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BDS, A CRITICAL APPRAISAL

by
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AN ABSTRACT OF THE THESIS OF

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The following pages conduct a critical discursive analysis of the BDS movement by placing it in juxtaposition to Robert Meister's recent articulation of the "Human Rights Discourse" (HRD) as described in his book, *After Evil.*

Using Meister's framework in conducting such an analysis will allow the uncovering of the BDS movement's ideological assumptions, political limitations, and potential social consequences. The question I ask is to what extent does the discourse of the BDS movement fall under the orbit of the Human Rights Discourse, and to what extent it escapes its critique as posited by Meister. To answer the question this paper investigates the underlying notions of justice, evil, and politics, as adopted by the BDS movement.

The research finds that the BDS movement, despite its *notable* efforts at challenging and breaking out of the HRD paradigm, nonetheless ultimately remains within its orbit, and is hence subjected to some of the same critiques, limitations, and pitfalls. Hence, although the BDS movement challenges the "exception of Israel" in several and significant ways, it does so only by defending the discursive (and material) structure that ultimately both created the exception and which limits/undercuts future political action/vision.

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“Crawling on our knees so as to gain the sympathy of official Western quarters will do nothing to diminish our alienation from the world.”

—*Mahmoud Darwish*

CHAPTER I: INTRODUCTION

A. Historical Context

One can plausibly argue that the Palestinian people have never been in such dire straits. A recent report released by the United Nations Conference on Trade and Development (UNCTAD), for example—which reviewed the Palestinian economy (including the West Bank, East Jerusalem and the Gaza Strip)—claimed that "unemployment persisted at levels rarely seen around the world since the Great Depression."[1] Almost thirteen years after the International Court of Justice declared illegal Israel's construction of the wall and its settler colonies in the West Bank and East Jerusalem, and more than twenty years after the launching of the Palestinian-Israeli "peace-process," Israeli settlements are still growing (at increasing rates) and the wall (which is known as a 'security fence' in Israel) remains intact. In 1991 there were about 220,000 Israeli settlers living in the West Bank and East Jerusalem;[2] it is estimated that today that number has increased to over 500,000, constituting almost a tenth of the Israeli population.[3] Assessing recent developments, Ilan Pappe writes that "on the ground a new state, the Greater Israeli State, has been born,"[4] a state that has nearly completed the annexation of Area C (which comprises about 60% of the West Bank).

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[1] As quoted in Zena Tahhan, "UN Slams Israel for 'de-Development' of Palestine," *Al Jazeera*, September 12, 2017, http://www.aljazeera.com/indepth/features/2017/09/slams-israel-de-development-palestine-170912065839916.html.
[2] Neve Gordon and Yinon Cohen, "Western Interests, Israeli Unilateralism, and the Two-State Solution," *Journal of Palestine Studies* 41, no. 3 (2012): 5–6.
[3] Hassan Hanine, "Europe's Contribution to Israeli Colonialism," *Al Jazeera*, August 13, 2015, http://www.aljazeera.com/indepth/opinion/2015/08/europe-contribution-israeli-colonialism-150813074831746.html.
[4] Noam Chomsky and Ilan Pappé, *On Palestine* (UK: Penguin, 2015), 41.

Currently, Israel controls more than 85 percent of historic Palestine.[5] This is not to say anything about the well-documented, daily humiliation (arbitrary checkpoints, Jewish-only roads etc.), oppression (the control of trade, water, land permits, movement, labor etc.) and violence (military incursions, assassinations, *etc*.) that Palestinians endure under the longest military occupation in modern history.[6] In Gaza, conditions can be described as deplorable. Historically, Gaza has suffered twelve rounds of war, the most recent taking place in 2008, 2012, and 2014.[7] The last one—Operation Protective Edge—was by far the most vicious of them; between July 8 and August 27 of 2014, around "2,104 Palestinians died, including 1,462 civilians, of whom 495 were children and 253 women,"[8] triggering international outcry. Pappe has gone as far as to define Israeli policy towards Gaza as "incremental genocide."[9] Gaza has also been under an intense siege for more than eight years, a form of collective punishment described by many as "the world's largest open-air prison." Through its siege, Israel has controlled the entry of various items ranging from candles, medicines, books, and clothing, to food and musical instruments.[10] As a result, about 80 percent of Gaza's population now rely on humanitarian aid for survival.[11] Looking inside Israel (within the Green Line), the 1.2 million Palestinians who are also citizens of Israel are continually treated as second-class citizens who must "contend with the more than 50 different laws that discriminate

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[5] "The Nakba Did Not Start or End in 1948," *Al Jazeera*, May 23, 2017, http://www.aljazeera.com/indepth/features/2017/05/nakba-start-1948-170522073908625.html.
[6] Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago, Ill: Haymarket Books, 2011), 120; Tahhan, "UN Slams Israel for 'de-Development' of Palestine."
[7] For a good historical review of the wars on Gaza see Jean-Pierre Filiu, "The Twelve Wars on Gaza," *Journal of Palestine Studies* 44, no. 1 (2014): 52–60.
[8] "Gaza Crisis: Toll of Operations in Gaza," *BBC News*, September 1, 2014, http://www.bbc.com/news/world-middle-east-28439404.
[9] Chomsky and Pappé, *On Palestine*, 147.
[10] Barghouti, *Boycott, Divestment, Sanctions*, 9.
[11] Issam Aruri, "Palestinians and Israelis Are Paying for the Stalled Peace Process with Their Lives," *The Guardian*, January 26, 2017, sec. Global development, https://www.theguardian.com/global-development/2017/jan/26/palestinians-israelis-paying-stalled-peace-process-lives.

against them."[12] It is for this reason that Israel's style of governance and occupation is increasingly being perceived as a form of apartheid, which is recognized in the Statute of the International Criminal Court as a crime against humanity.[13] And for the more than six million refugees stemming from the 1948 and 1967 expulsions,[14] Israel not only denies them their right to return as encoded in UN General Assembly Resolution 194, but has also been "trying to block by law or by force commemorating the Nakba or recognizing it."[15]

For over at least fifty years Israel has consistently excluded itself from "any international obligation to heed UN resolutions or the judgement of any international court."[16] Pursuing the details of the failed UN initiatives is beyond the scope of this paper, but the general pattern has been discerned by the likes of Noam Chomsky. He argues that a general pattern has been fixed since at least 1976, when a resolution that was brought to the Security Council by Egypt, Jordan, and Syria calling for a two-state settlement along the internationally recognized borders (Green Line) was vetoed by the United States. Basically, Chomsky notes that the overwhelming international consensus in support of a settlement along the lines proposed in 1976 (following Resolution 242) has been continually rejected by Israel, which has enjoyed the unremitting support of

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[12] Isaiah Silver, "Why Anthropologists Should Support BDS," ed. Alex Golub, *Savage Minds Occasional Papers*, no. 14 (April 2015): 4; Ben White, "In Israel, Racism Is the Law," *Al Jazeera*, February 25, 2016, http://www.aljazeera.com/indepth/opinion/2016/02/israel-racism-law-160224111623370.html.
[13] Richard Falk, "Support for BDS National Conference at the University of Pennsylvania," *Global Justice in the 21st Century* (blog), accessed May 17, 2017, https://richardfalk.wordpress.com/?s=BDS&submit=Search.
[14] In good measure due to the work of Revisionist historians like Ilan Pappe, many now recognize the Nakba of 1948 as an ethnic cleansing operation. See Ilan Pappé, "The 1948 Ethnic Cleaning of Palestine," *Journal of Palestine Studies* 36, no. 1 (October 2006): 6–20.
[15] Chomsky and Pappé, *On Palestine*, 69.
[16] John Berger, "Why a Boycott," in *The Case for Sanctions against Israel*, ed. Audrea Lim (London; Brooklyn, N.Y: Verso, 2012), 187.

the United States.[17] Given American veto power, Israel has been able to act with impunity, unscathed and unchecked by international law. Indeed, since 1970 the United States has employed its veto power more than 40 times for issues concerning the Middle East, the large majority of which relate to Israel.[18] Such unflinching backing by the world's only superpower has successfully paralyzed the ability of the UN to address Israeli violations of international law. On the other hand, concerning the much discussed "peace process," premised on bilateral negotiations (usually moderated by the United States) beginning in the early 1990s, most scholars agree, for various reasons—whether because of the inherently unequal power dynamics, the lack of adequate enforcement mechanisms, flawed frameworks (delaying final-status issues), the assumption of parity, partisan arbiters, insidious intentions *etc*.—that such endeavors were a resounding failure, as the settlement expansion should clearly demonstrate.[19] As a result, many scholars postulate that the two-state solution is dead, rendered unfeasible by the constantly expanding settlements. Chomsky was among the very first observers to note that the peace process was simply a cover for Israel to continue its expansion and establish facts on-the-ground that progressively make any two-state solution unviable.[20] But most crucially, the peace process not only failed to meet its own narrow objectives designed to limit the Israeli state to the pre-1967 borders, it also fundamentally ignored the fate of the Palestinian minority in Israel and the refugees. Ali Abunimah reminds us, for example, that even the Palestinian Authority had "already agreed to abrogate the

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[17] Chomsky and Pappé, *On Palestine*, 194.
[18] Asad Hashim, "Veto Power at the UN Security Council," *Al Jazeera*, February 5, 2012, http://www.aljazeera.com/indepth/features/2012/02/201225152330761377.html.
[19] Ilan Pappé, "Colonialism, the Peace Process and the Academic Boycott," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, 2013), 127–30.
[20] Chomsky and Pappé, *On Palestine*, 32, 137.

fundamental rights of millions of Palestinian refugees," given that President Abbas had proposed to Israeli officials (in 2009 and 2010) that "no more than 15,000 Palestinian refugees per year for ten years return to their original lands in what is now Israel."[21] For all the aforementioned reasons, the Palestinian Civil Society Call for BDS (hereafter referred to as the BDS call) appropriately declares that "all forms of international intervention and peace-making have until now failed to convince or force Israel to comply with humanitarian law, to respect fundamental human rights and to end its occupation and oppression of the people of Palestine."[22]

It is no wonder then that Mark Levine, reflecting on these conditions, states that "it is hard to think of a time when Palestinians had a weaker hand to play diplomatically or strategically."[23] It is especially hard to disagree with such an observation when we consider the massive amounts of capital—around three billion dollars per year—the Israeli government continually receives from the U.S. government,[24] the strengthening of Israeli diplomatic ties, the fragmentation and impotence of the Palestinian leadership, the lack of genuine Arab solidarity, and the abysmal failure of the recent Kerry-induced talks.[25] Thus the resort to BDS.

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[21] Ali Abunimah, "Reclaiming Self-Determination," *Al-Shabaka: The Palestinian Policy Network*, May 2010, 2.
[22] "Palestinian Civil Society Call for BDS," BDS Movement, July 9, 2005, https://bdsmovement.net/call.
[23] Mark LeVine, "Israel-Palestine: A Way to End the Occupation," *Al Jazeera*, July 17, 2016, http://www.aljazeera.com/indepth/opinion/2016/07/israel-palestine-occupation-160703070954387.html.
[24] Marjorie Cohn, "BDS: Non-Violent Resistance to Israeli Occupation," Counterpunch, March 25, 2014, http://www.counterpunch.org/2014/03/25/bds-non-violent-resistance-to-israeli-occupation/; In 2016 Obama signed a 38 billion dollar military aid package, the largest to any country in history. See Megan O'Toole, "The Middle East That Obama Left behind," *Al Jazeera*, November 9, 2016, http://www.aljazeera.com/indepth/features/2016/11/election-affect-middle-east-policy-161105125945727.html.
[25] Richard Falk, "Gaza: Neighbourly Crimes of Complicity," *Al Jazeera*, August 2, 2014, http://www.aljazeera.com/indepth/opinion/2014/08/gaza-saudi-egypt-20148295742128666.html.

B. BDS: An Overview

Inspired by the South African anti-apartheid struggle, on July 9, 2005—soon after the end of the second Intifada—a large coalition of Palestinian civil society organizations, intellectuals, trade unions, and activists called for the Boycott, Divestment, and Sanctions (BDS) of the state of Israel.[26] They called on the international community, "in the spirit of international solidarity, moral consistency, and resistance to injustice and oppression," to implement this call "until Israel meets its obligations to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by

1) Ending its occupation and colonization of all Arab lands and dismantling the Wall;

2) Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and

3) Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194."[27]

Since its inception, the BDS movement has observed "spectacular growth"[28] and support across the world. Indeed, over the last ten years—and especially after Operation Cast Lead—the movement has witnessed increasing support, ranging from faith-based organizations to trade unions, but most especially in universities across the United States.[29] In the "cultural" sphere it is worth reiterating, though very well-

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[26] Sriram Ananth, "The Politics of the Palestinian BDS Movement," *Socialism and Democracy* 27, no. 3 (November 2013): 1.
[27] "Palestinian Civil Society Call for BDS."
[28] Ali Abunimah, *The Battle for Justice in Palestine* (Haymarket Books, 2014), 125.
[29] For a good review of some successes of the BDS movement, refer to "U.S. BDS Victories," US Campaign for Palestinian Rights, 2017, https://uscpr.org/campaign/bds/bdswins/; "Academic Boycott," BDS Movement, June 15, 2016, https://bdsmovement.net/academic-boycott; Ben White, "Netanyahu Spurs Growth of BDS," Middle East Eye, July 26, 2016, http://www.middleeasteye.net/columns/did-

documented, that numerous (and ever-increasing) artists have boycotted playing or presenting in Israel, including musicians such as Bono, Roger Waters, Faithless, and many others,[30] while various Hollywood stars[31] and NFL players[32] have recently rejected personal invitations to Israel largely due to pressure from the BDS movement. At the grass-roots level, in the spring of 2016, for example, "Israel Apartheid Week" activities "were held in more than 225 cities and campuses around the world."[33] The swift growth of the movement has led many to agree with Omar Barghouti, a leading spokesman and organizer of the movement, in claiming that "BDS is perhaps the most ambitious, empowering, and promising Palestinian-led global movement for justice and rights."[34] Some claim that BDS is "the best chance for delivering freedom in Palestine,"[35] while others assert that "it is they [BDS] who are the hope for liberation,"[36] or that "BDS is the most powerful tool available for forcing the Palestinian issue."[37] To numerous observers and activists alike, the BDS campaign ushers a "qualitatively new phase of

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israels-netanyahu-just-declare-victory-bds-movement-1388756440; David Palumbo-Liu, "The BDS Struggle in US Academia," *Al Jazeera*, January 9, 2017, http://www.aljazeera.com/indepth/opinion/2017/01/bds-struggle-academia-170108153534873.html; Ananth, "The Politics of the Palestinian BDS Movement."

[30] Remi Kanazi, Poetry, Solidarity, and BDS: An Interview with Remi Kanazi, interview by Tareq Radi, Podcast, March 26, 2014, http://www.jadaliyya.com/pages/index/17025/poetry-solidarity-and-bds_an-interview-with-remi-k.

[31] Catherine Rottenberg, "Why Hollywood Has Abandoned Brand Israel," *Al Jazeera*, February 26, 2017, http://www.aljazeera.com/indepth/opinion/2017/02/hollywood-abandoned-brand-israel-170226080717315.html.

[32] "More than Half of NFL Players Booked for Israel PR Trip Withdraw," *The Guardian*, February 15, 2017, sec. Sport, https://www.theguardian.com/sport/2017/feb/15/nfl-players-israel-trip-michael-bennett?CMP=share_btn_fb.

[33] White, "Netanyahu Spurs Growth of BDS."

[34] Barghouti, *Boycott, Divestment, Sanctions*, 16.

[35] Ahmed Moor, "The Rise of Boycott, Divestment and Sanctions," *Al Jazeera*, August 19, 2014, http://www.aljazeera.com/indepth/opinion/2014/08/rise-boycott-divestment-sancti-201418102220917491.html.

[36] Palumbo-Liu, "The BDS Struggle in US Academia."

[37] Tom Suarez, "A Reply to Chomsky's Critique of BDS," SocialistWorker.org, July 6, 2014, https://socialistworker.org/blog/critical-reading/2014/07/06/reply-chomskys-critique-bds.

resistance to Israeli occupation, dispossession, and apartheid,"[38] insofar as it represents a "seismic shift in Palestinian tactics of struggle and resistance from violent tactics to nonviolent militancy, and from the territorial confines of occupied Palestine to the world as a whole."[39] It also represents the waging of what many, like Richard Falk or Pappe, call a "legitimacy war,"[40] the social mobilization of global civil society in a world-wide campaign that seeks to obtain moral high-ground and, in Barghouti's words, "delegitimize Israel's settler-colonial oppression, apartheid, and ongoing ethnic cleansing of the indigenous Palestinian people."[41] In essence, this is a call for international solidarity that seeks to achieve its demands by building global bottom-up pressure that would isolate Israel as a "pariah state," much like the fate of the South African Apartheid regime. By so doing, the BDS movement hopes to end international support for Israeli occupation and apartheid since, as Bakan and Abu-Laban note, "these cannot survive without external assistance."[42]

Similar perceptions seem to be shared by many members of the Israeli government itself. Indeed, the Israeli response to the BDS movement has been quite robust, to say the least.[43] For example, in 2016 prime minister Netenyahu allocated more

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[38] Omar Barghouti, "BDS: A Global Movement for Freedom and Justice," *Al-Shabaka: The Palestinian Policy Network*, 2010, 1.
[39] Falk, "Support for BDS National Conference at the University of Pennsylvania."
[40] Richard Falk, "The Palestinians Are Winning the Legitimacy War: Will It Matter?," Transnational Institute, April 12, 2010, https://www.tni.org/en/article/the-palestinians-are-winning-the-legitimacy-war-will-it-matter.
[41] Barghouti, *Boycott, Divestment, Sanctions*, 16.
[42] Abigail B. Bakan and Yasmeen Abu-Laban, "Palestinian Resistance and International Solidarity: The BDS Campaign," *Race & Class* 51, no. 1 (July 2009): 42.
[43] For an excellent review of the various Israeli efforts to combat the BDS movement, see Abunimah, *The Battle for Justice in Palestine*, chap. 5; Ananth, "The Politics of the Palestinian BDS Movement," 130–36.

than 25 million dollars to combat the movement.[44] Ali Abunimah notes how "top ministers in Netanyahu's government have repeatedly declared that BDS is the 'greatest threat' Israel faces."[45] The Israeli Ministry of Foreign Affairs has also recently declared that alongside "the nuclear threat posed by Iran and missile threat posed by Hamas and Hizbullah, a no less worrying threat posed to Israel is that of delegitimization, which attempts to negate the legitimacy of the Israeli state."[46] The foreign ministry added that the 'delegitimizers' "seek to cause Israel's collapse by undermining the moral legitimacy of Israel…destroying Israel's image and isolating it as a pariah state."[47]

That the main "stage" of the movement is centered in the U.S. (note that most books/articles on the movement are published in English and are based in American/European cities) is no surprise. In addition to the above reasons concerning U.S. support of Israel, mass surveys conducted by the BBC World Service in 2012 and 2013, which asked more than 24,000 individuals to rate various countries as "mostly negative" or "mostly positive," found that the "United States remained the only Western country…with overall favorable attitudes toward Israel," and that "apart from the US, in only two other countries, Kenya and Nigeria, did views of Israel lean positive."[48] The implications are obvious.

C. Research Question and Thesis

[44] Ben Caspit, "Did Israel's Reaction to BDS Drive Movement's Growth?," Al-Monitor, April 27, 2016, http://www.al-monitor.com/pulse/originals/2016/04/bds-boycotte-israel-movement-campus-birthright-gideon-meir.html.
[45] Ali Abunimah, "Israel Is Losing the Fight against BDS," Text, The Electronic Intifada, February 18, 2014, https://electronicintifada.net/blogs/ali-abunimah/israel-losing-fight-against-bds.
[46] As quoted in Abunimah, *The Battle for Justice in Palestine*, 127.
[47] As quoted in Abunimah, *The Battle for Justice in Palestine*, 127.
[48] As quoted in Abunimah, *The Battle for Justice in Palestine*, 162–63.

Although the BDS movement has received such global acclaim and attention, it remains largely undertheorized. Indeed, there are only a handful of books on the movement,[49] and most writing on the matter is journalistic in nature. The academic literature that exists primarily revolves around either defending or critiquing the movement's tactics or principles. Most debates center on issues such as academic freedom, anti-Semitism, and various tactical considerations (hypocrisy, inefficiency, legality etc.).[50] Chomsky, to take a famous example, in commenting on BDS, critiques the movement primarily for its third demand (the right of return), seeing that, as he claims, such a right does not have solid ground in international law.[51] Or take Moishe Postone, who notes that the BDS movement "is basically dishonest," and critiques the boycott of Israeli academics, claiming that "it is significant I think, that at the height of the Vietnam War, or the Iraq invasion, or other American adventures, there never was a

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[49] Maia Carter Hallward, *Transnational Activism and the Israeli-Palestinian Conflict* (New York: Palgrave Macmillan, 2013); Barghouti, *Boycott, Divestment, Sanctions*; Rich Wiles, ed., *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement* (London : New York: Pluto Press, 2013); Audrea Lim, ed., *The Case for Sanctions against Israel* (London ; Brooklyn, N.Y: Verso, 2012); Cary Nelson and Gabriel Brahm, eds., *The Case Against Academic Boycotts of Israel* (MLA Members for Scholars' Rights, 2015).

[50] For examples of such literature see: Lim, *The Case for Sanctions against Israel*; Wiles, *Generation Palestine*; David Lloyd and Malini Johar Schueller, "The Israeli State of Exception and the Case for Academic Boycott," *Journal of Academic Freedom* 4 (2013): 1–10; Adi Ophir, "The Challenge of the BDS," *South Atlantic Quarterly* 114, no. 3 (July 2015): 652–61; Lawrence Davidson and Islah Jad, *Academic Boycott as International Solidarity: The Academic Boycott of Israel* (Radical Philosophy Group, 2004); Judith Butler, "Israel/Palestine and the Paradoxes of Academic Freedom," *Radical Philosophy* 135 (2006): 8–17; Noam Chomsky, "On Israel-Palestine and BDS," *The Nation*, July 2, 2014, https://www.thenation.com/article/israel-palestine-and-bds/; Youssef Munayyer et al., "Responses to Noam Chomsky on Israel-Palestine and BDS," *The Nation*, July 10, 2014, https://www.thenation.com/article/responses-noam-chomsky-israel-palestine-and-bds/; Walid Khalidi, "Palestine and Palestine Studies: One Century after World War I and the Balfour Declaration," *Journal of Palestine Studies* 44, no. 1 (2014): 137–47; Hillel Schenker, "What's Wrong with BDS?," *Palestine-Israel Journal of Politics, Economics, and Culture* 18, no. 2/3 (2012): 78; David A. Love, "Right-Wing Zionism, White Supremacy and the BDS," *Al Jazeera*, September 29, 2017, http://www.aljazeera.com/indepth/opinion/wing-zionism-white-supremacy-bds-170929071542094.html; Stanley L Cohen, "BDS Is a War Israel Can't Win," *Al Jazeera*, July 11, 2016, http://www.aljazeera.com/indepth/opinion/2016/07/bds-war-israel-win-160711070045873.html.

[51] Chomsky, "On Israel-Palestine and BDS."

call for a boycott of all American Academics, ever."[52] As a result—and to the detriment of the cause more broadly—the BDS movement itself has been an infrequent object of theoretical analysis.[53] Specifically, very little has been done in researching the discourses employed by and the rhetorical strategies enveloping the movement. This research, in contrast, seeks to conduct a critical discursive analysis of the BDS movement by placing it in juxtaposition to Robert Meister's recent articulation of the "Human Rights Discourse" (HRD) as described in his book, *After Evil*.[54] By employing Meister's framework this paper hopes to contribute to the literature in two distinct ways. First, by providing an original and substantial theorization of the BDS movement (filling the gap mentioned above), and by doing that hence second, applying a corrective, since almost all attempts at theorization (the few that exist), given their limited scope and depth, have therefore only served to hinder the cause more broadly. Using Meister's framework in conducting such an analysis will allow the uncovering of the BDS movement's ideological assumptions, political limitations, and potential social consequences. The question I ask is to what extent does the (discourse of the) BDS movement fall under the orbit of the Human Rights Discourse, and to what extent it escapes its critique as posited by Meister. To answer the question this paper investigates the underlying notions of justice, evil, and politics, as adopted by the BDS movement.

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[52] Moishe Postone, "Anti-Semitism and Reactionary Anti-Capitalism," Worker's Liberty: Reason in Revolt, June 2016, http://www.workersliberty.org/node/26722.

[53] For exceptions, and for reference to some attempts at theorizing the movement, see: Bakan and Abu-Laban, "Palestinian Resistance and International Solidarity: The BDS Campaign"; Sean F. McMahon, "The Boycott, Divestment, Sanctions Campaign: Contradictions and Challenges," *Race & Class* 55, no. 4 (2014): 65–81; Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*; Barghouti, *Boycott, Divestment, Sanctions*; Abunimah, *The Battle for Justice in Palestine*; Falk, "The Palestinians Are Winning the Legitimacy War"; Mohammed Nabulsi, "BDS 10 Years On: Anti-Colonial Demands in a Liberal Framework," Warscapes, August 27, 2015, http://www.warscapes.com/opinion/bds-10-years-anti-colonial-demands-liberal-framework; J. Sperber, "BDS, Israel, and the World System," *Journal of Palestine Studies* 45, no. 1 (November 1, 2015): 8–23.

[54] Robert Meister, *After Evil: A Politics of Human Rights* (New York: Columbia University Press, 2011).

The research finds that the BDS movement, despite its notable efforts at challenging and breaking out of the HRD paradigm, nonetheless ultimately remains within its orbit, and is hence subjected to some of the same critiques, limitations, and pitfalls. Hence, although the BDS movement challenges the "exception of Israel"[55] in several and significant ways, it does so only by defending the discursive (and material) structure that ultimately both created the exception and which limits/undercuts future political action/vision.

D. Meister: Theoretical Framework

This paper will primarily use Meister's framework in analyzing the discourses employed by and surrounding the BDS movement. But why Meister? The BDS Call—as will be discussed in the following chapter—is, as Barghouti notes, "anchored in international law and universal principles of human rights," and adopts a "comprehensive rights-based approach."[56] Both the Call itself and countless commentators and activists alike make abundant references to numerous aspects and bodies of international law (such as the ICC), various UN resolutions, human rights and humanitarian law. Meister's magnum opus, published in 2012, centers its critique on precisely what he calls the Human Rights Discourse (hereafter referred to as HRD). It represents one of the most robust, complex, and penetrative critiques levelled at the HRD, and therefore, in conducting a discursive analysis of the BDS movement, which links itself so closely to a human rights framework, his work is pertinent for obvious reasons. Using such a framework will provide the tools needed to assess whether the

[55] Meister, 198.
[56] Barghouti, *Boycott, Divestment, Sanctions*, 6.

discourses employed by and surrounding the BDS movement are a reaction to, an exemplification of, or a challenge to the HRD (or all the above).

Moreover, given that Meister defines the HRD as a "particular version of human rights that followed from U.S global dominance"[57] post-1989, the BDS Call, then, which was launched in 2005, represents a movement born in the very core of this "postmodern humanitarianism," which "understands itself as coming *after* a world politics based on revolution and counterrevolution.[58] Finally, given that Meister takes the South African struggle against apartheid (mentioned in the BDS Call as an inspiration) and its aftermath as one of his primary examples, and noting his claim that "modern Israel's survival [is] the *constitutive exception* on which Human Rights Discourse is based," Meister's theoretical framework and intervention is specifically relevant in analyzing the BDS movement.

E. Method and Outline

As Abunimah notes, "the battle for justice in Palestine is, and always has been, first and foremost, a battle of ideas."[59] Such an observation validates the views of many observers (including the Israeli state) who perceive the BDS movement as primarily engaging in a "legitimacy war," as mentioned above. And given the lack of academic analysis on precisely this point—on the discourses employed by and surrounding the movement—this study lends itself to discursive analysis. In conducting such an analysis, I employ the works of Jørgensen and Phillips,[60] who provide an excellent overview of various theories and methods revolving around discourse analysis. It should

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[57] Meister, *After Evil*, Preface, VII.
[58] Meister, 21.
[59] Abunimah, *The Battle for Justice in Palestine*, Preface, XIV.
[60] Marianne Jørgensen and Louise Phillips, *Discourse Analysis as Theory and Method* (London: Sage Publications, 2002).

be noted here that this research makes no claims about intentionality; my focus on rhetoric is not meant to assess an author's belief (or lack thereof) in a specific argument.

Such an investigation will be done by first conducting a close reading of the BDS call itself, which is then supplemented and corroborated by "secondary" literature. This analysis, then, can be seen as a circular process, "involving interplay between an overall understanding of the material and closer analysis of selected aspects of the material."[61] The term "discourse" is used in this paper in the broadest sense, to refer to "a particular way of talking about and understanding the world,"[62] a specific way of representing the world; partial and temporary fixations of meaning in an essentially undecidable terrain. Or, as Michel Foucault put it, discourse here is understood as a "group of statements which provide a language for talking about—a way of representing the knowledge about—a particular topic at a particular historical moment."[63] And by "discursive analysis" I refer to the process of exploring "patterns in and across the statements and identifying the social consequences of different discursive representations of reality,"[64] always keeping in mind how discourses, by representing reality in a specific way, constitute subjects, create numerous boundaries, and make "certain types of action relevant and others unthinkable."[65]

This study contains three chapters. The first chapter of this paper will engage in a general analysis of the BDS movement. It will provide a brief history of the movement, an extended analysis of its structure and characteristics, and provide a close reading of the BDS call. It will also survey various authors, activists, and commentators

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[61] Jørgensen and Phillips, 153.
[62] Jørgensen and Phillips, 1.
[63] As quoted in Stewart Hall, ed., *Representation: Cultural Representations and Signifying Practices* (London: Sage Publications, 1997), 44.
[64] Jørgensen and Phillips, *Discourse Analysis as Theory and Method*, 21.
[65] Jørgensen and Phillips, 145.

to explore their arguments, paradigms, and assertions. This should lay the ground for the second and third chapters, which will conduct a critical discursive analysis of the BDS movement by juxtaposing it with Meister's theoretical framework. By going through the various themes employed by and surrounding the movement that revolve around the notions of justice and evil, this chapter will aim to theorize the movement, unearth its assumptions, and hence uncover its political limitations and potential social consequences. A detailed summary and discussion of Meister's work will also be presented, and will be supplemented by various other social and political theorists. The paper ends with a conclusion that contemplates the meaning of radical politics today, both in the context of late-capitalism and settler-colonialism.

CHAPTER II: "BD-S," A REVIEW

A. Precedents, Organizing Structure and Characteristics

The specific historical precedents and conditions that gave birth to the BDS movement are difficult to enumerate in full. Beyond listing the various Israeli violations of international law and Palestinian grievances, the BDS movement emerged from a synchronicity of various moments, among them being the Al-Aqsa intifada, the exhaustion of the Oslo mechanisms, governance failures of the Palestinian Authority (PA), developments at the international level such as the rulings of the International Court of Justice, and the extensive "neoliberal structuring of the Palestine/Israel social formation."[66] One could also recall the importance of the 2001 Durban Conference against racism, the launching of IAW (Israeli Apartheid Week) in February of 2005, and more critically the formation of PACBI (the Palestinian Campaign for the Academic and Cultural Boycott of Israel) in 2004,[67] largely considered the direct antecedent and precursor of the BDS Call. But perhaps the most interesting precedent, and the least discussed, is what is well known as the "Arab Boycott." Beginning in 1945, the Arab Boycott, a state-led initiative that was more embargo than boycott, was a much more comprehensive boycott than that called for by the BDS movement. Arab states not only boycotted Zionist companies, but also those which traded with Israel, dissuading companies like Coca-Cola, McDonald's, or Toyota from selling to Israel for many years.[68] To be sure there are significant discursive differences between the two

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[66] McMahon, "The Boycott, Divestment, Sanctions Campaign," 66.
[67] Hazem Jamjoum, "Israeli Apartheid Week: A Gauge of the Global BDS Campaign," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, 2013), 206–7.
[68] Shir Hever, "BDS: Perspectives of an Israeli Economist," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement* (London : New York: Pluto Press, 2013), 109–11.

campaigns. As Shir Hever, an Israeli economist, pointed out, the Arab Boycott did not adopt a rights-based approach, was not consistent with international law, and was not focused on protesting specific crimes.[69] There was a definite lack of overall clarity and purpose of its aims and goals. Maia Hallward, who has authored one of the few books available about the movement, notes that the Arab Boycott's use of "coercion and economic force shared little of the moral or ethical arguments that typically characterize solidarity work," and that the Arab boycott was tarnished by the reputation of the states themselves, which "reflect little of the justice or morality that should be invoked by BDS solidarity work."[70] These references to "morals" and "ethics" are important to keep in mind when analyzing the discourses employed by the movement in the following chapter. The Arab Boycott began to fall apart in the 1990's due to several factors, among them the beginning of the Oslo negotiations, which pressured many Arab states to abandon the campaign, and the rise of the World Trade Organization (of which Israel is a member). The WTO further undermined the boycott because membership in the WTO demanded that "each member of the organization treat all other members equally."[71] Arab states had to give up the boycott or be left out. From the Palestinian perspective, the historic use of boycotts is well documented. Ramzy Baroud, US-based Palestinian author and editor of *PalestineChronicle.com*, for example, discusses the extensive use of boycott strategies employed by Palestinians since as far back as 1920. He emphasizes the precedents set by the 1936 Great Revolt and the First Intifada of 1987, both of which heavily relied on various kinds of boycott strategies

[69] Hever, 110.
[70] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 24.
[71] Hever, "BDS: Perspectives of an Israeli Economist," 110.

(including strikes, noncooperation, tax withholdings etc.).[72] Boycott strategies, then, clearly have indigenous roots, despite the continuous references made by many activists—and the Call itself—to the South African Anti-Apartheid struggle, usually cited as the inspiration and model of the BDS movement.

In describing the BDS movement, Maia Hallward suggests that "what occurs on the ground is less a coherent, collectively organized global movement in the singular and more a network of local BDS movements, linked together via certain key activist nodes…conferences, email listservs, and organizational websites."[73] Indeed, it should be noted at the outset that the BDS movement is pluralistic, maintaining a diverse cohort of activists with diverging opinions concerning both the targets identified and even the goals to be achieved (for example, the differences between what has been identified as BDS1 and BDS2,[74] discussed below). The plurality of the movement is important to keep in mind throughout this study to caution against essentializing statements. Nonetheless, despite this diversity, the BDS movement maintains a fair amount of cohesion.

Most importantly, the movement is ultimately grounded in the BDS Call, published in 2005, and signed by more than 170 Palestinian organizations.[75] Although rather short, the document is dense in its reasoning and clearly articulates a set of political demands, namely, to end the occupation and colonization of "Arab lands," (interpreted as those lands occupied in June 1967) and dismantle the Wall (demand 1), to grant full equality to Arab-Palestinian citizens of Israel (demand 2), and to respect the

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[72] Ramzy Baroud, "Palestine's Global Battle That Must Be Won," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, 2013), chap. 1.
[73] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 2.
[74] For a detailed discussion on the differences between BDS1 and BDS2, refer to Hallward, 13, 25, 46.
[75] McMahon, "The Boycott, Divestment, Sanctions Campaign," 67.

right of refugees to return to their homes (demand 3). The Call, which officially launched the movement, fundamentally acts as the anchor that provides activists with a certain degree of structure and cohesion with respect to the goals of the movement. Moreover, the BNC (the Palestinian BDS National Committee), which was formed in 2007, and which consists of "the 19 main coalitions and networks that brought about the 2005 BDS Call,"[76] serves as a coordinating body and focal point for the movement, consistently providing guidance and positions on various political demands, coordinating numerous BDS campaign efforts, organizing yearly conferences, formulating strategies, and ultimately acting "as the Palestinian reference point for global BDS activities."[77] As noted on its website, the BNC's mandate is to "formulate strategies and programs of action in accordance with the 9 July 2005 Palestinian Civil Society BDS Call," and to "serve as the Palestinian reference point for BDS campaigns in the region and worldwide."[78] Its members mostly include a vast array of CSO's and worker/trade unions, such as PACBI and the General Union of Palestinian Workers, but it should also be noted that it includes the Council of National and Islamic Forces in Palestine, a coalition formed during the second intifada (not as active today) of all the major political parties in Palestine. Hence, while the BDS movement lacks a formal structure (unlike a political party), and is "loosely organized," it nonetheless should be conceived as simultaneously both pluralist and centralized, given the foundational role of the Call and the presence of the BNC. Omar Barghouti refers to the BNC as the

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[76] Hazem Jamjoum, "The Global Campaign for Boycott, Divestment, and Sanctions against Israel," in *Nonviolent Resistance in the Second Intifada: Activism and Advocacy*, ed. Julie Norman and Maia Carter Hallward (New York: Palgrave Macmillan, 2011), 141.
[77] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 29.
[78] "Palestinian BDS National Committee," BDS Movement, May 9, 2016, https://bdsmovement.net/bnc.

"Palestinian leadership,"[79] and calls it the "largest coalition of Palestinian civil-society organizations inside historic Palestine and in exile."[80] Today, the BNC embraces more than 200 Palestinian CSO's.[81]

The implication that the BNC, and more importantly, the signatories of the BDS Call, represent Palestinian civil society is politically significant. Barghouti describes the BDS Call as having "unprecedented near-consensus support among Palestinians inside historic Palestine as well as in exile,"[82] in effect conveying a high degree of legitimacy to the movement by demonstrating a unified Palestinian voice. He also implies that the movement is another instance of Palestinian society surpassing its "unelected, unrepresentative, unprincipled, and visionless Palestinian 'leadership.'"[83] The PA, dominated by Fateh, has for a long time now been accused of "corruption, featherbedding, and nepotism," and has "lost much of its legitimacy and credibility due to its failure to negotiate more effectively with the Israeli's,"[84] or to provide security, proper governance, and effective leadership. With this context in mind, many activists and commentators note that due to the broad representation of the signatories, the BDS Call "is clearly representative of a unified Palestinian civil society position,"[85] while others mention that the Call "represents the interests of all Palestinians,"[86] given that its demands transcend the exclusive focus on the West Bank and Gaza Strip. Jonas

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[79] Barghouti, *Boycott, Divestment, Sanctions*, 32.
[80] Omar Barghouti, "Palestine's South Africa Moment Has Finally Arrived," in *Generation Palestine: Voices from the Boycott, Divestment, and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, n.d.), 218.
[81] Tom Hickey and Philip Marfleet, "The 'South Africa Moment': Palestine, Israel and the Boycott," International Socialism: A Quarterly Review of Socialist Theory, October 13, 2010, http://isj.org.uk/the-south-africa-moment-palestine-israel-and-the-boycott/.
[82] Barghouti, "Palestine's South Africa Moment Has Finally Arrived," 218.
[83] Barghouti, *Boycott, Divestment, Sanctions*, 7.
[84] Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Oxford, UK: OneWorld Publications, 2007), 150–52.
[85] Jamjoum, "The Global Campaign for Boycott, Divestment, and Sanctions against Israel," 140.
[86] McMahon, "The Boycott, Divestment, Sanctions Campaign," 67.

Caballero, however, in a Master's thesis submitted to Sussex College, points to some significant tensions regarding the claims to political representation. He notes, for example, that the BNC is not an accountable organization, and that ultimately, even if every CSO/NGO in Palestine were to sign the Call, the BNC/BDS movement "would still not constitute a completely representational structure because CSO's themselves do not represent all Palestinians."[87] Moreover, he notes the rather odd silence the BNC maintains in relation to the PA, and asks that "if the BNC does in fact represent Palestinian civil society, why then does the BNC not actively condemn the PA or the comprador relationship the PA shares with Israel?"[88] Indeed, the relationship that exists between the PA, the PLO, and the BDS movement is unsettled. PA president Mahmoud Abbas has stated in 2013 that "we do not support the boycott of Israel,"[89] which is not surprising given the PA's circumscribed mandate and numerous constraints. Nonetheless, the PA has neither officially endorsed nor repudiated the movement, and has instead called for a limited boycott that strictly targets products from Israeli colonies in the West Bank.[90] The PLO, for its part, has remained silent.[91]

This distinction, between boycotting all Israeli products/institutions/companies and boycotting only those companies tied to the colonies (mostly in the West Bank) is what marks the difference between what Hallward called the two "streams" of the BDS movement, known as BDS1 and BDS2.[92] BDS1, which corresponds with the BDS Call and the BNC, refers to the boycott of and divestment from all Israeli products,

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[87] Jonas Xavier Caballero, "De-Shelving Apartheid, Re-Imagining Resistance: Boycott, Divestment, Sanctions and the Palestinian National Movement" (Sidney Sussex College, 2012), 79.
[88] Caballero, 78.
[89] Yoel Goldman, "Abbas: Don't Boycott Israel," The Times of Israel, December 13, 2013, http://www.timesofisrael.com/abbas-we-do-not-support-the-boycott-of-israel/.
[90] McMahon, "The Boycott, Divestment, Sanctions Campaign," 67–68.
[91] Barghouti, *Boycott, Divestment, Sanctions*, 56.
[92] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 25.

companies and institutions, and includes the campaign for cultural and academic boycott (PACBI**).** It is of crucial importance to note that the academic and cultural boycott only targets "Israeli academic and cultural *institutions,* not individuals…due to their entrenched complicity in planning, justifying, whitewashing, or otherwise perpetuating Israel's violations of international law and human rights."[93] And as Lisa Taraki notes, "all Israeli universities and virtually the entire spectrum of Israeli cultural institutions are complicit in the state's policies."[94] This stands in marked contrast to the South African academic and cultural boycott, which "targeted everyone and everything South African."[95] BDS2, a milder position interestingly referred to by some as "moral-witness BDS,"[96] refers to those who only support the boycott of companies that are based in and contribute to Israeli colonies in the West Bank. It is important to note that "most BDS activists in the United States do not endorse a sweeping boycott of all Israeli goods,"[97] but rather select "strategic" targets, most of which are companies that are directly involved in the settlements/occupation in the West Bank (meaning, most subscribe to BDS2). Noam Chomsky, for example, supports a boycott of Israeli settlement companies/products (based on demand 1), but critiques the movement's second and third demands for either not having strong legal ground (arguing, for example, that the right of return is not dictated by international law) or for suffering from a lack of sufficient educational "groundwork in the public understanding."[98] It is also important to note that most successful BDS campaigns have targeted companies

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[93] Omar Barghouti, "The Cultural Boycott: Israel vs. South Africa," in *The Case for Sanctions Against Israel*, ed. Audrea Lim (London : New York: Verso, 2012), 31.
[94] Lisa Taraki and Mark Levine, "Why Boycott Israel," in *The Case for Sanctions Against Israel*, ed. Audrea Lim (London : New York: Verso, 2012), 166.
[95] Barghouti, "The Cultural Boycott: Israel vs. South Africa," 31.
[96] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 13.
[97] Hallward, 12.
[98] Chomsky, "On Israel-Palestine and BDS."

involved in or that contribute to the oPt, the most far-reaching of which is perhaps the policy directive of the European Union that forbids research awards, funding, cooperation or similar relationships with any Israeli entity "that has direct or indirect links to the occupied territories" given their strict illegality, as determined by the UN Security Council and the International Court of Justice.[99] Several activists in the movement do not see a tension between these two streams, given the principle of "context sensitivity" that many espouse.[100] This principle stipulates that activists should take their political contexts into account in selecting targets to be boycotted, and hence views the boycotting of the colonies as a stepping stone towards a more comprehensive boycott of Israel.[101] Yet, as will be demonstrated in the following chapters, significant and far-reaching political and ideological consequences—such as indicating a non-supportive stance in relation to demands 2 and 3 of the Call—can potentially stem from the distinction between BDS1 and BDS2.

Shir Hever, an Israeli economist, has perhaps levelled one of the most incisive critiques at those adhering to BDS2. He argues that one of the main problems is that "Israeli companies consistently lie"[102] about the source of their products, making it practically impossible to genuinely distinguish between those products that come from the colonies and those that do not. In addition, and much more critically, he notes that the "occupation seeps into almost every aspect of Israel's economy,"[103] citing how even those Israeli companies that do not maintain any physical facilities in the colonies still provide services and products, purchase raw materials and machinery, and hire staff

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[99] Chomsky.
[100] Jamjoum, "The Global Campaign for Boycott, Divestment, and Sanctions against Israel," 141; Barghouti, "Palestine's South Africa Moment Has Finally Arrived," 224.
[101] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 29.
[102] Hever, "BDS: Perspectives of an Israeli Economist," 111.
[103] Hever, 112.

from the colonies. Moreover, he argues that those companies outside the settlements, often large and influential corporations, play a far bigger role in shoring up the occupation than settlement companies, mostly due to their high taxes which help fund Israel's military budget.[104] Finally, Israeli companies are heavily incentivized by the Israeli government to build in the settlements by receiving extensive government subsidies, reduced taxation, and being subjected to much more lenient environmental regulation (in addition to maintaining access to cheap Palestinian labor who are unprotected by Israel's labor laws). Ultimately, as Hever convincingly demonstrates, "Israeli colonization of Palestinian land does not and cannot exist as a separate and distinct entity from the rest of Israel. They are all part of the same economy."[105] BDS2 is therefore both riddled with numerous pragmatic problems and inconsistent, for it does not recognize the intricate interconnections that exist between the Israeli government and its colonization of the occupied territories.

Another factor important to consider, and often invoked in defense of BDS1, can be called the "solidarity principle." Richard Falk best describes this when he writes that "it is important for non-Palestinian supporters to accept that its [BDS] direction and political approach should always remain under the direction of its Palestinian organizers," and proceeds to claim that non-Palestinians have the "political responsibility to defer to the lead of Palestinian civil society, who currently best represent Palestinian democratic aspirations."[106] One of the primary arguments used here is that in the BDS Call, Palestinians demand their right to self-determination. It

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[104] Hever, 112.
[105] Hever, 112.
[106] Richard Falk, "Internatioanal Law, Apartheid and Israeli Responses to BDS," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, 2013), 87.

therefore follows that the directives and terms of the movement be set and established by Palestinians, and not by an outside party. This principle is important to keep in mind when discussing some of the movement's political ramifications, such as how it distinguishes itself from what is referred to as a "politics of rescue" by providing a strong sense of agency to the victims of injustice.

Before moving on, a final point that should be mentioned concerns the issue of sanctions. Although the BDS movement includes the call for sanctions, Chomsky notes that it is more accurate to describe the movement with the letters "BD," as state-led sanctions are not anywhere on the horizon.[107] Indeed, it has been thirteen years since 2005 and Israel's diplomatic relations and international standing seem to show no sign of weakening. Almost all successful BDS campaigns have either been boycott or divestment initiatives, and as stated earlier, most campaigns strictly target companies and products that are directly involved in the occupation (BDS2).

B. The Call

Given the foundational role of the Call and since it will be referred to throughout the rest of this study, I will quote it here in full.

> **Palestinian Civil Society Calls for Boycott, Divestment and Sanctions against Israel Until it Complies with International Law and Universal Principles of Human Rights**
>
> 9 July 2005

[107] Chomsky, "On Israel-Palestine and BDS."

One year after the historic Advisory Opinion of the International Court of Justice (ICJ) which found Israel's Wall built on occupied Palestinian territory to be illegal; Israel continues its construction of the colonial Wall with total disregard to the Court's decision. Thirty eight years into Israel's occupation of the Palestinian West Bank (including East Jerusalem), Gaza Strip and the Syrian Golan Heights, Israel continues to expand Jewish colonies. It has unilaterally annexed occupied East Jerusalem and the Golan Heights and is now de facto annexing large parts of the West Bank by means of the Wall. Israel is also preparing - in the shadow of its planned redeployment from the Gaza Strip - to build and expand colonies in the West Bank. Fifty seven years after the state of Israel was built mainly on land ethnically cleansed of its Palestinian owners, a majority of Palestinians are refugees, most of whom are stateless. Moreover, Israel's entrenched system of racial discrimination against its own Arab-Palestinian citizens remains intact.

In light of Israel's persistent violations of international law; and

Given that, since 1948, hundreds of UN resolutions have condemned Israel's colonial and discriminatory policies as illegal and called for immediate, adequate and effective remedies; and

Given that all forms of international intervention and peace-making have until now failed to convince or force Israel to comply with humanitarian law, to respect fundamental human rights and to end its occupation and oppression of the people of Palestine; and

In view of the fact that people of conscience in the international community have historically shouldered the moral responsibility to fight injustice, as exemplified in the struggle to abolish apartheid in South Africa through diverse forms of boycott, divestment and sanctions; and Inspired by the struggle of

South Africans against apartheid and in the spirit of international solidarity, moral consistency and resistance to injustice and oppression;

We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

Endorsed by:

The Palestinian political parties, unions, associations, coalitions and organizations below represent the three integral parts of the people of Palestine: Palestinian refugees, Palestinians under occupation and Palestinian citizens of Israel.

The BDS Call, albeit short, is a dense document. In beginning an analysis of the various elements, themes, and references alluded to, the first point to notice is the claim made concerning representation, concluding as it does by stating that "The Palestinian political parties, unions, associations, coalitions and organizations below represent the three integral parts of the people of Palestine." The signatories of the Call also claim to be "representatives of Palestinian civil society," and are likewise reaching out to "international civil society organizations and people of conscience all over the world." These claims of representation are important as they serve to highlight that the movement is led by Palestinian organizations that adequately represent the Palestinian people. The movement, then, can claim to adequately represent Palestinian rights and desires. Mary Kaldor writes that the term "civil society" refers to groups, institutions and individuals who are "independent of the state," but who do "not include groups which advocate violence…To be part of civil society implies a shared commitment to common human values, and, in this sense, the concept of global civil society might be equated with the notion of a global human rights culture."[108] Note that the BDS Call, however, does include some political parties as signatories, entities often not considered part of "civil society."

The BDS Call also reaches out to "people of conscience," a term that usually denotes a moral ability to discern what is "right" from what is "wrong." This understanding is corroborated by the numerous activists who urge their readers to "be on the right side of history,"[109] or who urge them to "fight for what is right."[110] The Call

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[108] Mary Kaldor, "Transnational Civil Society," in *Human Rights in Global Politics*, ed. Nicholas J. Wheeler and Tim Dunne (New York: Cambridge University Press, 1999), 209–10.
[109] David Randall, "Faithless in the Holy Land - A Musician's Journey to Boycott," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement*, ed. Rich Wiles (London : New York: Pluto Press, 2013), 146.

also makes references to "moral responsibility" and "moral consistency," allusions to moral frameworks that "people of conscience" supposedly subscribe to. Indeed, numerous activists view the BDS campaign through moral lenses. Barghouti, for example, argues that western citizens, due to their governments' complicity in buttressing the Israeli regime, have a "profound *moral* responsibility"[111] to promote and support the BDS campaign. Or recall Richard Falk, who describes the "Legitimacy War" being conducted by BDS on a "variety of symbolic battlefields" as chiefly focused "on gaining the high ground with respect to law and morality."[112] This heavy emphasis on morality has significant political implications which will be discussed in the following chapters.

In describing the goals and principles of the Call, Barghouti writes that the Palestinians launching the campaign "demand nothing less than self-determination, freedom, justice, and unmitigated equality. The BDS call, anchored in international law and universal principles of human rights, adopts a comprehensive rights-based approach."[113] The Call makes consistent reference to international law, humanitarian law, and human rights, and is therefore conceived, almost unanimously, as a rights-based campaign. For example, the Call refers directly to the ICJ, "UN resolutions," "humanitarian law," and the "inalienable right to self-determination." Moreover, it lists several violations of international law Israel has committed, such as the building of the "colonial Wall," or the expansion of "Jewish colonies." The number of activists who discuss how the movement maintains or is "universal in its values"[114] are too many to

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[110] Jamjoum, "The Global Campaign for Boycott, Divestment, and Sanctions against Israel," 133.
[111] Barghouti, "Palestine's South Africa Moment Has Finally Arrived," 227.
[112] Richard Falk, *Palestine's Horizon Toward a Just Peace* (London: Pluto Press, 2017), 9.
[113] Barghouti, *Boycott, Divestment, Sanctions*, 6.
[114] Baroud, "Palestine's Global Battle That Must Be Won," 12.

list; the title of the Call itself refers to the "Universal Principles of Human Rights." As a consequence of this rights-based approach, however, the Call does not make any references to any political solutions (one vs. two states etc.). Rather, it remains "agnostic," and, as Barghouti insists, "by avoiding the prescription of any particular political formula the BDS call insists on the necessity of realizing the three basic, irreducible rights of the Palestinian people in *any* just solution."[115] While some see this characteristic as a strength, given that it allows for the building of larger coalitions, others view the lack of a clear political vison as a severe hindrance to the movement. Nonetheless, it is clear that the Call ascribes to a rights-based paradigm.

Another important point to note are the three references made in the Call to South Africa and the struggle against apartheid. The Call refers to the South African struggle against apartheid once as an inspiration, once as a model to follow in implementing BDS campaigns, and once as a moral/historical precedent. These references function to establish a genealogical connection between the BDS movement and the South African struggle against apartheid, and hence serve to connect the BDS movement to a genealogy of movements widely perceived as both non-violent and successful in obtaining social justice. Indeed, the very title of Barghouti's chapter in *Generation Palestine* is "Palestine's South Africa Moment has Finally Arrived."[116] The analysis of such proclaimed historical connections, as will be demonstrated, is crucial in understanding what underlying notions of "justice" (and hence also "evil") are being employed. Moreover, such references simultaneously reinforce the "moral order" referred to above given that fighting apartheid was/is largely considered as the "right"

[115] Barghouti, 17.
[116] Barghouti, "Palestine's South Africa Moment Has Finally Arrived."

thing to do, especially via non-violent means. These observations lead to the last point concerning non-violence. The Call urges its readers to engage in three forms of non-violent actions (boycotts, divestments, and sanctions), referring to them as "non-violent punitive measures." Such non-violent measures should be both distinguished from armed resistance and from attempts at "dialogue." As Hallward notes, the approach of dialog, which seeks to foster trust and break down misunderstandings, and which focuses on communication, is vastly different than non-violent resistance, which seeks to promote "major structural change" in the status quo.[117] As Taraki and Levine put it, the BDS campaign clearly uses "the logic of pressure – not diplomacy, persuasion, or dialogue."[118] Concerning armed resistance, it is interesting to note that international law generally prohibits the use of force *except* in situations of self-defense and unlawful occupation, "in which case occupied peoples have the right to resist with force of arms."[119] Hence, although the BDS Call makes consistent reference to international law, the right to armed resistance under occupation is unmentioned.

C. Discursive Shift

Many scholars have documented what they believed were commendable qualities of the Call. Ananth has noted, for example, that "the framework of oppression laid out by the BDS call is brought to focus through its demands."[120] He argues that the call identifies a tripartite structure of oppression. It highlights the Israeli military occupation of the West Bank/East Jerusalem (demand 1), the Israeli apartheid regime

[117] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 49.
[118] Taraki and Levine, "Why Boycott Israel," 165.
[119] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 47.
[120] Ananth, "The Politics of the Palestinian BDS Movement," 136.

(through demand 2, which calls for the equality of Palestinians in Israel), and Zionist colonization and ethnic cleansing (demand 3, by demanding the right of return). Furthermore, he argues that the call not only identifies the framework of oppression but also the framework of liberation, again through its demands. By doing so, he believes the BDS movement does a great service to Palestinians by clarifying, uniting, and sharpening the focus of their struggle for justice. Building on similar lines, McMahon notes that "each of the call's three requirements contests a discursive rule surrounding Palestine/Israel. The first demand violates the rule that the Palestinian-Israeli relationship be represented as symmetrical; the second, that Israel be represented as *sui generis;* and the third, that the temporal scope of Palestinian-Israeli politics be limited to 1967."[121] The first demand violates the rule of symmetry by using language such as 'occupation' and 'colonization' as opposed to 'war' and 'peace.' Unlike the terms war/peace, which connote parity, McMahon notes that the terms colonization/occupation connote severe power asymmetries. The second demand, by highlighting the abuses suffered by Palestinian citizens of Israel, challenges Israel's claim to being exceptional in the region (such as claims of it being the "only democracy" in a region of Arab rejectionists). And the third demand, by referring to Palestinian refugees and UN resolution 194, hearkens back to 1948, and as a result, "makes for a different, *longue duree* historicizing" of the relationship between Palestinians and Israelis, and centers the narrative on the act of dispossession. McMahon concludes that the BDS movement hence serves Palestinians by exposing "nodes of contestation,"[122] and challenging "deeply entrenched and heavily policed

[121] McMahon, "The Boycott, Divestment, Sanctions Campaign," 77.
[122] McMahon, 78.

boundaries"[123] of discourse. Bakan and Abu-Laban also stress the movement's characteristic discursive power. They write that "the effectiveness of BDS as a strategy of resistance and cross-border solidarity is intimately connected with a challenge to the hegemonic place of Zionism in western ideology."[124] They contend that BDS is challenging—and is simultaneously hampered by—an "international racial contract which, from 1948, has assigned a common interest between the state of Israel and international political allies,"[125] where Israeli's are viewed as "white" and Palestinians as non-white. By exposing the "three-tiered" system of oppression that the Palestinians suffer—occupation, colonization, and apartheid—they contend that the BDS campaign is effectively challenging such a hegemonic framing of Israel. Adopting a Gramscian approach, they argue that "The BDS movement, particularly in terms of its resonance in the global north, can therefore be understood as a counter-hegemonic movement."[126] They also write that "the stated goals of the campaign are specifically grounded in education and building an international culture that supports Palestinian human rights."[127] All these abovementioned authors stress the discursive importance of the BDS Call, for, as was mentioned earlier, it would be a mistake to conceive the BDS movement as an exclusively or even primarily "economic" movement. Hallward, for example, claims that "a primary goal of BDS campaigns is *education* and *awareness raising* not economic impact per se."[128]

The various insights of these authors concerning the positive discursive impact of the BDS Call have been neatly synthesized by Ilan Pappe, who argues that the BDS

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[123] McMahon, 77.
[124] Bakan and Abu-Laban, "Palestinian Resistance and International Solidarity: The BDS Campaign," 29.
[125] Bakan and Abu-Laban, 30.
[126] Bakan and Abu-Laban, 48.
[127] Bakan and Abu-Laban, 42.
[128] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 12.

movement contributes in creating the conditions for what he termed the "new conversation"[129] concerning Palestine/Israel,[130] a "conversation" he believes is quickly overturning the "old conversation" (known better as the "peace orthodoxy.") Beyond its failure to achieve its goals or halt Israeli violations of international law, the old conversation/peace orthodoxy is problematic for several reasons. Primarily, it distorts history by depicting the conflict as one between two national movements that more or less began in 1967.[131] It assumes that the blame for the conflict lays equally on both sides, and, in the words of Barghouti, has "deceptively reduced the question of Palestine to a mere border dispute over some 'contested' territory occupied by Israel in 1967, thus excluding the UN-sanctioned rights of the majority of the Palestinian people."[132] By doing so, it focused exclusively on "peace" while sidelining the issue of historical justice or Palestinian self-determination. The new conversation, which Pappe wholeheartedly adopts, focuses instead on the concepts of settler-colonialism, ethnic cleansing, decolonization, regime-change, and apartheid. Pappe takes care to describe the main differences between the two paradigms. The new movement (narrative), fundamentally, relates to the whole of historic Palestine (not a part), and describes how the whole land was and is colonized and occupied in various forms, and hence emphasizes how all Palestinians suffer oppression in countless guises. This historical view, as is obvious, reaches far beyond the thick "red line" of 1967. It also lays the decisive blame on Zionism as a settler-colonial ideology, and highlights its role as the major obstacle to peace and justice. The BDS Call, as noted earlier, by highlighting the

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[129] Chomsky and Pappé, *On Palestine*, chap. 1.
[130] Cherine Hussein and Ilan Pappé, "Palestine, Israel and the One-State Solution: An Interview with Ilan Pappé," *Critical Studies on Terrorism* 7, no. 3 (September 2, 2014): 484–93.
[131] Chomsky and Pappé, *On Palestine*, 167.
[132] Barghouti, *BDS: Boycott, Divestment, Sanctions, 7.*

abuses suffered by all Palestinians through its three demands, and by using language such as "colonization," "occupation," "apartheid," and "ethnic cleansing," can be seen, as Pappe himself argues,[133] as integral to making the discursive shift into the "new conversation."

[133] Hussein and Pappé, "Palestine, Israel and the One-State Solution."

CHAPTER III: EVIL-AS-CRUELTY

A. Meister: The Human Rights Discourse

As already mentioned, this study primarily relies on the theoretical framework provided by Robert Meister in his book *After Evil.* It is beyond the scope of this study to summarize Meister's work; rather, I will briefly articulate what is believed to be the main themes and axioms of the Human Rights Discourse (from here on referred to as HRD). Defined as a "particular version of human rights that followed from U.S global dominance"[134] post-1989, Meister claims that this dominant, postmodern humanitarianism "understands itself as coming *after* a world politics based on revolution and counterrevolution... [it is] a critique and supersession of earlier ideas of revolutionary struggle."[135] Meister claims that during the two-hundred year period beginning with the French Revolution of 1789 and ending with the fall of Communism in 1989 there was a revolutionary, "politically centered version of the Rights of Man that had been the focus of struggles for equality and liberty."[136] In this notion of "justice-as-struggle," victims understood themselves as such by identifying beneficiaries of injustice as "would-be perpetrators."[137] The struggle for justice here is a continuous one, which seeks to force beneficiaries to relinquish their gains after a certain regime is defeated. Hence, this discourse produces the *unreconciled* victim who refuses to "distinguish between the perpetrators and beneficiaries of evil."[138] Counter-revolutionaries here simply fear being ruled by victims who perceive them as would-be-

[134] Meister, *After Evil*, vii.
[135] Meister, 21.
[136] Meister, 5.
[137] Meister, 21.
[138] Meister, 52.

perpetrators, and who thus harbor hostile feelings towards them; they see the experience of victimhood as "morally damaging" inasmuch as victims are unable to separate beneficiaries from perpetrators. As such, they primarily defended the status-quo out of anxiety and fear.[139]

Meister claims that the "main idea that post-cold war humanitarianism claims to supersede is the revolutionary concept of justice-as-struggle."[140] Unlike that earlier version of human rights, the HRD mainly seeks to "postpone large-scale redistribution. It is generally more defensive than utopian, standing for the avoidance of evil rather than a vision of the good."[141] Within the HRD, atrocities, pain, torture, and generally all forms of physical violence committed on *bodies* – as opposed to historical and structural injustice - are deemed the paradigmatic evil, as embodied in and primarily represented by the Holocaust (genocide). Indeed, "Recognizing Auschwitz—preventing another one—is now the article of faith of secular humanitarianism."[142] In this new discourse, "the ultimate evil is physical cruelty."[143] Given the numerous atrocities committed during this time, it regards the revolutionary/counterrevolutionary period from 1789-1989 (the past) as a period of evil which has now supposedly past (but which could come back). Evil here is **"**described as a *time* of cyclical violence that is past – or can be *put* in the past by defining the present as *another time* in which the evil is remembered rather than repeated."[144] HRD's core imperative, therefore, is to "*remember* as much evil as we can so as not to *repeat* it."[145] It thus presents the notion of justice-as-

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[139] Meister, 23.
[140] Meister, 21.
[141] Meister, 1.
[142] Meister, ix.
[143] Meister, 42.
[144] Meister, 25.
[145] Meister, x.

reconciliation to replace that of justice-as-struggle. Here, the claim is that by fostering a "culture" of human rights, usually through the work of truth commissions or trials (the techniques of transitional justice), we are able to overcome (reconcile) the ideological divide between revolutionaries and counterrevolutionaries that is needed in order to keep evil (spirals of violence) at bay. [146] The techniques of transitional justice (which Meister calls the liberalism of HRD),[147] which rely on the moral register of melodrama,[148] reinstate the distinction between beneficiary and perpetrator and focus only on individual perpetrators to assign political responsibility for past injustice. In effect, they "reduce the broad spectrum of collective injury to individual acts of cruelty."[149] Victims who accept this distinction are deemed morally undamaged, seeing that they put their victimhood firmly in the past (evil is not ongoing through beneficiaries). They are expected "to identify with the innocence of passive beneficiaries who were *not* perpetrators,"[150] and who can thus be imagined as "*would-have-been* opponents"[151] to the evil regime who would have behaved differently if only they had known then what they now know (the extent of the atrocities and the fact that victims were undamaged). Victims must also "project feelings of triumph, which may take the form of forgiveness,"[152] and must be satisfied with claiming only a "moral victory"[153] over past injustice. Beneficiaries are then – if the process succeeds - able to identify with innocent victims through compassion, seeing that they never really were a threat, and also identify themselves as victims, seeing that they are also "survivors" of

[146] Meister, 23-4.
[147] Meister, 29.
[148] Meister, 72.
[149] Meister, 28.
[150] Meister, 28
[151] Meister, 60
[152] Meister, 68
[153] Meister, 53

the horror that past.[154] As Meister puts it, "Compassion, as the affective imitation of another's suffering, is the way that witnesses achieve moral equality with victims"[155] while occluding what may be their own role as beneficiaries. By identifying with innocent victims through compassion - identifying "most of all with the *helplessness* of victims"[156] - and denouncing the past as evil, a past they acknowledge and regret, they figuratively become 'on their side' while also easing/repressing their anxieties about being deemed a beneficiary or perpetrator.[157] Inasmuch as both the innocent victim and beneficiary identify the evil of the past with the perpetrator alone, a consensus can be achieved that the past was evil and that the evil is past. A new social compact is hence created that views the unreconciled victims—those willing to fight on—as a new threat, comparable to "extremists" who are deemed "inhuman" inasmuch as they are willing to condone violence and hence violate the consensus that the evil is past.[158] As such, the overall effect is that the beneficiary nearly "drops out"[159] of the picture; the HRD "blur[s] the moral distinction between beneficiary and bystander"[160] by exonerating all non-perpetrators. To be more precise, the HRD "*calls* the beneficiary a bystander in order to *recall* him as a [compassionate] witness who will *no longer* look away from those who still suffer."[161] The cumulative effect of "justice-as-reconciliation" is thus to indefinitely postpone any discussions or implementation of justice; it substitutes "a model of permanent transition for the urgent pursuit of justice."[162] This is what Meister

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[154] Meister, 27-9.
[155] Meister, 171.
[156] Meister, 167.
[157] Meister, 222-223.
[158] Meister, 24.
[159] Meister, 15.
[160] Meister, 26.
[161] Meister, 230.
[162] Meister, 29.

calls the "inherently transitional character of the Human Rights Discourse: it addresses a time between times, when evil has ended but before justice has begun."[163] By focusing only on perpetrators and not beneficiaries, and by asserting that we (everyone) still need more time to reconcile, forgive, confess, and acknowledge that things "have changed," the HRD always judges that it is too soon (if not too late) for justice, that more time for "closure" is needed in order to keep evil at bay. The HRD undermines the link between the end of evil and the beginning of justice "to the extent that its prime directive (holding evil at bay) always justifies postponing justice – now is *never* the time."[164] The HRD thus becomes a continuation of the counterrevolutionary project that seeks to "assure that beneficiaries of past oppression will largely be permitted to keep the unjustly produced enrichment they presently enjoy" without the fear of terrorism.[165] As such, "justice-as-reconciliation is, in important ways, reconciliation to *continuing inequality* as a morally acceptable aftermath of past evil."[166]

If physical cruelty is the ultimate evil to be fought by the self-proclaimed 'world community' and which the 'world community' is firmly united against,[167] then it follows that *rescue* from impending massacre becomes the consequent self-proclaimed *ethical* priority, represented today with the notion of the "Responsibility to Protect."[168] Ethics, here understood as centrally concerned with bodies in peril (that are forced out of historical context), by definition will "always put peace ahead of justice."[169] The HRD presents itself as an "*ethical* transcendence of the politics of revolution and

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[163] Meister, 10.
[164] Meister, x.
[165] Meister, 31.
[166] Meister, 29.
[167] Meister, 1.
[168] Meister, 20, 47.
[169] Meister, 43.

counterrevolution"[170] that places the sacredness of human life at its center, and thus claims that "*ethics comes before politics,"*[171] meaning that the protection of human life, and the stopping of evil, trumps everything else (a moral duty to put 'humanity' before politics). Effectively, the "Holocaust," rather than the "Revolution," becomes "the event that defines the relation between ethics and politics."[172] As such, third-party 'humanitarian' intervention/violence that is out to rescue is always deemed an exception to the cyclical violence of the past; it is a violence that is allowed to manifest itself inasmuch as it is deemed ethically and not politically motivated, and hence "views the rescue of innocent victims as a *break* in this cycle rather than a continuation of it."[173] Indubitably, this self-proclaimed ethical transcendence is a politics of its own; primarily, it is a politics of fear (of genocide) and security (and also a politics of victimhood).[174] Of course, as should be obvious, the consequent effect of this globalized "ethics" of protecting human life takes the structural, historical, and "global causes of human suffering off the political agenda,"[175] focusing as it does on "local" crimes committed against human bodies. Therefore, Meister affirms that the "Human Rights Discourse operates today in the realm of intervention and rescue. It recasts the central dyads of revolutionary political thought – victim/perpetrator and victim/beneficiary – as non-divisive ethical relations among surviving witnesses to human cruelty."[176]

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[170] Meister, 7.
[171] Meister, 141.
[172] Meister, 48.
[173] Meister, 41.
[174] Meister, 2, 40, 150.
[175] Meister, 47.
[176] Meister, 8.

As a final remark, it should be noted that the HRD is "becoming the self-consciousness of U.S capitalist hegemony following the Cold War's end."[177] However, as Meister puts it, "the position of power from which human rights is now articulated is not merely that of a particular, hegemonic enforcer, such as the U.S., but rather a 'world community'."[178] Understanding it as such implies that the HRD is a hegemonic discourse - a dominant/ruling ideology.

B. On Evil and Violence

Following Meister's framework, a central argument made in this study revolved around the notion of 'evil.' As noted above, in the HRD, protecting human life from biological annihilation trumps every other consideration, including truths arrived at through political analysis or evaluative reason. As Meister puts it, the "crux" of the HRD is that "there is nothing worse than cruelty and that cruelty toward physical (animal) bodies is the worst of all," which is symbolized and represented by genocide as the "absolute, and infinite, evil."[179] It follows, then, that physical violence, or what Žižek calls "subjective violence, violence performed by a clearly identifiable agent,"[180] is also considered an absolute evil (albeit on a smaller scale), since physical violence is what constitutes cruelty. Indeed, in Meister's words, under the HRD "the meaning of evil itself has changed," to no longer refer to systems of oppression that can have ongoing structural effects, but instead to refer to a "*time* of cyclical violence."[181] Or, in other words, "cyclical violence is assumed to epitomize evil."[182] Under the HRD, then,

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[177] Meister, x.
[178] Meister, 3.
[179] Meister, 16.
[180] Slavoj Žižek, *Violence* (New York: Picador, 2008), 1.
[181] Meister, *After Evil*, 25.
[182] Meister, 31.

evil is evil-as-cruelty/violence. In this chapter I argue that despite some significant efforts to the contrary, especially in respect to evil's "temporality," the human-rights paradigm espoused by the BDS movement ultimately shares a similar "understanding" of evil to that of the HRD, namely, evil-as-cruelty/violence.

Perhaps the first point to mention in this regard is the extent to which supporters of the movement regard the colonial abuses suffered by Palestinians—abuses specifically related to those living in the occupied territories—as a particular and acute form of cruelty/violence, and by extension, as an "evil" of the highest degree (associated with this is how the perpetrators of that evil, the Israeli government, is perceived). Exemplary here of many BDS activist entreaties is anthropologist Ghassan Hage, who has eloquently defended this point against critics of BDS, who claim that Israel does not deserve to be "singled out" by the BDS movement given its "middling status"[183] as a human rights violator. In his response, which is a call for academics to join the movement, Hage asserts that supporters of BDS have a "more acute sense of the quantitative and qualitative degree of injustice and suffering that is being meted on Palestinians in Israel and the territories."[184] He argues that the "specific ugliness of colonial settler situations" includes ethnocidal politics, "politicide," or the evisceration of a whole culture, and racialized violence that "incomparably" leads to a "shattering of the psyche."[185] These specific forms of violence, Hage argues, are so 'ugly' that they create an urgency, a need to address them. He concludes by claiming that academics who are unable "to experience affectively the urgency of the need to address what is

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[183] As quoted in Ghassan Hage, "Why I Have Voted in Support of BDS," Savage Minds, April 20, 2016, https://savageminds.org/2016/04/20/why-i-have-voted-in-support-of-bds-ghassan-hage/.
[184] Hage.
[185] Hage.

happening in Palestine is nothing short of a professional failing."[186] In fact, all too often references to an acute form of cruelty/violence suffered by Palestinians, with specific reference to the abuses suffered by those living under occupation, are made in defense of the BDS movement *as such*, usually in response to those that ask why Israel should be "singled out" by international civil society.[187] Like many others, Hage's entry effectively makes a case for giving Palestinians a certain kind of *moral* priority over other social struggles, a priority grounded on the specific "evil," the specific, violent "ugliness" of the colonial encounter.

Obviously, corresponding to the "ugliness" noted by Hage is the way the Israeli state is usually set up rhetorically as an opponent consistently engaging in various kinds of "brutal" violence. All too often, for example, activists refer to the various Israeli offensives on the Gaza Strip, such as Operation Cast Lead, and recall how "few who saw it can forget the sight of white phosphorous raining down on Gaza City."[188] To take a notable example, note how the first page of the first chapter in the book *Generation Palestine,* which starts with an entry written by Ramzy Baroud describing the first Intifada of 1987, details a setting in which "hundreds of armored Israeli military vehicles, and thousands of soldiers"[189] besiege and attack what is described as a completely peaceful Palestinian village (Beit Sahour). The chapter instantly constructs a context that paints a very violent, militarized opponent on the one hand, and a peaceful, non-violent victim on the other, a victim that showed "not a semblance of armed

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[186] Hage.
[187] To refer to such positions and some responses, see Nelson and Brahm, *The Case Against Academic Boycotts of Israel*; Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 14–17.
[188] Raji Sourani, "Why Palestinians Called for BDS," in *Generation Palestine: Voices from the Boycott, Divestment, and Sanctions Movement*, ed. Rich Wiles (London: Pluto Press, 2013), 62.
[189] Baroud, "Palestine's Global Battle That Must Be Won," 3.

resistance."[190] Indeed, numerous activists endorse a similar conceptualization of the Israeli state and the colonial abuses—and of the "ugliness" noted by Hage—suffered by Palestinians in the occupied territories. It is all too easy, for example, to find entreaties that refer to the "crushing and brutal military occupation,"[191] the "brutality of the Israeli occupation,"[192] or the "savagery of the occupation regime."[193] These words usually refer to the racialized (and very "subjective") violence that Hage mentions, and primarily are used rhetorically as a defense and justification of the movement as such. Take the example of Vacy Vlanza, a supporter of the movement, who in its defense asks "Who and what will prevent other children from losing an eye like Yahiya al-Amudi? Who and what will end the torture of Palestinian children in Israeli prisons or save them from being shot in the back like Mohammed Kasbeh?"[194] In other words, activists argue that given the unique "brutality" of the Israeli state, and the acute forms of colonial violence meted out against and suffered by Palestinians, international civil society is justified in its response to "single out" Israel for a global BDS campaign.

These observations lead to the second concomitant point, which refers to the large extent to which activists within the BDS movement hold a rather principled position with respect to the (non)use of violence, indicating an understanding of violence as an absolute evil. Indeed, the strict adherence demonstrated by a clear majority of supporters of the movement to the principle of nonviolence is well documented. Hallward, for example, states that "the leadership of the BNC…has sought to strengthen its legitimacy as a movement by carefully distancing themselves from the

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[190] Baroud, 3.
[191] Vacy Vlanza, "Without BDS, Palestine Is Alone," counterpunch, July 27, 2015, http://www.counterpunch.org/2015/07/27/without-bds-palestine-in-alone/.
[192] Kanazi, Poetry, Solidarity, and BDS.
[193] Moor, "The Rise of Boycott, Divestment and Sanctions."
[194] Vlanza, "Without BDS, Palestine Is Alone."

use of violence and by focusing on nonviolent efforts for Palestinian rights."[195] She also notes how many (interviewed) activists "very explicitly state that this [BDS] is a nonviolent approach to the liberation of Palestine,"[196] and argues that activists pursue this approach to "delegitimize" Israeli use of force. Perhaps the best example to take to demonstrate this point would be Žižek, who, after all, has written a book about violence. In a webchat published by *The Guardian,* Žižek claims that he supports the BDS campaign, and specifically the academic boycott of Israeli institutions. In providing his defense, however, Žižek stresses the case for nonviolence. He writes:

> "And another thing which is important and which people tend to forget: boycott is a non-violent measure. Better boycott than terrorism, than bombs. So, although I am absolutely on the Palestinian side, I think we should be very careful to make Palestinian resistance into part of a modern universal emancipatory project. Without this we are lost."[197]

Clearly, Žižek here suggests a relationship between nonviolence and what he calls a "modern" and "universal" project, words that fit matrix-like with the references made by numerous activists to the "universal values" they, and the movement, supposedly uphold. He also equates the use of violence to "terrorism" and "bombs," with obvious implications. Žižek, then, like many others, clearly celebrates the BDS movement for its principled stand on nonviolence, and holds it as its most commendable quality. Indeed, the Call itself refers to the use of BDS tactics as "non-violent punitive measures," and as mentioned earlier, by identifying as part of "Palestinian civil society," signatories of the Call, by definition, suggest a renunciation of the use of violence. Moreover, the

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[195] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 47.
[196] Hallward, 47.
[197] Slavoj Žižek, "Slavoj Žižek Webchat – as It Happened," *The Guardian*, October 8, 2014, sec. Books, https://www.theguardian.com/books/live/2014/oct/06/slavoj-zizek-webchat-absolute-recoil.

references to "people of conscience," "moral responsibility" and "moral consistency" made in the Call all heavily imply a renunciation of the use of violence by referring to a kind of *ethical* criterion.[198] The large extent to which activists and supporters of the movement distance themselves from any hints of violence is so extensive that in February of 2018, the Norwegian MP, Bjørnar Moxness, nominated the BDS movement for the 2018 Nobel Peace Prize.[199] In explaining the nomination, it was argued that the "BDS campaign is a non-violent movement for freedom, equality, and a just peace," and noted how given its use of "peaceful means," it is "seen as legitimate and ethical by most of the international community."[200] All this reminds us of how Richard Falk describes the characteristics of the movement when he writes that it represents a "seismic shift in Palestinian tactics of struggle and resistance from violent tactics to nonviolent militancy,"[201] or his frequent references to how the BDS movement represents a "legitimacy war" meant to take the *moral* high ground, which is accomplished, namely, by renouncing violence. Another associated point to consider in demonstrating how the discourse enveloping the BDS movement endorses an understanding of evil as evil-as-cruelty/violence is by observing the extent to which activist entreaties *omit* the use of violence committed by Palestinians. Ramzy Baroud's article in *Generation Palestine* is particularly notable in this regard, for as hinted earlier, his essay almost entirely divorces Palestinian resistance struggles from violent actions. Focusing entirely on nonviolent, grassroots Palestinian movements, Baroud argues that nonviolent civil disobedience, and specifically boycott campaigns, are the most

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[198] "Palestinian Civil Society Call for BDS."
[199] "BDS Nominated for 2018 Nobel Peace Prize," *Middle East Monitor*, February 5, 2018, https://www.middleeastmonitor.com/20180205-bds-nominated-for-2018-nobel-peace-prize/.
[200] "BDS Nominated for 2018 Nobel Peace Prize."
[201] Falk, "Support for BDS National Conference at the University of Pennsylvania."

persistent "common thread in Palestinian revolts,"[202] especially during the 1930's (referring to the Great Revolt) and 1980's (referring to the First Intifada). He then argues that the BDS movement is the modern incarnation of that thread, suggesting therefore a kind of legitimacy to the movement seeing that it represents Palestinian desires both currently and historically. His narration of Palestinian "popular" history, which starts with the Great Revolt of the 1930's and instantly skips to the First Intifada of the 1980's, serves both to provide the BDS movement with an indigenous history and to downplay any violent actions committed by the Palestinian political leadership during the 1940's-1970's, for example. His narrative also hence serves to heavily contrast Palestinian nonviolence with Israeli state violence.[203] Indeed, his essay is exemplary of the writings of various BDS activists and supporters who, in narrating Palestinian history, also largely omit any violent actions committed by Palestinians in their long history of anti-colonial struggle.[204] It is also consistent with the BNC, who as mentioned earlier, has actively distanced itself from the use/suggestion of violence. In other words, the strict adherence demonstrated by a clear majority of activists to the principle of nonviolence—and the omitting of Palestinian violent actions—indicates that many consider its opposite—physical violence—as an absolute evil.

In the beginning of this section, I mentioned that the BDS movement maintains significant discursive efforts that challenge the understanding of evil-as-cruelty/violence in the HRD. These efforts mainly refer to the "temporal" characteristics of the HRD. As mentioned in the previous chapter, one of the most commendable qualities of the BDS

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[202] Baroud, "Palestine's Global Battle That Must Be Won," 5.
[203] Baroud, "Palestine's Global Battle That Must Be Won."
[204] For references to a small sample of those that omit the use of violence committed by Palestinians, see Hage, "Why I Have Voted in Support of BDS"; Moor, "The Rise of Boycott, Divestment and Sanctions"; Cohen, "BDS Is a War Israel Can't Win"; Cohn, "BDS: Non-Violent Resistance to Israeli Occupation."

movement, as noted by many, is its mentioning of the Palestinian refugees and demanding their right to return (demand 3 of the Call), in effect breaking the historical prism of the "old conversation/peace orthodoxy" mentioned by Pappe. By doing so, and by hearkening back to at least as far back as 1948, the campaign stresses, as Meister would have it, "the "intertemporal aspect of justice as a struggle against the *ongoing* effects of bad history."[205] Indeed, the BDS movement can be seen to assert that evil is not *past*; rather, it is very much *ongoing*, as the continuing plight of the refugees most clearly demonstrates the "effects of bad history." In addition, the numerous references made by activists to the acute forms of cruelty/violence suffered by Palestinians under occupation—arguments made to justify the existence of the movement as such—all insist that evil is not *past.* In this specific, "temporal" way, the discourse enveloping the movement is closer to what Meister identifies as "justice-as-struggle" than "justice-as-reconciliation." By stressing the acute forms of cruelty/violence that Palestinians suffer under occupation, the BDS movement violates the "consensus" established under the HRD that evil is *past.* It challenges the "inherently transitional character of the Human Rights Discourse"[206] by stressing that evil is, indeed, *not past.* More directly, it challenges the "post-Holocaust security of Israel" that stands "as the constitutive *exception* on which twenty-first-century humanitarianism [HRD] is based."[207] This chapter argued, however, that although the BDS movement does not present/endorse a vision of evil as *past*, it still primarily endorses a vision of evil-as-cruelty/violence. In effect, the BDS movement insists that the HRD is jumping the gun; that cruelty is *still here.*

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[205] Meister, *After Evil,* X.
[206] Meister, 10.
[207] Meister, IX.

CHAPTER IV: ON JUSTICE

A. Justice Ltd.

Another argument made in this study concerns the notion of "justice." As already noted, Meister contends that in the HRD, the notion of justice-as-reconciliation supersedes the notion of justice-as-struggle. And as aforementioned, by redefining the meaning of evil, blurring the distinction between beneficiaries and bystanders, and recasting the dyads of revolutionary political thought (victim/perpetrator/beneficiary) as "non-divisive ethical relations among surviving witnesses to human cruelty,"[208] the cumulative effect of justice-as-reconciliation/the HRD is to indefinitely postpose implementations of justice by substituting it for a model of permanent transition. As Meister puts it, the "underlying hope of today's Human Rights Discourse is that victims of past evil will not struggle against its ongoing beneficiaries after the evildoers are gone."[209] In this chapter I will argue that the BDS movement represents a challenge to the notion of justice-as-reconciliation in several and *substantial* ways—primarily by identifying beneficiaries and demanding the right of return. However, the movement still largely separates political from socio-economic justice, and is hence no throwback to, or "revival" of, the model of justice-as-struggle.

Perhaps the most important point to mention in this regard is the large extent to which activists employ the notion of justice by making references to other supposedly "successful" movements, most notably the extensive references made to the "success" of the South African struggle against apartheid. Indeed, the number of activists and supporters who refer to the South African struggle against Apartheid as an inspiration,

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[208] Meister, 8.
[209] Meister, 8.

or who make allusions that compare the BDS movement to other, mostly-perceived-as nonviolent, "successful" movements are plentiful.[210] The Call itself, as was already noted, already mentions the South African struggle against apartheid in three different contexts, and the BDS website, run by the BNC, notes in the second paragraph that they are "inspired by the South African anti-apartheid movement."[211] Emblematic in this regard is musician Roger Waters, leading member of the band *Pink Floyd,* and who is by now a well-known and passionate activist in the BDS movement. In an article published in the *Salon,* Waters starts his defense of the BDS movement by detailing various Israeli violations of international law and claims that given that BDS is a "nonviolent, citizen-led movement that is grounded in universal principles of human rights for all people, All people!" it is a movement he can "fully support."[212] After noting that the BDS movement is modeled on the campaigns used "against Apartheid South Africa and in the U.S. civil rights movement," he proceeds to respond to critics of the cultural boycott. Here, Waters' response consists in invoking the words of Mahatma Gandhi: "First they ignore you, then they laugh at you, then they fight you, then you win."[213] Incidentally, this very same quote is also what opens Barghouti's chapter, fittingly entitled "Palestine's South Africa Moment has Finally Arrived," in the book *Generation Palestine*.[214] Waters' statements, by mainly referring directly (and indirectly) to non-violence, and by making references to human rights and these

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[210] For a small sample of such references see Hickey and Marfleet, "The 'South Africa Moment'"; Roger Waters, "Roger Waters: Why I Must Speak out on Israel, Palestine and BDS," Salon, March 17, 2014, http://www.salon.com/2014/03/17/roger_waters_why_i_must_speak_out_on_israel_palestine_and_bds/; Falk, "The Palestinians Are Winning the Legitimacy War"; Sherry Wolf, "What's behind the Rise of BDS?," International Socialist Review, Summer 2014, http://isreview.org/issue/93/whats-behind-rise-bds; Ananth, "The Politics of the Palestinian BDS Movement"; Paul Di Stefano and Mostafa Henaway, "Boycotting Apartheid From South Africa to Palestine," *Peace Review* 26, no. 1 (January 2014): 19–27.
[211] "What Is BDS?," BDS Movement, April 25, 2016, https://bdsmovement.net/what-is-bds.
[212] Waters, "Roger Waters."
[213] Waters.
[214] Barghouti, "Palestine's South Africa Moment Has Finally Arrived," 216.

specific, other social movements, encompass a wide range of rhetorical elements often seen in activist entreaties. Numerous activists within the movement forge loyalties and hence establish a kind of genealogical connection with these other movements; specifically, the struggle against apartheid in South Africa (primarily), the U.S civil rights movement, and India's struggle for independence. Let us take the example of Omar Barghouti, who in describing the movement's features, writes that

> "The global BDS movement for Palestinian rights presents a progressive, anti-racist, sophisticated, sustainable, moral and effective form of civil, nonviolent resistance. It has indeed become one of the key political catalysts and moral anchors for a strengthened, reinvigorated international social movement capable of…reaffirming the rights of *all* humans to freedom, equality and dignified living. Our South Africa moment has finally arrived!"[215]

It is easy to notice the similarities between these words and Waters' statements. Both insist on the moral, nonviolent features of the movement and invoke the South African struggle against apartheid (and Mahatma Gandhi) as a model to be emulated, presumably because they "succeeded" in their struggle for social justice. Barghouti's words, by declaring that the "South Africa moment has finally arrived," specifically suggest that black South Africans, via their own BDS campaigns, have succeeded in affirming the "rights of all humans to freedom, equality, and dignified living" in South Africa. These very same words are also shared by the BNC. In a press release issued in 2009, where the BNC salutes South African dock workers for their decision to refuse to offload an Israeli ship headed for Durban, they also declared that "Our "South Africa"

[215] Barghouti, 228.

moment has arrived. The time for BDS is now!"[216] Or take Raji Sourani, for example, who opens his essay with a quote from Martin Luther King, "Injustice anywhere is a threat to justice everywhere."[217] American novelist Alice Walker, in an open letter to musician Alicia Keys encouraging her to refuse playing a concert in Tel Aviv, refers to the Montgomery bus boycott, arguing that "We changed our country fundamentally, and the various boycotts of Israeli institutions and products will do the same there. It is our only nonviolent option and, as we learned from our own struggle in America, nonviolence is the only path to a peaceful future."[218] That these connections to these specific movements are so frequently made can be most clearly seen when we inspect the very structure of the book, *Generation Palestine.* Published by Pluto Press in 2013, the book is a compilation of authors that position themselves as supporters of the BDS movement. It includes entries by the likes of Omar Barghouti, Ramzy Baroud, Richard Falk, and Ilan Pappe. The book is divided into four parts, the most relevant of which for our purposes is part one, entitled "BDS: The Historical Context." This part has four chapters. The first is an essay by Ramzy Baroud, already briefly discussed, entitled "Palestine's Global Battle that Must be Won." The second chapter, "Boycott, Bricks and the Four Pillars of the South African struggle," written by Ronnie Kasrils, is an essay reflecting on the principles of the South African struggle against apartheid. The third chapter, "India's Freedom Struggle and Today's BDS Movement," is an essay reflecting on the relationship between India's struggle for independence and the BDS

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[216] Palestinian Boycott, Divestment, and Sanctions Committee (BNC), "Palestinian Boycott Committee Salutes S. African Dock Workers," The Electronic Intifada, February 3, 2009, https://electronicintifada.net/content/palestinian-boycott-committee-salutes-s-african-dock-workers/928.
[217] Sourani, "Why Palestinians Called for BDS," 61.
[218] Alice Walker, "Open Letter from Alice Walker to Alicia Keys," US Campaign for the Academic and Cultural Boycott of Israel, accessed March 5, 2017, http://www.usacbi.org/2013/05/open-letter-from-alice-walker-to-alicia-keys/.

movement. And finally, the fourth chapter is an essay by Kali Akuno entitled, "The US Civil Rights and Black Liberation Movement: Lessons and Applications for the Palestinian Liberation Movement."[219] In other words, the very structure of the book, and the numerous references made by activists and supporters of the movement cited above, clearly construct a relationship and suggest a connection, a lineage, between all these movements.

Indeed, the references to these specific movements serves a double function. The first is to connect the BDS movement to other, "nonviolent" movements, movements that many perceive as maintaining a strong heritage of nonviolent resistance and civil disobedience. This point is important given its connection to the issue of "evil" discussed in the previous chapter, for it is another significant way in which the BDS movement seeks to distance itself from the use of violence, or demonstrate its principled commitment to nonviolence (evil-as-cruelty/violence). Indeed, if there is one theme that unites all these movement more than any other, it is that they are remembered and celebrated today by many—specifically in the west—as champions, paragons of nonviolent resistance. The second function, and more directly related to the notion of justice, is to connect the BDS movement to other social movements that in the eyes of many, "succeeded," via nonviolent means such as boycotts, in obtaining social justice and which hence provide the BDS movement with relatable historical precedents. Barghouti, for example, notes how "Boycotts…work in reality and in principle, as was shown in the South African anti-apartheid struggle."[220] These movements also carry a particular *moral* resonance, specifically to western audiences, who largely consider the

[219] Wiles, *Generation Palestine*.
[220] Barghouti, *Boycott, Divestment, Sanctions*, 173.

aims and methods of such respective movements as just, and who consider the supporters and leaders of such movements, like Gandhi or Martin Luther King, as having been on the "right side of history." What I want to argue here is that the numerous references made to these specific movements as an "inspiration," "model" or as a historical "precursor" fundamentally suggest a political imaginary that understands the notion of "justice" through such limitations. What is striking is that although these movements are consistently mentioned, only a select few reflect on the limited nature of these ostensible "successes," or reflect on the current socio-economic conditions of any of these communities, respectively.[221]

Meister is particularly suitable here, for he almost builds his entire argument around the case of South Africa, and therefore extensively documents the conceptual, material and discursive processes that took place after apartheid had ended. He fundamentally argues that black South Africans had reached a political *compromise* (majority rule), which, through the mechanisms of the Truth and Reconciliation Commission (TRC), was transformed into a "moral victory over apartheid,"[222] a "victory" that foreclosed the potential for other "victories." The TRC's stated goal was to "mark South Africa's transition from a period of struggle over apartheid to a 'new future' based on the creation of a shared 'human rights culture."[223] By insisting that the struggle against apartheid had *been won* (morally), the "symbolic task of the TRC was to enact a backward-looking logic of *having won* that could supersede the forward looking goal of *winning* all three struggles at once."[224] The "three struggles" Meister notes here, and which refer to what he describes as the agenda of the South African

[221] The only serious exception to this, discussed below, is Sperber, "BDS, Israel, and the World System."
[222] Meister, *After Evil*, 51.
[223] Meister, 50.
[224] Meister, 51.

liberation movement, are the struggles against capitalist exploitation, settler-colonialism, and the democratic struggle for majority rule (the struggle that was *won).* He concludes that the TRC was "so successful that in most narratives of the South African 'miracle' it is no longer appropriate to ask, 'Who won?' They typically describe the 'miracle' itself as a near-Gandhian conversion from the goal of winning to the project of fostering reconciliation."[225] In simpler words, Meister provides a quote by historian George Fredrickson, who neatly describes the broadest terms of this political compromise:

> "The entrenchment of market capitalism and the recognition of most existing white property rights was the price that had to be paid to open up the political system to Africans by some means short of actually driving the whites from power after a prolonged and bloody revolutionary struggle…Major reform, with revolutionary implications for the racial status order but not for the character of other social and economic relationships, is one way to describe what has taken place in South Africa."[226]

The TRC, then, by "by reducing the scope of social injustice to pain and the scope of political evil to cruelty, largely failed to confront the forms of structural injustice produced by apartheid that continue after majority rule."[227] Indeed, to this day, more than twenty years after the end of apartheid, whites in South Africa still own the vast majority of the land, and neo-liberal practices, or market capitalism, remains deeply

[225] Meister, 51.
[226] Meister, 51.
[227] Meister, 69.

entrenched.[228] BDS activists and supporters, by almost exclusively focusing on the struggle against apartheid, and not what happened *after* apartheid had ended—coupled with the celebratory attitudes and references demonstrated above—indicate that the BDS movement subscribes to a limited notion of justice; namely, the separation between political and economic justice remains intact. In other words, there is a sense in which BDS activists share an understanding of black South Africans as *having won.* This critique has been briefly touched upon by Joshua Sperber, whose conclusions come closest to this study, in an essay published in the *Journal of Palestine Studies,* which argues that the root of Israeli violence and impunity is the international system itself, and where he critiques the BDS movement for not "grappling with this fact."[229] Speaking to the political Left, Sperber laments what he calls the "Left's fixation on democracy," and, in addressing the BDS movement, whom he calls "the most prominent example of contemporary Left criticism of Israel,"[230] asks why activists "invoke apartheid's demise as an inspiring model to emulate."[231] He notes how "South African poverty is as devastating today as it has ever been," but given its administration through "representatives of the majority population,"[232] the world takes far less notice. He finally argues that BDS activists who "invoke such models of self-administered poverty as examples of radical politics…reveal a fatal paucity of political imagination."[233] In other words, by proactively demanding the South African "status"

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[228] Tania Page, "South Africa: Black People Waiting to Get Their Land Back," *Al Jazeera*, January 12, 2018, https://www.aljazeera.com/news/2018/01/south-africa-black-people-waiting-land-180112143811931.html.
[229] Sperber, "BDS, Israel, and the World System."
[230] Sperber, 14.
[231] Sperber, 18.
[232] Sperber, 18–19.
[233] Sperber, 19.

for Palestinians, the BDS movement only subordinates notions of justice to the limited, "moral victory" noted above, a victory stripped of genuine claims to material justice.

B. Challenging the HRD: Beneficiaries, and Refugees

Despite such implied limitations, however, the BDS movement represents at least two substantial challenges to the HRD, and by extension to the "justice-as-reconciliation" paradigm. Perhaps the most obvious element concerns the matter of beneficiaries. After all, some of the prime targets of the BDS movement, Israeli companies/products, are precisely those who most benefit from Israeli violations of international law. Shir Hever has noted, for example, that BDS primarily "affects the large exporting corporations and the influential elites in Israel," and that BDS activists strive to "focus their efforts on those in Israel who are most likely to benefit from the exploitation of the Palestinian economy,"[234] primarily by targeting Israel's large corporations, and by launching divestment campaigns that could paralyze Israeli companies by restricting their access to ready cash-flow (investors), or by causing drops in their stock value. To provide with just one successful example of such a campaign, Hever refers to 'Africa Israel,' the international holdings and investments group, a property company owned by Israeli tycoon Lev Leviev, that maintained construction projects in the West Bank. Given that it is a property company, 'Africa Israel' was hard to boycott, so activists opted for divestments strategies. Over the course of 15 months, activists succeeded in convincing the Norwegian Pension Fund, various Swedish banks, and the Blackrock financial company to divest from 'Africa Israel,' forcing the company to admit that it could not meet its payments to debtors. In 2010, the company

[234] Hever, "BDS: Perspectives of an Israeli Economist," 117.

announced that it would no longer build in the West Bank.[235] Indeed, the very fact that the BDS movement *identifies* and *targets* beneficiaries and distinguishes them from bystanders, here identified as "international civil society," represents a fundamental break with the HRD. After all, Meister asserts that the very success of the TRC's project of justice-as-reconciliation in South Africa depended entirely on "institutional practices that reinstate"[236] the distinction between perpetrator and beneficiary, and hence replace (and delegitimize) the unreconciled victims, those who "wage righteous struggle against perpetrator and beneficiary alike," with the reconciled victim, those who, "morally undamaged by past oppression,"[237] are willing to distinguish between perpetrators and beneficiaries. And as discussed earlier, the cumulative effect of the HRD is that the beneficiary eventually "drops out"[238] of the picture. Recall that the HRD, by exonerating all non-perpetrators, "blurs the moral distinction between beneficiary and bystander,"[239] and then "*calls* the beneficiary a bystander in order to *recall* him as a [compassionate] witness who will *no longer* look away from those who still suffer."[240] The BDS movement, then, by identifying and targeting beneficiaries and perpetrators alike, demonstrates a significant discursive *break* with the HRD, and stands closer, in this respect, to the image of the unreconciled victim. This remains true even if the movement does not target *all* beneficiaries, as indicated in the division between the two "streams" of the movement discussed in chapter one (BDS1 and BDS2). The fundamental question that remains unanswered, however, is what happens to ongoing

[235] Hever, 114.
[236] Meister, *After Evil*, 52.
[237] Meister, 52.
[238] Meister, 15.
[239] Meister, 26.
[240] Meister, 230.

beneficiaries *after,* as Meister would have it, "the evildoers are gone;"[241] namely, what happens after the movement's demands are achieved, and *victory* declared.

As mentioned earlier, the Call's third demand calling for the right of return is indubitably the most contentious and radical aspect of the BDS movement. Norman Finkelstein, for example, has attacked the BDS movement on precisely this point, claiming that the right of return, if achieved, would "eliminate Israel" (as a Jewish state).[242] I noted in the previous chapter how the right of return contributes in challenging the notion that "evil is *past."* More relevant here, however, is that given the demand is a direct form of material compensation or redistribution, it can also be argued to directly challenge the aforementioned separation between political and economic justice as represented by the model of South Africa. Indeed, inasmuch as land and property rights are to be redistributed in some form, this specific demand goes beyond simply targeting beneficiaries to force them to stop profiting from/contributing to Israeli crimes. The demand goes beyond simply being "punitive" and asks for some measure of redistribution by forcing some beneficiaries to relinquish their gains. It hence potentially represents a material claim that reaches beyond the horizons of a "moral victory" akin to what took place in South Africa. Yet, despite having such potential, one of the main obstacles is that the third demand of the Call (and the second) holds minimal support within the movement itself. As noted in the first chapter, the majority of BDS activists, and the majority of successful BDS campaigns ascribe to BDS2, the much more limited "stream" of the movement that, respecting demand one of the Call, only targets

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[241] Meister, *After Evil*, 8.
[242] Norman Finkelstein, "Arguing the Boycott Divestment and Sanctions (BDS) Campaign with Norman Finkelstein," Vimeo, 2012, https://vimeo.com/36854424.

companies that are directly tied to the oPt.[243] Meaning, demand one of the Call, which refers to the ending of the occupation of all Arab lands and the dismantling of the wall, is much more "hegemonic," so to speak, than demands two and three. Lamenting this condition, Hazem Jamjoum confirms that "many international activists involved in BDS campaigns continue to avoid reference to Palestinian refugees and Palestinian citizens of Israel despite their stated adherence to the 2005 BDS call."[244] Furthermore, by only targeting companies directly tied to the oPt, Hallward notes that supporters of BDS2 "affirm that they are trying to 'delegitimize' Israeli policies supporting the occupation of the West Bank and Gaza Strip, but not question the existence of the state of Israel itself."[245] Indeed, the overwhelming international support offered to BDS2 as opposed to BDS1—even though BDS1 is what is consistent with the BNC and the Call—should once again demonstrate the extent to which "evil-as-cruelty/violence" reigns supreme. For demand one of the Call, more than any other, refers directly to ending the very militarized, "subjective" violence of the occupation. In other words, the overwhelming international support for BDS2 indicates that holding that specific "evil at bay"—the evil of cruelty/violence represented by the occupation—clearly takes *priority* over redistributive mechanisms that are closer to matters concerning economic justice. To solidify this point, take the example of the renowned Palestinian historian Walid Khalidi. In an inaugural lecture given in 2014 at the University of London's School of Oriental and African Studies (SOAS) Khalidi addresses the BDS movement. Assuming that time is working against the Palestinians—given that settlements keep expanding, and Israeli power keeps increasing—Khalidi argues that by calling for all three demands

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[243] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, chap. 1; Chomsky, "On Israel-Palestine and BDS."
[244] Jamjoum, "The Global Campaign for Boycott, Divestment, and Sanctions against Israel," 144.
[245] Hallward, *Transnational Activism and the Israeli-Palestinian Conflict*, 46.

the BDS movement may alienate potential allies (including liberal Zionists) that he believes are very much needed in the fight against Israeli oppression. He claims that

> "Time is not an asset for the Palestinians…I am not against BDS. I want it to succeed. To succeed it needs the Jewish post-Zionists and the liberal Zionists. Delegitimize the occupation and your chances are bright. Delegitimizing Israel itself will cost you the bulk of your Jewish allies and most of the friendly world capitals. Let us have two BDS campaigns: BDS one, to end the occupation, and BDS two, to implement the pledge to its Arab citizens in Israel's Declaration of Independence—in *that sequence* [my emphasis]."[246]

Khalidi's statements, although using a different line of reasoning, are largely representative of the extent to which BDS2, or demand one of the Call, takes clear priority over demands two and three. Therefore, despite the commendable discursive and material qualities represented by the demand concerning the right of return, its emancipatory or redistributive potential is severely limited by its relegation to secondary status within the movement itself. As Meister would have it, then, it may indeed be *too soon*, if not *too late*—as per Khalidi—for justice.

Finally, it is worth noting that the right of return, *even if* achieved, would still represent a fundamentally limited attempt at attaining economic justice. Redistributive mechanisms, although highly welcomed, do not constitute the entirety of economic justice, nor do they *fundamentally* challenge economic structural relations. To support this point, it is best to refer to a highly insightful critical appraisal of Meister offered by

[246] Khalidi, "Palestine and Palestine Studies: One Century after World War I and the Balfour Declaration," 143.

Alberto Toscano.[247] After applauding Meister for his deep examination of the HRD, Toscano launches a critique that targets Meister's "ethico-legal categorization of subjects"[248] into the triad of victims/perpetrators/beneficiaries. He claims that Meister's introduction of the category "beneficiary," a materialist gesture, a third term that although welcome in its "vulgarity" for allowing Meister to "draw the human rights discourse outside of its comfort zone" and reveal its contradictions, still falls "prey to the individualist pitfalls of any cost-benefit analysis when it comes to social thought."[249] To demonstrate his point, Toscano takes issue with how Meister, specifically in chapter 8, "Adverse Possession," attempts to resolve the HRD's "depoliticizing impetus of permanent transition" by, surprisingly, "embracing market forms of reparation."[250] Toscano points out that according to Meister, justice is indeed possible in a market order, for Meister himself states that "historical justice—justice across time—is entirely *conceivable* to market societies that, nevertheless, resist it."[251] Indeed, Meister argues that capitalist property law "retains the possibility of 'restitution', which is a nonpossessory right created through the operation of law as a remedy for past injustice,"[252] and proposes the "constructive trust" as a remedial device to historical injustice. Directly discussing the issue of historical injustice suffered by indigenous peoples, Toscano here critiques Meister by claiming that by "remaining within the regime of property," Meister, though appearing to deal materially with the question of benefit, fundamentally reinforces the very same system that perpetuates the injustice of

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[247] Alberto Toscano, "The Tactics and Ethics of Humanitarianism," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 5, no. 1 (2014): 123–47.
[248] Toscano, 125.
[249] Toscano, 125.
[250] Toscano, 131.
[251] Meister, *After Evil*, 245.
[252] Meister, 234.

dispossession. To remain within the regime of property, to Toscano, would "mean still remaining prior to justice."[253] Toscano argues that Meister's "proposal to commodify past injustice is fundamentally corrupted by neglecting the historical injustices written into the [very] propertization of (indigenous) land."[254] Indeed, Toscano notes how the very standards that would "measure" improvements "are the standards of forms of property and commodification imposed upon the colonized."[255] Toscano then proceeds to argue that the victim/perpetrator/beneficiary triad are also fundamentally

> "inappropriate terms to map the capital relation, eliding as they do the systematic nature of economic compulsion, and overlaying a notion of criminal harm on a conflict whose injustice is to be found in the character of the relation itself, not simply in the relative ratios of benefit. Socialism is not the redistribution of property but its abolition (or its transformation into a decommodified form: 'social property.')"[256]

He then adds that Meister's triad therefore "either individualizes the class relation…or treats classes as mega-individuals of sorts, such that we can envisage the proletariat making claims for redress against the bourgeoisie."[257] Toscano's critique of Meister, as should be obvious, bears direct relevance to the issue of the right of return. Seemingly, Meister would concur with the claim that the right to return could represent a form of remedy to forms of historical injustice such as dispossession. This study, however, agrees with Toscano's incisive critique in noting that economic justice (what Toscano calls Socialism) goes far beyond the mere redistribution of property. The fundamental

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[253] Toscano, "The Tactics and Ethics of Humanitarianism," 132.
[254] Toscano, 133.
[255] Toscano, 132.
[256] Toscano, 133.
[257] Toscano, 134.

point to be made here in relation to the right of return is that, even if achieved, it still only represents major reforms within a market economy, and hence represents a limited attempt at attaining material justice. Fundamental, economic structures and relations—such as the property-regime—remain essentially in-place.

CHAPTER V: CONCLUSION

In his forward to the book *Generation Palestine,* South African Archbishop Desmond Tutu details the parallels between his experience under apartheid and the Palestinian struggle for freedom and justice. In describing the anti-apartheid movement, he states that "people believed us when we condemned apartheid as evil, vicious and unjust in the extreme and they supported our efforts to end it non-violently."[258] He then proceeds to note how, despite all appearances to the contrary,

> "this is in fact a moral universe. Right and wrong matter…ultimately right will prevail, justice will triumph…It happened in South Africa. It will happen any and everywhere. The BDS movement is an essential component of Palestine's struggle, and humanity's struggle for justice and true human liberation – it must be supported by all of us."[259]

I use these quotes here because I believe they fittingly represent and encompass a wide range of the rhetorical and discursive elements analyzed in this study. Indeed, Tutu's references to the "vicious" evil of apartheid, non-violent resistance, his "moral universe," and his rather limited understanding of what constitutes "justice" neatly summarize the main tropes, themes, and arguments of this research.

In Chapter one, I detail the historical precedents, organizing structure, and general characteristics of the BDS movement. Focusing primarily on the differences between BDS1 and BDS2, I then provided an analysis of the BDS Call made in 2005—which acts as the anchor of the movement and this study—and supplemented it with the

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[258] Desmond Tutu, "Foreword BDS," in *Generation Palestine: Voices from the Boycott, Divestment and Sanctions Movement* (London : New York: Pluto Press, 2013), xii.
[259] Tutu, xiv.

insights of various scholars, specifically in relation to what was considered commendable in the movement by many. I synthesize these qualities by referring to what Ilan Pappe calls the "new conversation," and show how the BDS movement represents significant discursive breaks with the what is known as the "peace orthodoxy."

Chapter two focused on Meister's notion of evil, specifically what I termed evil-as-cruelty/violence. I argue that the BDS movement, although challenging the notion that evil is *past*, nonetheless subscribes to an understanding of evil-as-cruelty/violence, much like the HRD. I demonstrate this by showing the extensive ways in which various activists and supporters perceive the colonial abuses suffered by Palestinians as an acute form of cruelty and hence construct a moral urgency to address it, and the concomitant perceptions activists hold of the Israeli state as an extremely "brutal" opponent that ought to be "singled out" as a unique evil (of a bygone era). I also demonstrate this by referring to the principled position held by many to the value of nonviolence (and hence, demonstrating activist dissociation from violence), and the attendant omission of Palestinian use of violence in recalling their history of anti-colonial struggle. The argument is also supported in chapter three by reference to the extensive links BDS activists make to other, largely-perceived-as nonviolent movements; and the "hegemony" of demand one over demands two and three, as represented by the overwhelming support for BDS2.

Chapter three focuses on the notion of justice, and argues that, given the extensive references made by activists and supporters (primarily) to the South African struggle against apartheid as a successful model or inspiration, and given the lack of attention to what happened *after* apartheid, the BDS movement largely maintains a

political imaginary that understands the notion of justice through the prisms of South Africa, a limited vision/horizon that disconnects political from economic justice and hence potentially forecloses the possibility of future claims to material justice (Meister's moral victory). I also noted how the BDS movement maintains substantial challenges to the HRD, notably by identifying beneficiaries and demanding the right of return (a form of redistribution). I then suggest some limitations to these challenges, specifically the fact that the right of return maintains little support within the movement itself, and is hence relegated to secondary status. I finally end with some reflections provided by Toscano on Meister, and suggest how the right of return, even if implemented, still represents only a limited form of justice.

To be sure, there are other, more minor ways in which the BDS movement challenges the HRD. The "solidarity principle," for example, obviously marks a significant break from the politics of rescue noted by Meister as a primary feature of the HRD. Nor is there any discussion of compassion, forgiveness, or reconciliation within activist entreaties; most activists perceive the movement as highly "militaristic."[260] Indeed, this study argues that, although the BDS movement remains within the orbit of the HRD, it is not simply a replica, example or exemplification of the HRD. The numerous ways in which the movement attempts to break out of the HRD are substantial, and for those efforts the movement is commended. The main argument of this research, however, is that inasmuch as the BDS movement subscribes to a vision of evil as cruelty, the delivering of "justice," as the South Africa case/inspiration demonstrates, simply implies the end of that evil (the end of cruelty). Although the BDS movement claims that evil is *not past,* the evil they primarily refer to is very much like

[260] Falk, "Support for BDS National Conference at the University of Pennsylvania."

that of the HRD. The BDS movement, then, reinforces the HRD by insisting that the HRD is jumping the gun: that cruelty, indeed, is *still here.* The demand for "justice" in the BDS movement, then, simply implies the demand for the HRD to *begin* taking effect (in Palestine). In this specific sense (by indirectly demanding the status provided by the HRD), economic justice in Palestine, much like in the HRD, is delayed.

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