

The Challenge to Israel's Legitimacy

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Israel is a unique country in the world community by virtue of the fact that after sixty years since its re-birth as a modern nation-state in 1948, it finds its very legitimacy questioned and even attacked. It is not common to find a university debate over the legitimacy of France or Italy, yet such debates over Israel have been held in British universities. And while many states in Africa and Asia owe their origins to arbitrary borders drawn by colonial powers a century ago, it is not acceptable to question their validity as nation-states even though their boundaries artificially cross ethnic or tribal lines, making national cohesiveness very difficult.

In contrast, Israel is a country with deep national roots and a more than two-thousand-year-old history; indeed, it is the only member state of the United Nations whose right to exist was recognized by both the League of Nations and the UN itself. Yet somehow it became acceptable in many intellectual and even diplomatic circles to raise the question of Israel's right to exist.

The assault on Israel's legitimacy has in fact accompanied the Jewish state from its very foundation as a by-product of the larger Arab-Israeli conflict. The sources of this early wave of delegitimization were the Arab states which evoked for years through their state-controlled media the image of Israel as being created by a colonial-settler movement, backed by Western imperialism, with no authentic connection to the land which it claimed. Delegitimization of Israel also emanates from a revival of classical Western anti-Semitism, which has become more permissible the more time passes since the Holocaust. It is for that reason delegitimizers also engage in Holocaust-denial, or what Manfred Gerstenfeld has called "Holocaust inversion," attributing to Israel the crimes committed against the Jewish people during the Second World War.

During the last decade, the campaign to delegitimize Israel has been reinvigorated and been given new momentum. It has consisted of several repeating themes:

1. Denying Israel's Fundamental Right to Security

Using the automatic majority which the Arab states can marshal in the main bodies of the UN system, the PLO and its allies have successfully exploited international law to dilute Israel's right of self-defense. This began to acquire momentum when the Arab bloc pushed through the UN General Assembly a resolution calling on the International Court of Justice (ICJ) to issue a non-binding advisory opinion on the legality of Israel's security fence. Following the terms of reference it was given, the ICJ questioned the legality of the fence without considering the waves of suicide bombing attacks on Israeli civilians that caused Israel to build the fence in the first place. And the ICJ went so far as to question whether the right of self-defense, enshrined in the UN Charter, applied to the terrorist threat Israel faced in the West Bank and Gaza.

In parallel, there has been an international diplomatic effort to replace UN Security Council Resolution 242, which in November 1967 recognized Israel's right to "secure and recognized boundaries," with alternative UN resolutions which, as distinct from Resolution 242, would require Israel to withdraw completely from the territories it captured in the 1967 Six-Day War.

2. Portraying Israel as an International Criminal

When Israel was forced to eliminate the centers of terrorism in the West Bank in 2002 that were located in areas under the jurisdiction of the Palestinian Authority, UN officials, taking their cue from Palestinian spokesmen, repeated unsubstantiated allegations that Israel had committed a massacre of Palestinian civilians in the Jenin refugee camp, which was quickly disproven.

Again in 2009, at the initiative of Cuba, Pakistan and Egypt, the UN Human Rights Council launched an investigation of Israel's military operations in Gaza that sought to expose improper actions by the Israel Defense Forces, without even looking at the eight years during which Hamas fired mortars and rockets at the civilian communities of southern Israel from the Gaza Strip. The Goldstone Report that resulted unfairly charged that there was "strong evidence" Israel had committed war crimes, without establishing any guilt whatsoever on the part of Hamas for the Gaza war.

The campaign to depict Israel as a criminal state includes the active support of extremist non-governmental organizations that exploit legal loopholes in Western legal systems in order to initiate legal measures against Israeli officers visiting Europe, accusing them of having violated international law.

This legal campaign entails the abuse of “universal jurisdiction,” which the West originally adopted in order to bring real perpetrators of crimes against humanity to justice, even though their crimes were conducted outside the country whose courts might decide to act.

3. Attacking the Historical Connection between the Jewish People and Their Historical Homeland as well as Jerusalem

The third form of delegitimization was witnessed when at the end of the July 2000 Camp David Peace Conference, PLO Chairman Yasser Arafat denied that there ever was a Jewish Temple in Jerusalem. This became a contention that was asserted by most of the leading Palestinian figures, from Saeb Erekat to Yasser Abd Rabbo to Mahmoud Abbas. The destruction of pre-Islamic artifacts during the unauthorized removal of tons of debris from the Temple Mount by the Palestinian Islamic authorities served as further evidence of an effort to eradicate Jewish history in Jerusalem.

These recent efforts at the delegitimization of Israel have come in a very specific international political context: at a minimum they seek to advance the Palestinian goal of establishing an independent Palestinian state on as much land as possible in the West Bank and Gaza, even unilaterally, if necessary. Borrowing from other international cases, like in the Balkans, where Kosovo emerged from the abuses of the Serbian Army, the new delegitimization campaign requires that Israel lose international standing and support in order to serve the Palestinians’ political agenda. At the extreme, the new delegitimization takes a page out of the anti-apartheid campaign against South Africa by seeking to internationally condemn and isolate the Jewish state, perhaps with the hope of undermining its continued existence.

These difficult trends were already becoming apparent when the Jerusalem Center for Public Affairs decided to hold a conference jointly with the Konrad Adenauer Stiftung in honor of the 60th birthday of the State of Israel. We recognized that Israel cannot be passive, but rather must actively combat these delegitimization efforts. The articles in this collection represent an initial effort to begin the campaign to push back.