

"I like the idea of a boycott because it's so all-American"¹

By Michael Harris

The growing campaign for an economic boycott of the state of Arizona, after its adoption of a law authorizing police officers to stop suspected illegal immigrants and demand proof of citizenship, reminds me how differently the tactic is seen in France and in the United States. Boycotts in my country are not only recognized as a legitimate means of expressing political disagreement; as a result of our history they have developed into a fundamental instrument of democracy and a force for bringing about social change that is popular and independent of the established structures of government. Proposing a boycott leads to a vigorous and more or less thoughtful debate in the media between those in favor and those opposed — the campaign to boycott Arizona is no exception — but both sides understand that the debate hinges on two questions, and they are political questions: whether a boycott is justified, and whether it will lead to the desired effect. In France, on the other hand, calls to boycott, when they reach the public arena at all, tend to be discussed at an inappropriately high level of abstraction; the legitimacy of boycotts in general has to be reestablished and an individual boycott presents a moral rather than political problem. Nowhere is this more apparent than in the campaign for an academic and cultural boycott of Israel, proposed by a range of Palestinian civic organizations and adopted by their supporters in a number of countries, including France, where the campaign has been faced with an unprecedented degree of official opposition. The debate over this campaign has to be brought down to earth and its significance evaluated on pragmatic political grounds. Failure to do so has obscured the fact that the status quo has important political consequences, not only for the principles of international law, but even within France itself.

Boycotts are at least as old as the American Revolution: the Boston Tea Party, a boycott of British goods before the word "boycott" had been invented, remains a powerful symbol of American freedom for left and right alike. The Montgomery bus boycott, launched in 1955 by Rosa Parks' act of resistance to racial discrimination and led by a young Martin Luther King, Jr., established the boycott as the exemplary tactic in the non-violent struggle for social justice². There have been other boycotts of great historic significance: the grape and lettuce boycotts organized by the United Farm Workers in the 1960s and 1970s — as a teenager I stopped eating grapes for five years — led to their recognition as union representatives for migrant workers; the international boycott of apartheid South Africa grew into a massive movement in the United States in particular. But I want to stress that there is nothing controversial or particularly radical about the boycott tactic in itself. At any given time there must be hundreds of boycott campaigns

¹ Robert McCartney, *Start Arizona boycott with baseball*, *Washington Post*, May 3, 2010.

² Although it was by no means the first action of its kind — the National Negro Convention of 1830 already called for refusal to purchase slave-made products.

active in the United States. In the 1980s my professional organization discussed the possibility of boycotting those states that failed to pass the Equal Rights Amendment, guaranteeing equality of women and men. Millions around the world supported the boycott launched in 1977 to protest Nestlé's marketing of infant formula; at any given moment during my adult life there have been several active boycotts of Coca-Cola, for any number of reasons; as I write these lines, consumer boycotts have been called to protest animal testing, industries whose lobbies deny global warming, the Lonely Planet series because they publish a travel guide to Burma, and corporations prospecting for oil in the Canadian tar sands.³ The right-wing also plays the game: supporters of the 2003 Iraq war called for a boycott of French products in response to France's failure to support the invasion.

The situation in France is very different. Here, call to boycott can be interpreted as an "obstruction of the normal [exercise] of an economic activity" and as such a form of illegal discrimination. A French citizen may refuse to purchase certain products — let's say Israeli products, since that's where this article is headed — and is even allowed to publicize this refusal, but to call on others to follow one's example is forbidden by the law. Some legal experts have argued that only the State can declare a boycott. The practice is in this way acquires a mystique, a sense of being the prerogative of a caste from which most of us are excluded, that to an American seems totally undeserved, and indeed damaging to democracy.

It's worth spelling out the implications of the Arizona law. Here is the text that sparked the boycott:

B. FOR ANY LAWFUL CONTACT MADE BY A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE WHERE REASONABLE SUSPICION EXISTS THAT THE PERSON IS AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES, A REASONABLE ATTEMPT SHALL BE MADE, WHEN PRACTICABLE, TO DETERMINE THE IMMIGRATION STATUS OF THE PERSON. THE PERSON'S IMMIGRATION STATUS SHALL BE VERIFIED WITH THE FEDERAL GOVERNMENT PURSUANT TO 8 UNITED STATES CODE SECTION 1373(c).

In plain English, the law requires Arizona police officers to check the immigrant status of anyone if there is "reasonable suspicion" the person is in the country illegally. "Reasonable suspicion" translates to "suspicious" physical appearance. Concretely, according to Arizona congressional representative Raúl Grijalva, one of the first to call for a boycott of his home state,

"The state has said, in effect, that if you're walking down the street and forgot your wallet at home, you could be hauled downtown because you look like an undocumented

³ From the As and Bs of the alphabetical list on the Ethical Consumer website (<http://www.ethicalconsumer.org/Boycotts/currentboycotts.aspx>).

immigrant. (Grijalva, Huffington Post, April 30, 2010)

This is *racial profiling*; in France it's known as "contrôle au faciès". The practice, though much more widespread in France than the authorities are willing to admit, is at least formally forbidden by French law. The Arizona law makes it official policy of the state. You, a French citizen driving across the state of Arizona, can expect to be stopped by the state police if you look like an illegal immigrant; in other words, if you are the sort of citizen subject in France to "contrôle au faciès". Just like home!

It has to be said that the new law will be keeping Arizona police busy. Current estimates are that 29% of the state's population is Hispanic and another 5% Native American, placing Arizona among the top states in both categories. More than 1/3 of the state's population can be "reasonably suspected" of being illegal aliens.

Calling for a boycott in the United States is not without risk — Grijalva had to close several of his offices in the state after receiving death threats — but it is not an unusual or extreme measure. Grijalva has been joined by civil rights leaders across the country; by a group of interstate truckers; by a long list of cities, including Los Angeles, Boston, Oakland, New York, all of which have voted partial or total economic boycott resolutions; by another long list of organizations that have cancelled conventions and meetings, starting with the American Immigration Lawyers Association; and by major league baseball which is threatening to move next year's All Star Game. Arizona's new immigration law is the civil rights issue of the year, and the boycott spontaneously and dramatically arose as the response of choice.

No one should be surprised by this reaction. A great many people support civil rights on principle and are naturally outraged by the prospect of police mistreatment of Arizona's citizens on racial grounds. But the boycott is also a legitimate expression of self-interest, evident in each of the cases mentioned above. Nearly 40% of major league baseball players are Latin American nationals or of Latino origin. Many of the municipal councillors in the major cities listed above, and millions of citizens, bring an air of foreignness wherever they go, including Arizona. The interstate truckers mentioned above are all Mexican American. One was quoted in the Miami Herald:

"We're Hispanic; we're Mexican, We've been saying, 'Are we going to be getting stopped on our way to the store when we're walking to get lunch somewhere?'"

By passing this law, the Arizona legislature has warned these people — baseball players, municipal councillors, truckers, or tourists visiting the Grand Canyon — that when they enter the state they expose themselves to abusive treatment, incarceration, or worse. A part of the country has been declared off limits, at least for those accustomed to a certain level of respect for their civil rights, to a substantial segment of the national population. The risk is not abstract⁴ and it raises questions that deserve to be taken seriously in

⁴ See for example http://www.msnbc.msn.com/id/36998749/ns/us_news-crime_and_courts/, <http://www.azcentral.com/arizonarepublic/local/articles/2010/03/20/20100320johnson0320.html>,

Europe as well. Anyone heard speaking a language other than English in Arizona, or speaking English with any sort of European accent, can be considered at "reasonable suspicion" of being an illegal immigrant. But some Europeans are going to be treated with more suspicion than others, for reasons having everything to do with their physical appearance. More than 10% of the French population belongs to this category. Should European funds be sponsoring participation in business or scholarly meetings in a state where a great many Europeans cannot walk to the store without fear of getting stopped? Or should Europeans who look "suspicious" be excluded from these meetings — for their own protection?

Much closer than Arizona — on Europe's doorstep, as they say — is a country where discrimination on the basis of physical appearance, or name, or religion, is a matter of national policy and is encoded in the legal system. In fairness, more than one country fits that description, but the one I have in mind, Israel, is the only country outside Europe whose gradual integration into the European economic, scientific, and cultural spheres is an official priority of the European commission. The entire body of Israeli law is founded on explicit discrimination in favor of Jews, and therefore against Israeli citizens who are not Jews. This discrimination applies primarily, but not exclusively, to Palestinians with Israeli citizenship — Palestinian residents of the occupied territories, including East Jerusalem, are subject to much more stringent discrimination — and as such runs counter to the human rights codes⁵ required of candidates for membership in the European Union, for example. Paragraphs can be filled listing the specific areas in which the law explicitly favors Jews, and long articles can be written detailing how the laws and practices based on these laws define distinct conditions of life for Jews and non-Jews in Israel; a few instances, mentioned below, suffice to provide the general picture.

It is not hard to argue, and indeed it has frequently been argued, that the system of discrimination in place in Israel — not in the occupied Palestinian territories, in Israel itself — fits the technical definition of *apartheid* provided in various bodies of international law⁶. I don't want to dwell on terminology.⁷ The point has not been made

⁵ The so-called Copenhagen criteria require a candidate country to have "stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities."

⁶ For example, the Rome Statute of the International Criminal Court characterizes apartheid as "an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime."

⁷ Personally I'm not attached to the use of the Afrikaans word for "separateness" to describe a system that in its particulars is quite different from that in place for much of the twentieth century in South Africa. It leads to silly objections by Israel's supporters; thus Eric Marty, writing in *Le Monde*, pointed out that, in contrast to South Africa, there is apparently no restriction of blood transfusions between Jews and non-Jews in Israel. More seriously, it obscures the very important difference that South African apartheid was instituted as a way to exploit the labor of the black majority while denying them civil rights; in Israel the very presence of non-Jews is a problem for Zionism.

often enough that by integrating Israel into Europe — economically, scientifically, culturally, or otherwise — Israel's practices of discrimination, whatever one wants to call them, are also being imported into Europe. Just as Arizona's new immigration law classifies a great many Americans "reasonably suspicious" on the basis of physical resemblance to members of a group explicitly excluded, a European visitor to Israel who looks like a Palestinian can expect to be singled out for special treatment by authorities in a variety of situations, and to attract the unwanted attention of the law for appearing to fail to respect the legal restrictions that apply to non-Jews in Israel.

In other words, Arizona's new law violates the principle of equality for American citizens everywhere, just as Europe's cooperative agreements with Israel violate the principle of equality among Europeans. In both cases, they create *de facto* a category of citizens who cannot enter the territory in question without risking an unacceptable degree of harassment.

Discrimination starts at the airport.

*“The discrimination that I have experienced at the airport and borders is obvious and routine for every Palestinian who passes through Israel's borders. When they take me to the special room for the additional checks, I can jump right into an Arabic conversation with the travelers already waiting there. They usually have Palestinian roots as well. Jewish Israelis and most foreigners with no Palestinian affiliations pass by border control without any difficulty, hardly realizing, or caring, that Palestinians and their friends are stopped and taken aside to suffer a humiliating search.”*⁸

It continues at the gates of the university.

*“The Hebrew University, for instance, demands a police-issued “character reference” certificate from non-student Palestinian visitors to its campus, supposedly to ensure they are not terrorists. This demand is not required of Jewish visitors.”*⁹

European nationals with suspicious features are advised not to go off the beaten path:

⁸ B. Awad, *Palestinian-Americans: Banned from Israel (and Palestine too)*, at <http://www.alexawad.org/details.php?ID=9>

⁹ ““When [the university security department] realized from the names that Palestinian citizens of Israel were involved, they replied with an email stating that “every participant planning to come to the university who is a minority member must bring an (official) character reference.” ‘Minority member’ is an oft-used racist term in Hebrew to refer to Palestinians.” Alternative Information Center, October 2006.

There are more than 700 ... rural communities -- mostly kibbutzim and moshavim -- that bar non-Jews from living there. They control most of the inhabitable territory of Israel... record.” “¹⁰

The quotation was taken from an account of the refusal of elected officials in the agricultural community of Nevatim to allow a Jewish couple, the Zakai's, to rent their home to Bedouin friends:

“according to Mrs Zakai, the council head, Avraham Orr, rang to say the Arabs would be accepted in Nevatim “over my dead body”¹¹

But it's not much better in urban areas.

The term mixed city is often used in Israel to refer to cities where Jews and Arab-Israelis live side by side. Even applying the phrase liberally, mixed cities are the exception rather than the rule in Israel, inhabited by less than 10% of the population.¹²

Residential segregation, it should be emphasized, is not a matter of choice for Arab-Israelis: according to Ha'aretz reporter Haim Yacobi, “It is the product of intentional policy, mostly implicit but occasionally explicit, operating according to ethno-national logic.” Yacobi adds

“In addition to long-lasting discrimination against Arabs in planning procedures and housing projects, several projects in mixed cities are promoted for Jewish residents only, such as Ramat Elyashiv in Lod and housing projects funded by private organizations in Ramle. In some mixed cities, disenfranchisement takes the extreme form of separation barriers and walls, creating segregated Jewish and Arab communities, as in the case of the (Jewish) Ganei Dan and (Arab) Joarish neighborhoods in Ramle, which have an actual wall running between them. “¹³

Even Europeans who are not suspicious by virtue of their appearance are subject to the consequences of Israel's politics of discrimination if they have made suspicious choices in their lives. For example, choosing to marry a Palestinian:

¹⁰Text of a talk delivered by Jonathan Cook to the fifth Bilin international conference for Palestinian popular resistance, held in the West Bank village of Bilin on April 21, online at <http://www.zcommunications.org/big-and-small-apartheids-by-jonathan-cook>.

¹¹ <http://www.middle-east-online.com/english/?id=38085>

¹² N. Jeffay, *Israel's Mixed Cities on Edge after Riots*, *Jewish Daily Forward*, October 31, 2008.

¹³ H. Yacobi, *Separate and unequal*, *Ha'aretz*, October 17, 2008.

« Comme vous êtes mariée avec un Palestinien, pour la sécurité d'Israël, nous ne pouvons vous laisser entrer. Vous devez faire demi-tour et revenir par le pont Allenby [la frontière terrestre avec la Jordanie]. Nous allons vous renvoyer en France. Vous prendrez l'avion à 5 h du matin. »¹⁴

Although she was carrying an official invitation from the French consulate at Jerusalem, this French anthropologist, married to a West Bank Palestinian, spent the night in an unheated cell at the airport retention center, then was put on the 5 AM flight to France, as promised. But whatever one's appearance, nationality, or marital status, feeling too strongly about Palestinian political and civil rights can be grounds for special treatment.

The immigration official said I could either leave willingly or under duress. Since my attorney was attempting to fight deportation, I said I would refuse to leave before the appeal. And now, I wanted to speak to a representative from the US Consulate as well.

They took me to security where both my body and my bags were thoroughly searched. A woman identifying herself as the head of security questioned me for about 40 minutes. She went through my passport, asking me why I had been to Egypt, Jordan and Morocco. I explained that it was mainly as a tourist, but I had also had some meetings, then asked her why she didn't also ask me about France, Spain, Switzerland, the UK, and Mexico, which were also in my passport. She also asked what I had been doing in Gaza in 2003 when I entered through Erez. She wanted details about my work and my friends (which I didn't give). She asked me about professional cards in my wallet and about 2 pamphlets in Arabic from Egypt about aiding Gaza, (which were never returned to me).¹⁵

In my experience, the security check at Israel's Ben-Gurion Airport was much more exhausting on the way out than on the way in. At the end of my first trip, when I spent a term teaching at a Palestinian University, I was told I would not be allowed to board my flight back to Europe if I did not provide the names of my Palestinian contacts. Although I refused, they let me board at the last minute, after emptying my bags and subjecting me to a strip search, which by all accounts (including the last two quoted) is standard airport procedure. On my next two trips, I followed the advice of Israeli friends and simply didn't mention that I had met with Palestinians (Israeli citizens or not, it doesn't seem to make a difference).

Now it's true that most Europeans do not have Islamic names or Arabic accents or Palestinian antecedents, and if they take care during their touristic, cultural, economic, or

¹⁴ "Since you are married to a Palestinian, for the security of Israel we cannot let you enter. You have to turn around and come back by way of the Allenby Bridge [the land border with Jordan]. We will send you back to France. You will fly out at 5 A.M." Véronique Bontemps, original article at <http://www.rue89.com/2009/12/01/francaise-jai-ete-expulsee-disrael-parce-que-mariee-a-un-palestinien-127661>

¹⁵ Audrey Bomse, Israel Punishes Attorney for Insisting on Her Legal Rights, at http://www.freegaza.org/index.php?option=com_content&view=article&id=572&Itemid=53&lang=en

academic visits to Israel to avoid the company of Palestinians —especially those living in the occupied West Bank, not to mention Gaza — then they will enjoy all the comforts of their Israeli Jewish counterparts, and the inevitable interrogation at the airport security desk on the way out will most likely be brief. It's also true that most U.S. citizens, including 2/3 of Arizona's residents, have the kind of complexion, bearing, accent, and manner of dress that will not raise the suspicions of the sharp-eyed Arizona sheriffs and their deputies. Nevertheless, knowing that some of their fellow citizens cannot enjoy Arizona's famed desert landscape without running the risk of an ugly encounter with the state police is enough to convince increasing numbers of Americans, including elected governments, to boycott the state until the new immigration law is repealed. I wonder when Europeans will be ready to hold Israel to the same standards.

Michael Harris is Professor at University Paris 7 and Secretary of the Association des Universitaires pour le Respect du Droit International en Palestine ([AURDIP](http://www.aurdip.fr/)) (<http://www.aurdip.fr/>)