

Opinion – Discriminatory Ice Cream?

Written by Alexander Loengarov

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ALEXANDER LOENGAROV, AUG 10 2021

Neither the Israeli government nor the US administration, which both took up office during the first half of 2021, seemed to place the Israeli-Palestinian conflict front and center in their policy agenda. Now a trivial yet (for many) essential staple has brought it back to the focus of public and social debate. On 19 July 2021, ice cream producer Ben & Jerry's, which sells its products in about 40 countries worldwide, announced through a pithy statement on its website that it 'will not renew the license agreement' with its Israeli manufacturer in Be'er Tuvia 'when it expires at the end of next year'. According to the statement, the company is looking to continue ice cream sales in Israel but not in Israeli settlements in 'Occupied Palestinian Territory'.

It did not take long for controversy to break out. That same evening, a commentator in the Israeli public broadcaster's news studio linked the decision to Ben & Jerry's 'progressive' Jewish founders from Vermont and recalled US senator Bernie Sanders hails from the same state. Israeli prime minister Naftali Bennett expressed his dismay in a conversation with the CEO of Ben & Jerry's parent company Unilever, while Israel's ambassador to the US and the UN reached out to governors of 35 US states that have legislation discouraging business with companies involved in boycotts of Israel. And the Israeli Minister of the Economy posted a TikTok video in which she, after hearing the radio news on her way home, ostensibly swirls her Ben & Jerry's ice cream from the freezer into the trash.

The announcement was thus clearly seen as anti-Israel, although it concerns – in its present form – Israeli settlements in the West Bank, which constitute a territory with unclear status, even under Israeli law. Indeed, Israel partly applied its law to the settlements, but the latter's territory has not been annexed to Israel, contrary to what was set out in the 2020 Trump plan and the previous Israeli government's coalition agreement. Internationally, no other country considers Israeli settlements in the West Bank as part of Israel.

In itself, a company's choice to sell products in a given country and not in others is not exceptional. Also, in the announcement on its website, Ben & Jerry's has not signaled an intention to pull out from Israel. As such, the contentious decision is therefore not automatically anti-Israeli, let alone antisemitic, as former Israeli minister Eli Cohen claimed the next day. Rather, it confronts Israel with the long-standing fact that its eastern border is not clearly defined, in the first place not by itself. Pointing that out does not necessarily mean taking a stance on the future of the West Bank, and even less so amounts to calling for discrimination or a boycott of Israel.

However, one would be remiss to be blind for the larger context of Ben & Jerry's decision. The ice cream producer has been part of the multinational Unilever since 2000, albeit by a singular agreement under which Ben & Jerry's is given an independent board that can devise its own company policy. Therefore, it has been able to market its icy treats to a specific public that, states and worldwide, is concerned with typically left-wing causes like social rights, racial justice and environmental sustainability. For a large part of that constituency, the Palestinian issue is another top-rank concern: for many years, Ben & Jerry's has been pressured to change its policies with regard to selling to the Israeli public.

The rub here is that part of this constituency and part of the lobby groups seem to hold views that amount to denying Israel's legitimacy altogether, as is for instance apparent from a statement in which 'Vermonters for Justice in Palestine' continues to call for an end to all marketing and sales of Ben & Jerry's products in Israel.

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For anyone dealing with these matters, it is good to realize the context in which decisions like Ben & Jerry's are perceived. Indeed, from the early history of the state of Israel (and, further back in time, of Jewish populations) through the present day, the Jewish-Israeli public has felt under attack, to different degrees but also in different ways (militarily, economically, diplomatically). Regardless of one's own views on the matter, it is hard to minimize its psychological effect and needs to be taken into account to understand the full picture and work towards solving issues like these.

NB: "This present opinion piece reflects solely its author's views and not those of the European Economic and Social Committee or the European Union."

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