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For me, not for thee

By EMMANUEL NAVON
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The new Israeli law does not criminalize boycotts, let alone freedom of speech. French and US law, by contrast, does criminalize boycotts, which only serves to highlight the hypocrisy of Israel's critics.

Last week on Bastille Day, the new Republic of South Sudan became a member state of the United Nations. After being oppressed, massacred and plundered for decades by Khartoum, the people of South Sudan finally obtained the independent state they fought for.

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Theoretically, the Palestinians should rejoice and ask the UN why they are denied what the South Sudanese were just granted. Instead, PA President Mahmoud Abbas delivered a letter to Sudanese President Omar Hassan Al-Bashir (a man accused of genocide and of crimes against humanity by the International Criminal Court) to express his opposition to South Sudan's independence.

It's called self-determination for me, not for thee.

Just as Abbas was about to reap the gold medal for hypocrisy, Catherine Ashton broke a new record. After the Knesset passed a law last week that enables Israeli citizens to bring civil suits against people or organizations instigating anti-Israel boycotts, the EU foreign policy chief expressed public concern for freedom of speech in Israel.

It seems Ashton too is now eligible for the gold medal of hypocrisy, because in Europe anti-Israel boycotting is a criminal offense. In France you can go to jail for three years and pay a €45,000 fine for trying to impede economic activity out of political, ethnic, or religious prejudice (Articles 225-1 and 225-2 of the "Code pénal").

The French law is more stringent than the one recently passed by the Knesset. The new Israeli law does not criminalize boycotts. It only allows "citizens to bring civil suits against persons and organizations that call for economic, cultural or academic boycotts against Israel, Israeli institutions or regions under Israeli control." So the New Israel's Fund's statement that the new law "criminalizes freedom of speech" is false and misleading. The new Israeli law does not criminalize boycotts, let alone freedom of speech. French law, by contrast, *does* criminalize boycotts.

US law also prohibits anti-Israel boycotts. The Anti-boycott laws under the US Export Administration Act of 1979 (as amended in August 1999) prohibit American companies from furthering or supporting the boycott of Israel. The penalties imposed for each violation can be a fine of up to \$50,000 or five times the value of the

exports involved (whichever is greater), and imprisonment of up to five years.

It is ironic that the same people in Israel who claim that freedom of speech can suffer no infringement said the very opposite two weeks ago when the police arrested Rabbi Dov Lior. We were told at the time that freedom of speech can and should be curtailed when it borders incitement. True, there is a difference between incitement and boycotts (though boycotts often turn into incitement). But either freedom of speech suffers no limitation, or it does. And democracies such as the United States and France do limit freedom of speech in order to prevent incitement as well as boycotts. So you are allowed to limit freedom of speech in order to prevent discrimination in America and in France, but not in Israel.

It's called freedom of speech for me, not for thee.

No less ironic is the fact that the very same people in Israel who said after the arrest of Rabbi Lior that the law is sacrosanct are now making a point of publicly defying the law by boycotting Israeli goods produced beyond the "green line" (in France, as explained above, they could be jailed for doing that). Two weeks ago, the law was sacrosanct. Now, it is a moral duty to break it.

It's called rule of law for thee, not for me.

So who gets the gold medal for hypocrisy? Mahmoud Abbas, Catherine Ashton, or MK Zehava Gal-On (Meretz)? The contest being so tight, here is a compromise. Let's grant French citizenship to Gal-On to deter her from discriminating between Israeli products for political reasons. Let's have Catherine Ashton write an essay on "why civil lawsuits are more dangerous to freedom of speech than criminal prosecutions." And let's appoint Mahmoud Abbas "UN Special Envoy for the Universal Implementation of the two-state solution including, inter alia, in Sudan, Libya, Lebanon, Morocco, Cyprus, Belgium, Canada, and China."

It's called making of fool of thee, not of me.

The writer is an International Relations Lecturer at Tel Aviv University and the founding partner of the Navon-Levy Group Ltd., an international business consultancy. He is also the author of numerous books on Israel's foreign policy, including most recently, From Israel, With Hope: Why and How Israel will Continue to Thrive.



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