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EU: No, You Won't Smear Our Fight Against Israeli Apartheid as "Antisemitic"

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Last week, the European Court of Human Rights ruled against France's bid to criminalize the call for Boycott, Divestment, and Sanctions of Israel. The ruling was a victory for Palestine solidarity activists — and the first setback for Emmanuel Macron's attempts to smear antiracists as the "new antisemites."

On June 11, the European Court of Human Rights (ECHR) ruled against the French state's bid to criminalize the Boycott, Divestment, and Sanctions (BDS) campaign in solidarity with Palestine. The particular case stemmed from protests in September 2009 and May 2010 in which French BDS activists had demonstrated inside a supermarket in Illzach, eastern France, urging a boycott of Israeli products. Yet it is part of a row with far wider implications for anti-Zionist activists across the continent.

The BDS activists had initially been sued by the district attorney on two grounds: publicly encouraging "hatred and discrimination against a group of people because of their origins, race, and religions," and wearing T-shirts with the messages, "Palestine will win" and "boycott Israel." The French court sentenced the five activists to pay a total of €3,000 to the International League Against Racism and Anti-Semitism (LICRA), the NGO Lawyers Without Borders, the France-Israel Alliance, and the National Bureau of Vigilance Against Anti-Semitism.

But with the ECHR ruling last Wednesday, the French court's decision lies in tatters. The European judges [ruled that as citizens these activists had the right to express their political opinions](#), which are in no sense discriminatory against a race or a religion. This was an important victory for anti-Zionists in France: a first step toward rolling back the French state's continued efforts to criminalize BDS activists and Palestinian solidarity.

Conflating Anti-Zionism With Antisemitism

Indeed, looking at the recent history of this criminalization, we see how Emmanuel Macron's government has gone even further than previous administrations in assimilating anti-Zionism to antisemitism. This confusion, promoted by the state definition of antisemitism, plays an important role in racism in France, for it characterizes Arabs and people living in the (working-class, majority-minority) *banlieues* as purveyors of a "new kind of antisemitism." This, in turn, helps to demonize the antiracist movement and a whole part of the pro-Palestinian left.

These attacks did not begin with Macron's presidency. While there has been a witch hunt against anti-Zionists — creating huge confusion when it comes to fighting against actually existing antisemitism — a turning point came in 2009-2010, precisely the period when the aforementioned activists were condemned because of their pro-BDS demonstration. The then-minister for justice, Michèle Alliot-Marie (MAM), published a ministerial circular in order to insist that every single

supporter of boycotting Israel should be hauled before the courts.

Not only was this circular an attack on pro-Palestinian activities in France, but it also was a step in the French state's authoritarian moves against citizen initiatives in general. Just weeks after MAM's circular, around eighty people were charged because they supported the BDS campaign. While France is not the only country where BDS activists have to confront their own state's support for Israel, it is one of the few countries where one can be sued simply for backing the boycott of Israeli goods and cultural and academic ventures.

Between May 2012 and January 2016, the center-left Christiane Taubira was minister for justice, and several activists and organizations sent her letters in order to withdraw the infamous MAM circular. However, Taubira never took sides. She thus left in place the measures attacking not only the right to support the boycott of Israel, but also the right to organize and to freely express oneself politically.

Since at least the time of right-winger Nicolas Sarkozy's presidency (2007–2012), the French state has become more and more explicit in its support for Israel. This is not mere rhetoric of friendship; it takes a very concrete form in fighting against pro-Palestinian activists within metropolitan France. Of course, one could find past examples of this foreign policy — for example, when the Socialist government rallied behind it in the Suez War in 1956 or in developing its nuclear weapons during the second half of the 1950s and the early 1960s. However, since the 2000s, this support has been especially directed against citizens living in France and politically active on French soil.

This is especially visible through the efforts of CRIF, which despite its name ("Representative Council of Jewish Institutions in France") is in fact a hard-line pro-Israel lobby at least since the end of the 1980s, supporting not only hawkish Zionism, but also French state racism against Arabs. Far from taking an antifascist or consistent antiracist stance, [in 2002 CRIF president Roger Cukierman](#) responded to the strong election result for Jean-Marie Le Pen, reaching the second round of the presidential election for the first time, by saying that this was a message to Muslims to "calm down" — even mooted that the National Front's success could help fight Muslim antisemitism in France.

Demonizing Arabs and Muslims

Indeed, whether coming from outspoken figures in CRIF or figures in the French government, it is clear that the bid to demonize and criminalize BDS activists is part of a wider onslaught against Arabs, seeking to marginalize them and to deepen their condition of "racialized outsiders" by presenting them as the "real" racists. The BDS campaign is not simply an emanation of the Arab-immigrant population in France, even if this latter does play an important role in its activities. But the use of this bogeyman to paint Arabs and Muslims as the "new antisemitic threat" is ever present in official and media discourse.

Indeed, this conflation of Palestine solidarity and "antisemitic immigrants" has worsened under Macron's administration. In February 2019, he participated alongside other public figures in the CRIF's annual dinner in Paris. Here, he announced that he would work toward a wider definition of antisemitism, one that included anti-Zionism (in general, without qualification) as one of the modern forms of contemporary antisemitism. In this very same declaration, Macron explained very concretely what this meant: giving police and judges the "proper means" to fight against the "hatred of Israel," presented as a concealed hatred of Jews.

Already in 2017, Macron had used the seventy-five-year anniversary of the Vel' d'Hiv Roundup — the raid in July 1942 when French police arrested around thirteen thousand Jewish people in Paris — to declare anti-Zionism one of the new forms of antisemitism. Yet such confusion has very dangerous

consequences not just for pro-Palestinian activists, but also for the wider struggle against antisemitism. If the acts of political activists opposing Israeli colonization are equated to neofascists drawing swastikas on synagogues — or even the historic crimes of Nazi-collaborationists — this trivializes the actual antisemitic danger.

This is particularly important when we consider the lasting signs of police racism. Indeed, today's French police are notorious for protecting elements of the far right whose antisemitism is out in the open. A recent example is the case of the Génération Identitaire activists who attempted to disrupt the demonstrations against racist police crimes, organized by the "Justice for Adama" committee. The police protected these antisemites even as they worked to criminalize sections of the Left and the antiracist movement that supports Palestine.

Faced with this situation, Jewish antiracists — notably the Union Juive Française pour la Paix (UJFP), working with antiracist organizations like the Parti des Indigènes de la République (PIR) — have been outspoken critics of the "new antisemitism" narrative and its weaponization against Palestine solidarity activists. Resisting the criminalization of BDS, these organizations insist that a consequential fight against antisemitism must also be part of a wider antiracist and anticolonial politics.

The ECHR decision thus represents a small victory for the French BDS movement and its space to organize. In a context where the Israeli project to annex the West Bank is becoming more and more concrete, the struggle against its colonialism must be developed all around the world. Palestinian civil society has made the call for BDS: solidarity means both answering this call and resisting the attempt to paint anticolonialism as a form of racism.

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