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Dershowitz, ex-justice ministry official face off over how to fight boycott, lawfare

Retired professor says policy decisions should be based on national interests

• By YONAH JEREMY BOB

Renown lawyer and Israel activist Alan Dershowitz and former deputy attorney-general for international affairs Shavit Mathias on Tuesday had a surprising face-off over how best to fight the BDS and lawfare campaigns confronting Israel.

While for most of the panel at IDC's Herzliya Conference, the participants were merely describing what is causing the campaign and their ideas for combating it, near the end of the panel discussion the two participants got into a heated debate about whether Israeli policy-makers should consider the campaign when making decisions.

Dershowitz advocated making Israeli policy decisions based solely on Israel's national interests. He warned that worrying too much about how decisions would impact Boycott, Divestment and Sanctions and lawfare would place Israel at the mercy of these campaigns.

Although Dershowitz himself favors a two-state solution and various compromises, his point was that any territorial concessions should be made only for Israeli national interests, and that BDS should be fought as a symptom of anti-Semitism.

In contrast, Mathias said that while BDS and lawfare needed to be combated with public diplomacy,

Israeli policy on the peace process and resolving the conflict was the long-term key to stopping BDS in its tracks.

She said that BDS's hard-core founders and supporters want to eliminate the Jewish state entirely, but that they are not the primary threat.

Mathias stated that BDS poses a real threat only because of its larger following among more fair-minded people, including neutral university students, diplomats and international institutions whose "hearts turn against us" when they "look at the occupation and the status of the Palestinians in the camps."

The former deputy attorney-general did not advocate a specific compromise, but did say that where the final borders were drawn could impact Israel's ability to fight BDS and foreign lawsuits.

In contrast, one of the other panel speakers, Noam Lemelshtich Latar of IDC, said that he thought the crucial way to combat BDS and lawfare was for Israel to finalize its borders in some fashion, and that exactly what the final borders were was less important than establishing finality itself about the borders.

Generally, Mathias's argument was that a two-state solution acceptable to the West would eliminate widespread support for BDS, leaving only a small marginalized band of extremists to ineffectively push the

issue.

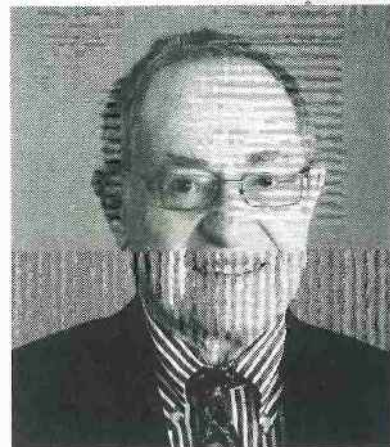
On anti-Semitism, Mathias said, "There will always be anti-Semitism" in some "part of world, as there are other 'isms,'" but he implied it was a lower-grade issue than broader BDS.

Dershowitz essentially slammed this approach as naïve and listed a number of examples of problems he said her ideas ignored, as the two viscerally displayed emphatic disagreement with each other.

Earlier, the panelists described the distinguishing characteristics of BDS and lawfare, in the spirit of being able to better fight on an issue by clearly framing that issue.

Dershowitz emphasized three points about BDS: First, it is a symptom of a broader change in which common people around the world have moved from sympathizers to critics. Second, the long-term threat of completely changing public opinion to the point of impacting issues like the US-Israel alliance is a great concern. Third, it should be opposed also because it discourages Palestinians from making peace as they think they will get a better deal later.

Mathias discussed different aspects of BDS, including its founders' desire to end Israel as a Jewish state and lawfare activities such as flotillas to break Israel's Gaza blockade and cases against Israelis in foreign courts (which she combated while in government).



ALAN DERSHOWITZ
(Marc Israel Sellem/The Jerusalem Post)

She also said that Israel was now making sure that when leaders made major policy decisions, they were fully advised of the potential BDS and lawfare impact and consequences (implying potential impact on issues between Israel and the International Criminal Court.)

Latar presented a series of surveys showing that, other than in the economic sector and in the US more generally, Israel's popularity has dropped worldwide, despite expensive positive-branding campaigns.

He presented the surveys to prove his point that Israel needed to finalize its borders more than it needed more branding campaigns.