



مركز الجزيرة للدراسات  
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## Report

# Palestine and the Scandal of Liberal Democracy

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**The scandal of liberal democracy [picture-alliance/dpa/A.Sultan]**

## Abstract

An assault on democracy has begun in the United States of America and Europe. Its source is not the 'Islamic fundamentalism' that is regularly branded a threat to democracy, or right-wing demagogues who use fear of immigrants and radical Islam to foment hate. It comes, rather, from the mainstream of these societies.

## Introduction

Legislatures, courts and university governors in the liberal democracies of the global North are being used to close down the Boycott, Divestment and Sanctions (BDS) campaign, which seeks to use non-violent pressure to alter the behaviour of the Israeli state. The campaign to muzzle BDS is a stark contravention of the self-image of these societies, which routinely claim that love of freedom sets them apart from those who campaign against them. The campaign against BDS has been described as the greatest threat to free speech in the West today. And yet it has been met with silence by mainstream opinion.

The attack on BDS is not an isolated example: for well over a decade, it has been clear that the liberal democracy that these countries are eager to export – sometimes by waging war – does not extend to Palestinians and those who sympathise with them. Academics in these countries who zealously study and support the extension of liberal democracy to all show no interest in whether Palestinians have this right, and some are actively hostile to their exercising it.

Of course, measures to suppress or outlaw BDS are a response to pressure from the Israeli state, which has adopted its own measures to suppress boycott activity. But Israel is not a liberal democracy – it is an ethno-nationalist state. There is no such thing

as Israeli nationality in Israeli law: citizens are classified as Jewish or non-Jewish. Western democracies' embrace of anti-democratic measures to defend the Israeli state is, by contrast, a denial of the values that these states publicly proclaim.

Palestine is thus the scandal of western democracy and the academic theories that sustain it.<sup>(1)</sup> It is an unacknowledged blind spot, which makes all of western democratic deed and thought open to the charge that it is not a doctrine of universal freedom but a means to justify dominance. If 'universal' values do not apply to everyone they are simply cultural biases. As long, therefore, as democratic values and rights are off limits to Palestinians, western democracy will be open to the charge that its 'freedoms' are a prejudice, a means by which the powerful chain the weak. Palestine is thus the litmus test of western democracy and its advocates, a test that they currently fail. As long as advocates of western democracy exclude one group of people from its rights, its claim to speak for all humanity will lack credibility.

### **Suppressing BDS**

All the actions to suppress BDS use the same fig leaf: anti-Semitism. Because it might not be defensible to justify abridging democracy to protect the Israeli state purely on the grounds that it is a western ally, measures against BDS are usually justified as action against anti-Jewish racism. This endorses a deeply undemocratic and possibly racist notion – that anti-Zionism is anti-Semitism. This rallying cry of the Zionist right is designed to demonise criticism of the Israeli state by labelling it a disguised form of prejudice against Jews. It advances the untenable idea that opposition to a political ideology is also hostility to an ethnic group. No political ideology enjoys the unanimous support of any ethnic group – to say that an entire group endorses the same ideology is to insult it by implying that its members are incapable of independent thought. It is also anti-democratic because it delegitimises difference – it implies that any Jew who is not Zionist is not a Jew.

A second rationale for suppressing BDS, advanced repeatedly on US campuses, is that this is necessary to ensure that campuses are 'safe places' – despite the fact that there are no published instances of BDS activists directly threatening anyone with violence, let alone actually using it. This may reflect and seek to manipulate deep Jewish fears as well as a more general fear of Muslims (who might be assumed to be behind BDS even though most activists are not Muslim and many are Jewish). A core rationale of Zionism has been the assumption that Jews are always under threat of violence and need their own state to protect themselves. The notion of BDS as violent expresses the Zionist view that opponents of the Israeli state are inherently violent, even if their only weapons are words, and also seeks to manipulate Jewish students into fearing threats to their safety when none exist.

There are two types of action against BDS. The one shows insensitivity to Palestinian rights but is not necessarily anti-democratic, while the other breaches democracy. In the first category are statements of government opposition to BDS, even when backed by law. The most important example is the 2015 US law, the Trade Facilitation and Trade Enforcement Act, which make preventing boycotts of Israel a 'principal trade negotiating objective' of the USA. This commits the US government to a political preference but does not require it to act against those who hold the opposing view. The second category does infringe those rights since it actively seeks to suppress people's voice or their choices or both.

A summary of anti-BDS actions published by the Palestine National BDS Committee confirms that the most repressive anti-BDS measures have been implemented in France where a nineteenth-century law is used to criminalise BDS: more than thirty activists have faced criminal charges for participation in nonviolent BDS advocacy. One was arrested for wearing a BDS T-shirt. Prime Minister Manuel Valls recently said he would discuss with the Ministry of Interior further measures to repress BDS activism.

In the USA, anti-BDS bills or resolutions have been introduced in twenty-one states and in the Congress, while universities have also been seeking ways to curb BDS. Most US measures have stopped short of suppressing BDS, but they curtail democratic rights in other ways. The emphasis is on using public funds to deter BDS activity: the New York State Senate cut 485 million US dollars to senior colleges in the City University of New York system despite a speech by a legislator who said that her (Jewish) husband was a CUNY professor, and 'he has never brought home to me any concerns about anti-Semitism'. Universities also act against BDS activity as part of a wider clamp down on support for Palestinian rights: Palestine Legal, a US-based group, reports that action against campus BDS activity includes administrative sanctions, censorship, intrusive investigations, restriction of advocacy and criminal prosecutions. American companies are barred from cooperating with 'state-led' boycotts of Israel; this violates their right to take decisions and therefore abridges their right to engage freely in economic activity.

The British government has also avoided removing the civil liberties of BDS campaigners. However, its proposed measures violate democratic principle in another way – by barring local councils and other public bodies from supporting BDS. This breaches the democratic principle that an elected government should be entitled to take any decision that it believes represents the will of the voters. Canada has not yet taken action to restrict BDS, but there are well-founded fears that it may do this: officials have threatened criminal prosecution against anyone supporting boycotts against Israel.

## Liberal democracy in peril

A relentless, well-funded campaign by the Israeli state to suppress BDS activism has, therefore, attracted willing support in major western countries.

In varying degrees, this has prompted them to violate rights: even a core American value – the right of businesses to manage their property in the way they see fit – is considered dispensable in this rush to support the Israeli state. Rights are not absolute in liberal democracies – they can be abridged when exercising them infringes the rights of others or when the security of the state is said to be threatened. But there is nothing in liberal theory that allows for suppressing free speech and association on behalf of a foreign state when those who oppose the actions of that state do not threaten the state imposing the restriction.

The spurious claim that these actions are aimed at anti-Semitism further undermines the good faith of liberal democracy. While it presents itself as a philosophy of freedom, its critics argue that it is meant to preserve the freedoms of some at the expense of others – liberalism, argues one of its critics, has always distinguished between the ‘civilised’ and the ‘barbarian’. Equating BDS with anti-Semitism and violence neatly fits this negative portrayal of liberalism: it stigmatises a fight for universal human rights, and critics will note that western democracies’ supposed enthusiasm for outlawing anti-Semitism does not extend to anti-black racism or hostility towards Muslims, indigenous people and others who suffer racial bigotry.

The attack on BDS seems to confirm that western democracies are only interested in protecting the rights of some against the supposed onslaught of others and that whether or not you are protected is related to your race, creed and culture. The effect is to demolish the credibility of liberal democracy as a guarantor of the rights of all and to portray it as a view of the world and a system of government that recognises the rights only of those who do not offend the sensibilities of the dominant group for which these rights are really meant.

Palestine is a scandal for liberalism and its version of democracy not only because the reaction to it in the West is born of cultural prejudice, not concern for the rights of all. It is this also because of the depth and the width of the consensus that supports it: it is impossible to see the belief in liberal democracy’s blindness to Palestinian rights as a distortion or only a particular interpretation when it is embraced by virtually the entire liberal spectrum and includes academics and activists whose interest is democracy promotion, extending to every human being the rights and systems of government that are said to be enjoyed by the citizens of Western Europe and North America.

As evidence that the suppression of BDS is of no concern to democracy promoters, we can look at a decade-old example of this double standard in action – the rejection by North America and Western Europe of a 2006 Palestinian election deemed free and fair by observers because the winning party, Hamas, was considered hostile to western (and Israeli) interests: democracy promoters ignored this obvious violation of the Palestinians’ right to choose. It is routine for democracy promotion academics to monitor or analyse democratic progress around the world without allowing at all for the Palestinians’ right to govern themselves or to be free of attacks on their rights – in many of these exercises, Israel is listed as a democratic country, and analysis assumes (by omission) that only Jews are its citizens. Activist academics in the United States who doggedly work to bring Latin American rights abusers to book actively support the Israeli state or never mention it as an abuser. It is an unwritten assumption of democracy promoters that all people are entitled to democratic government and rights as long as they are not Palestinian.

### **Conclusion: The sense of the scandal**

Why is it important that the suppression of BDS – and of Palestinian rights generally – makes liberal democracy appear as a cultural prejudice masquerading as a charter for the rights of all?

Support for the Palestinian cause, and for BDS, is usually associated in the mainstream with Muslims or the political left, the two groups who have been most vocal on this issue. While Muslims and left-wingers have as much right to be heard as anyone else, the effect is to relegate Palestinian rights to the outer margin of society, exempting the Israeli state from the human rights scrutiny that impedes other rights abusers.

If we understand the suppression of Palestinian rights as a scandal of liberal democracy, suppressing BDS or resisting the Palestinians’ right to democracy and freedom is not a refusal to be ordered around by Muslims and leftists – it is a refusal to honour the principles the West itself proclaims and is therefore a threat to the credibility and even perhaps the survival of liberal democracy. The more this point is placed at the forefront of Palestine solidarity campaigns, the more difficult will it be to relegate the Palestinian cause to the margins.

Supporters of the Palestinian fight for recognition are more likely to be heard if they centre their campaigns on the gap between what the western mainstream says and what, in Palestine, it does: this is unlikely to influence governments and the democracy promoters who provide them with an intellectual rationale – but it could make sense to many citizens who, because they are more removed from power may be less inclined to see the values proclaimed by western states as a useful political device rather than a deeply held principle. Portraying the suppression of BDS – and Palestinian rights – as a scandal of liberal democracy frames the Palestinian fight for freedom as a cause to which

many in the West can relate rather than one that requires them to leave behind their cultural roots. It turns the language of the campaign into one that citizens of the West understand and so offers a route out of marginalisation.

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### **References**

- (1) For philosophers, a scandal is a glaring weakness to which thinkers are blind or which they choose to ignore. The term may originate with Immanuel Kant, who found it scandalous that philosophy had not found a rational proof of the existence of the external world. See for example Luigi Caranti Kant and the Scandal of Philosophy: The Kantian critique of Cartesian Scepticism (Toronto, University of Toronto Press, 2007).