

Passing the Buck of Complicity with Israel's Occupation & Settlements

Can Ben & Jerry's in Vermont shut down its Israeli franchises' business with illegal, Jewish-only settlements in the occupied West Bank and East Jerusalem? That is a question we get asked a lot.

The short answer: yes. Here's why we believe so.

Ben & Jerry's, founded in 1978, was sold to multinational behemoth Unilever in 2001, with the understanding that the company's fundamental character (Peace, Love & Ice Cream) would not change. The franchise in Israel, interestingly, has commercial and personal ties to the company in Vermont going back almost three decades, a special history that predates Unilever's takeover by nearly 15 years.

Ben & Jerry's CEO, Jostein Solheim, told VTJP that the Israeli franchise operates exclusively under a contract with Ben & Jerry's in Vermont – not with parent company Unilever. So it would seem the proverbial buck would stop at Mr. Solheim's desk in respect to the Israeli franchise, were he inclined to act. His refusal to end the franchise's settlement business may come from a strong aversion to arousing the hornet's nest of pro-Israel backers in the U.S., which might be costly in the short term to Ben & Jerry's bottom line. Or, perhaps, his superiors at Unilever, who operate widely in Israel, would not be pleased by any Vermont-based action that might kick up dust in an increasingly violent, discriminatory and racist Israel. (Translation in either case: Social Mission be damned. Bottom-Line Mission Rules.)

And what of the company's founders, Ben Cohen and Jerry Greenfield? Do they have anything to say about the socially responsible company they founded selling ice cream in unlawful settlements for Jews only on stolen Palestinian land?

Ben and Jerry are nice, conscientious guys who know right from wrong. They gave the go-ahead to open the franchise in Israel in the late 1980s. They have also assured VTJP that they have no control over their former company's business activities. Yet they clearly act as its goodwill ambassadors to this day, and, despite that fact, are not shy about throwing their support to controversial political commitments which might cause discomfort to the executive team in South Burlington. To their credit, for example, they stand in solidarity with the Black Lives Matter movement. Why, then, have they not gone on the record, or insisted that Ben & Jerry's do so, declaring that Palestinian Lives Matter?

This brings us to Ben & Jerry's Board of Directors. Does it have the legal authority to cancel or dictate changes to the contract with the Israeli franchise? Its authority in respect to international franchises, in Israel or elsewhere, is unclear.

Let's assume, though, for the sake of argument, that the Board does not control who does business and under what terms in Israel proper or in Israeli settlements in Occupied Palestine. Just the same, it has the power, if it could muster the will, to

extend the moral boundaries of Ben & Jerry's Social Mission to include Palestinians living under occupation. They, too, as could the company's founders, condemn Israel's occupation and settlements, or resign from the Board if ignored or rebuffed.

What's clear to VTJP, barring irrefutable evidence to the contrary, is that Ben & Jerry's in Vermont has the capacity to act, legally, contractually, and morally, to end its franchise's operations in Occupied Palestine. Certain individual actors, like the founders and Board directors, may not have the keys to the kingdom when it comes to determining where Ben & Jerry's operates (and it's unclear who does), but they have the right and the ethical obligation to speak out forcefully and unequivocally against Israel's occupation and against their company for doing business with it.

The failure to do so at all levels of governance within Ben & Jerry's, however, must continue to be met by international public protest and boycott measures. That, we have learned, and not the weight of its Social Mission, is the only way to stop the company from continuing to pass the Buck of Complicity with Israel's brutal occupation and settler-colonial enterprise.