

France Speaks Truth on BDS

The Middle East is the worst region in the world for freedom of expression. The group, Reporters without Borders, founded in France in 1985 to monitor the state of freedom of information worldwide, made this clear in its 2015 report on the issue. Of the 180 countries surveyed, Syria was almost at the bottom, listed as 177. Iran was 173, Saudi Arabia was 164, and "Palestine" 140.

As additional confirmation of this sad situation, the Pew Research Center in 2015 asserted that 14 of the 20 countries in the general Middle East area criminalize "blasphemy," and 12 criminalize "apostasy."


However, this dismal reality does not prevent the Boycott, Divestment, and Sanctions Movement, started in July 2005 by 171 Palestinian non-governmental organizations, and now with international connections, from continuing to refer to Israel as a racist and apartheid state, from condemning Israel and its citizens for alleged violations of international law, demonizing it as a state, and advocating a boycott of the only democratic state in the Middle East region.

Notwithstanding their denials and pretensions of moderation, the Palestinian boycotters and their companions have an agenda that transcends rational discussion. It is certainly appropriate to stage non-violent protests over questions such as the disputed territory, or refugees, or the building of Israeli settlements in the West Bank, or checkpoints on travel by Palestinians, or allegations of discrimination.

Yet it is absurd and disingenuous for Palestinians and their anti-Israeli champions to call for a boycott of businesses, cosmetic firms, Israeli theatrical and dance groups, a performance of Israel's Philharmonic Orchestra in London's Royal Albert Hall, cancer clinics, health centers,

universities, and individuals, regardless of any connection by them with Israeli policy towards Palestinians, or the nature and policies of the State of Israel in general.

The non-Palestinian leftists who support the boycott are guilty of hypocrisy and bigotry at the least. They single out Israel and its citizens as the one country and people responsible for criminality, violations of human rights, law-breaking, and violence, in an area where the savage civil war in Syria still persists after four years, where Iran may obtain a nuclear weapon within a short time, and where the Islamic State (ISIS) is an increasing threat to world civilization.

Moreover, truth must be spoken to the boycotters,  Palestinians and others. By singling out only one country in the world and concentrating their condemnation on it, they are not only guilty of deliberate prejudice and bias, but are also implicitly, whether they realize it or are unaware of it, echoing anti-Semitic hate speech.

That truth has now been made plain by the highest court of appeals in France. On October 20, 2015 the Court of Cassation, based in Paris, upheld the convictions of 12 individuals for their actions in a supermarket Carrefour in Illzach, near Mulhouse. The court found these activists, who called for the boycott of Israeli products, were guilty of inciting hate or discrimination, acts that are forbidden by French law.

The 12 activists, wearing t-shirts on which were the words, "Long live Palestine, boycott Israel," on September 26, 2009 and May 22, 2010 had handed out leaflets stating, "buying Israeli products means legitimizing crimes in Gaza." They did not make clear the exact relationship between buying tomatoes in a French supermarket and actions by Israel, including the Israeli response in Operation Protective Edge against the unending assault of thousands of rockets being fired by Hamas against Israeli citizens.

The French Minister of Justice at the time of the Illzach boycott, Mme. Michele Alliot-Marie, the first woman, in 1999, to chair a major French political party, RFR, recommended that those calling for a boycott of Israel be prosecuted on the grounds their behavior should be considered provocation of discrimination. She linked BDS with anti-Semitism. However, the tribunal in which they were tried in Mulhouse found the activists not guilty.

The case was taken to the Court of Appeals in Colmar which found the 12 guilty and fined them \$14,500 and court expenses. The 12 then appealed, citing their freedom to express their views. However, the Court of Cassation in upholding the Colmar ruling referred to Article 24 of the July 1881 French law on Freedom of the Press which calls for imprisonment or a fine for offenders who "provoke discrimination, hatred, or violence toward a person or group of people on grounds of their origin, their belonging or not belonging to an ethnic group, a nation, a race, or a certain religion."

French courts have made varying rulings on cases involving calls for boycott of Israel or its citizens. In a case in Pointoise in December 2013, regarding calls for a boycott made in a supermarket in Val d'Oise, in another case in August 2013 in Perpignan concerning demonstrations in another supermarket, and in a third in Paris in January 2014, the indicted were acquitted of criminal charges. But the Court of Cassation decision appears to supersede the decisions of the lower courts.

French governmental and political leaders have spoken fittingly and acted appropriately on the issue of the calls for boycott of Israel. In May 2012, French President-elect Francois Hollande considered BDS illegal, and actions that did not serve the cause of peace. Prime Minister Manuel Valls has said on June 7, 2015, "There is not and there will be no boycott of Israel." Even Marine Le Pen, leader of the Front

National, is reported to have said on July 14, 2015 that she would not accept as members of her party anyone who had anti-Semitic opinions or who supported a boycott of Israel. She characterized BDS as "racist."

Now that the French high court has spoken it is time for the courts of other western European countries and the U.S. to do likewise. They should punish, as well as shame, the groups and individuals calling for boycott for their illegal and discriminatory behavior, with or without intimations of anti-Semitism.

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