is only promoting justice by calling for Israel's demise.

Lawfare is seriously affecting Israel's ability to defend itself.

In 2004, the International Court of Justice issued a ruling questioning the legality of Israel's security fence without considering the waves of suicide bombing attacks on Israeli civilians that caused the construction of the fence. The International Court of Justice went as far as to question whether the right to self-defense (recognized by Article 51 of the UN Charter) applies to the terrorist attacks against Israel.

After Israel unilaterally withdrew from the Gaza Strip in 2005, its citizens became the victims of daily mortar attacks from Gaza, which killed dozens of Israelis, maimed hundreds, and caused considerable material and emotional damage. Yet when Israel fought back to stop the attacks against its citizens, attempts were made, through legal warfare, to stop Israel from acting. Hence the infamous Goldstone Report from September 2010, which accuses Israel of deliberately killing civilians without producing a shred of evidence to prove this libelous accusation.

The purpose of the Goldstone Report is to deny Israel's right to self-defense.

More recently, in May 2010, the Israeli navy stopped a Turkish flotilla of six ships that sought to break Israel's blockade of the Gaza Strip. This blockade was

instituted in response to the repeated rocket fire launched by Hamas at Israeli civilian targets since 2001. Allowing unrestricted access to Gaza by sea would have enabled the delivery of heavy rockets from Iran. Military blockades are a form of self-defense recognized by international law. NATO put Yugoslavia under a naval blockade during the Bosnian War, and the UN Security Council placed a naval blockade on Iraq after Saddam Hussein invaded Kuwait.

When Israeli naval commandos boarded the *MV Marmara*, they were violently attacked and lynched. IDF soldiers only opened fire on their aggressors to protect their lives. Yet Israel was widely condemned, while Turkey was not questioned for its role in sending a terrorist organization (the IHH) with the only purpose of letting Iranian weapons flow into Gaza. And Western powers, which had themselves imposed naval blockades on Iraq and Yugoslavia just two decades earlier, questioned Israel's right to do just that in Gaza.

In addition, pro-Islamic NGOs take advantage of legal loopholes in Western legal systems in order to initiate legal measures against Israeli politicians and army officers visiting Europe, accusing them of human rights violations and war crimes. Hence the arrest warrants in Britain against opposition leader Tzipi Livni or against former Prime Minister Ehud Olmert. Those radical NGOs cynically abuse the human rights discourse and the principle of universal jurisdiction, which was originally adopted in the West in order to bring to justice perpetrators of genocide and crimes against humanity, even when those crimes were committed outside of the country whose courts are petitioned to act.

The legal warfare aims at legally tying the hands of the IDF and at presenting any act of Israeli self-defense as a crime against humanity. Sadly, the goal of this campaign has been mostly achieved.

The second aspect of the “fourth struggle” is de-legitimization. While lawfare tries to describe Israel’s acts of self-defense as a crime, de-legitimization tries to present Israel’s existence as a fraud. The idea is to claim that there is no Jewish people and that the Jews have no historical connection to Palestine.

During the Camp David negotiations in July 2000, Arafat shocked President Clinton and the Israeli delegation by claiming that there never was a Jewish temple in Jerusalem. This has now become an official Palestinian myth publicly endorsed by Mahmoud Abbas, by Saeb Erekat, and by Yasser Abd Rabbo. While officially denying the Temple Mount’s Jewish past, the Palestinian Authority is actively erasing that past with acts of archeological vandalism conducted underneath the Temple Mount since 1996.

In November 2008, PA Prime Minister Salam Fayyad addressed an inter-religious gathering at the UN. He spoke of Jerusalem’s Muslim and Christian past, but made a point of not mentioning the city’s Jewish past.

In March 2010, Turkish Prime Minister Erdogan claimed in the Saudi newspaper *al-Watan* that the Cave of the Patriarchs in Hebron and Rachel’s tomb outside of Bethlehem are not Jewish but Islamic sites. In October 2010, UNESCO declared Rachel’s tomb to be a mosque. In November 2010, the PA’s Information Ministry

publicly denied any Jewish historical connection to the Western Wall and claimed it was an Islamic site.

This denial is a recent phenomenon, since Islam used to recognize Jerusalem's Jewish past (starting with Jerusalem's original name in Arabic, *Bait Al-Maqdis* – a transliteration of the Hebrew *Beit Hamikdash*, which means Temple). And this Islamic denial is now being echoed by some Christian churches.

In 2008, the World Council of Churches issued a statement instructing Christians to understand all Biblical references to Israel metaphorically. A few months ago, the Archbishop of Greek Melkites, Cyril Salim Bustros, claimed that the Biblical concept of a promised land “cannot be used as a bias for the return of the Jews to Israel” and that the original promise to the children of Israel “was nullified by Christ.”

Of course, attempts to de-legitimize, demonize and criminalize Israel are not entirely new. During the Cold War, Soviet and Arab propaganda tried to depict Israel as a serial aggressor and Zionism as a racist movement (indeed, the 1975 UN initiative equating Zionism with racism was a joint Soviet-Arab initiative). And for the Vatican, the rebirth of Israel was always a hard theological pill to swallow.

What is new, different and worrying is where the new de-legitimization and lawfare is now coming from and what it has been able to achieve. The source of anti-Israel de-legitimization and lawfare is no longer the Soviet Union, of course. It is now Western Europe and it enjoys a strong support in Israel itself. In Britain,

Scandinavia and Belgium, the assault on Israel has entered the mainstream of political discourse through universities, the internet, and the media. Just to give you one example, Hamas supporter Faisal Bodi, who says that Israel has no right to exist, has a column in the Guardian and a radio program on the BBC. *Hizb tu-Tahrir*, a Muslim brotherhood offshoot, is illegal in Egypt, Jordan and Pakistan, but it was invited by the British House of Commons.

Groups calling for the boycott of Israeli products generally do not distinguish between the West Bank and pre-1967 Israel. The Muslim Brotherhood branch in Britain, which is a leading force behind the anti-Israel boycott, denies Israel's right to exist regardless of its borders. As for the far-left leadership of the British "Stop the War Coalition," it calls for the dismantling of Israel. The organizations that promote the de-legitimization agenda do not limit their actions to the West Bank and Gaza. They generally support the "one-state" solution and the massive immigration of millions of alleged Palestinian refugees to Israel. That would mean the end of the Jewish state.

So the BDS (Boycott, Divestment, Sanctions) movement in Europe has nothing to do with borders, peace and human rights. It has to do with the denial of Israel's right to exist.

It took the Goldstone Report for Israel to finally realize that de-legitimization and lawfare are not a mere a PR contest. It would be bad enough if Israel had no strategy to fight the fourth generation war (and, sadly, Israel has no such

strategy). What is even worse is that Israelis themselves take an active part in the international de-legitimization and lawfare campaigns against Israel.

Avraham Burg, a former President of the Knesset and of the Jewish Agency, now says that the very idea of a Jewish state is an abomination. He calls for the repelling of the Law of Return and lectures around the world to warn that Israel is turning into pre-war Nazi Germany.

Shlomo Sand, a History professor at Tel-Aviv University, says there is no Jewish people and therefore no need for a Jewish state. Nurit Peled-Elhanan, a sociology professor at the Hebrew University, claims that the IDF is led by war criminals and murderers. Prof. Neve Gordon from Ben-Gurion University and Prof. Rachel Giora from Tel-Aviv University are active in the international campaigns to boycott Israel.

Israeli filmmaker Udi Aloni is an international advocate for the BDS (Boycott, Divestment, Sanctions) movement against Israel. Israeli-born artist Dror Freiler took part in the pro-Hamas Gaza flotillas in May 2010. An Israeli art exhibit in the city of Holon in December 2009 depicted the IDF as bombarding kindergartens.

The phenomenon is not limited to some radical Israeli academics, artists, and public figures. In fact, it is an Israeli fund, The New Israel Fund, that financed 92% of the Israeli organizations that testified against Israel in the Goldstone Report. And it is The New Israel Fund that finances the organizations (such as the

Palestinian Center for Human Rights and Adalah) that sue Israeli leaders in Europe.

So we are not going to win the fourth generation war without addressing the Jewish tendency for self-hatred and self-destruction. And this is where Israel and Diaspora Jews need to work together.

How? By focusing on education. The Jewish people will prevail in the fourth struggle only if Jews are united and only if they share a strong feeling of common destiny. If younger generations of Jews feel the burden of four thousand years of Jewish history upon their shoulders, then they will be able and willing to stand up for their past and for their future.

In America, this means making Jewish education more affordable. In Israel, it means providing an alternative to the growing influence of post-Zionistic ideas in academia. When young Israelis are told by their professors that Israel is a murderous country and that Zionism is a colonialist movement, how exactly are they supposed to fight for their country?

But I am hopeful. I am hopeful because some young Israelis have taken the initiative to fight back and they have understood that the battle today is about ideas. After the second Lebanon war, a bunch of students and army officers started a movement called "Im Tirzu," which means "if you will it." It is a reference to a famous sentence from Theodor Herzl's book *Altneuland*: "If you will it, it is no dream."

A street graffiti in Israel has a picture of Herzl with the words: “We don’t want it, we don’t need it.” Well, if we don’t want it, all is lost.

Thankfully, all is not lost. The “Im Tirtzu” initiative, which I strongly invite you to help and support, gives me hope. By looking back at Jewish history, I can only be hopeful. It is not by coincidence that the title of my last book is *From Israel with Hope*. But if we want the future to bode well for us, we need to act where we’re needed.

“All it takes for the triumph of evil is for good men to do nothing” said Edmund Burke. Well, I’m sure there’re only good people here this morning and that you understand that we must all take part in Israel’s fourth struggle, first and foremost by fighting the de-legitimization of Israel within Israel itself.

“If you will it, it is no dream” said Herzl. So let us turn our will into action and let us continue make the dream a reality.