GLOBAL ANTISEMITISM: ASSAULT ON EQUALITY, HUMAN RIGHTS AND INTERNATIONAL LAW

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ABSTRACT

The underlying thesis of this essay is that what we are witnessing today is an old-new escalating sophisticated, globalizing, virulent and even lethal antisemitism, reminiscent of the atmospherics of the 30s, and without parallel or precedent since the end of the Second World War.

The new anti-Jewishness overlaps with classical antisemitism but is distinguishable from it. It found early juridical, and even institutional, expression in the United Nations' "Zionism is Racism" resolution – which the late US Senator Daniel Moynihan said "gave the abomination of antisemitism the appearance of international legal sanction" – but has gone dramatically beyond it. This new antisemitism almost needs a new vocabulary to define it; however, it can best be identified using an anti-discrimination, equality rights, international law perspective.

In a word, classical or traditional antisemitism is the discrimination against, denial of, or assault upon, the rights of Jews as a people to live as equal members of whatever society they inhabit. The new antisemitism involves the discrimination against, denial of, or assault upon, the right of the Jewish people, as a people, to live as an equal member of the family of nations – the right even to live – with Israel as the targeted "collective Jew among the nations". Observing the complex intersections between the old and the new antisemitism, and the impact of the new on the old, Per Ahlmark, former Deputy Prime Minister of Sweden, pithily concluded:

> *Compared to most previous anti-Jewish outbreaks, this [new antisemitism] is often less directed against individual Jews. It attack primarily the collective Jews, the State of Israel. And then such attacks start a chain reaction of assaults on individual Jews and Jewish institutions... In the past, the most dangerous anti-Semites were those who wanted to make the world Judenrein, "free of Jews". Today, the most dangerous anti-Semites might be those who want to make the world Judenstaatrein, "free of a Jewish state".*

Indeed, it is this pandemic of anti-Semitism, as it has been called, that caused Professor Elie Wiesel, Nobel peace laureate, Holocaust survivor, and scholar, normally given to understatement, to recently remark:

> *May I share with you the feeling of urgency, if not emergency that we believe Antisemitism represents and calls for. I have not felt the way I feel now since 1945. I feel there are reasons for us to be concerned, even afraid... [N]ow is the time to mobilize the efforts of all of humanity.*

It is this recent intensification and escalation of antisemitism, finding expression in Professor Elie Wiesel's words and those of Per Ahlmark, and dramatized by the highest incidence ever of attacks on Jews and on Jewish religious, educational and communal institutions in Europe, that brought together some 125 Parliamentarians from over 40 countries for the historic founding conference in February 2009 in London, of the Inter-Parliamentary Coalition for Combating Antisemitism. The Conference adopted the London Declaration on Combating Antisemitism [hereinafter "London Declaration"], which I would like to commend to parliamentarians, to the Canadian public and to the international community, as one of the most important templates we have with respect to understanding, and indeed combating antisemitism.

As the London Declaration of the ICCA Conference itself affirms:

> *We are alarmed at the resurrection of the old language of prejudice and its modern manifestations – in rhetoric and political action – against Jews, Jewish belief and practice and the State of Israel.*

May I summarize six indicators or manifestations of the old/new anti-Jewishness that may have accounted for this sense of urgency, if not emergency, about antisemitism, which underpinned the London Declaration and the convening also of this second International Conference.

In order that no adverse inferences be drawn, may I state at the outset that there are two caveats that underlie my analysis: First, that none of the manifestations or indicators of antisemitism that I am going to discuss are intended to suggest that Israel is somehow above the law, or that Israel is not accountable for any violations of human rights and humanitarian law – or that the Jewish people are entitled to any preference or privilege before the law because of the horror of the Holocaust or Jewish suffering throughout history. On the contrary, Israel is accountable as any other state, and the Jewish people responsible like any other people. The governing principle is one of equality, and non-discrimination – of equal protection and equal treatment before the law.

The second caveat is that I am not referring to critiques – even serious, rigorous critiques – of Israeli policy or Zionist ideology, however distasteful these critiques might sometimes be. But the converse is also true – antisemitic critiques cannot mask themselves under the exculpatory disclaimer that, "If I criticize Israel, they will say I am antisemitic"; or "This is intended to silence criticism of Israel" and then go ahead and say antisemitic things while hiding behind the disclaimer. In a word the criticism of Israel is protected speech and there is no attempt to silence, let alone criminalize, speech. That is a false, misleading and diversionary statement.

In the words of New York Times commentator Thomas Friedman: *Criticizing Israel is not antisemitic, and saying so is vile. But singling out Israel for opprobrium and international sanctions – out of all proportion to any other party in the Middle East – is antisemitic, and not saying so is dishonest.* May I now turn to the six indicators of the old/new antisemitism. The first indicator of the new antisemitism – and the most lethal manifestation of it – is what is called genocidal antisemitism. This is not a term that I would use lightly or easily. I am referring here to the Genocide Convention's prohibition against the direct and public incitement to genocide.

Simply put, if antisemitism is the most enduring of hatreds, and genocide is the most horrific of crimes, then convergence of the genocidal intent embodied in antisemitic ideology is the most toxic of combinations.

There are three manifestations of this genocidal antisemitism. The first is the state-sanctioned genocidal antisemitism of Ahmadinejad's Iran, dramatized by the repeated parading in the streets of Tehran of a Shahab-3 missile draped in the emblem "Wipe Israel off the map", while exhorting the crowds in chants of "Death to Israel", demonizing both the State of Israel as a "cancerous tumor" to be excised and the Jewish people as "evil incarnate", warning Muslims who recognize Israel that they will "burn in the Umma of Islam", and denying the Nazi Holocaust as it incites to a new one.

A second manifestation of the genocidal antisemitism is in the covenants, charters, platforms and policies of such terrorist movements as Hamas, Islamic Jihad, Hezbollah, and Al Qaeda, which call not only for the destruction of Israel and the killing of Jews, wherever they may be, but also for the perpetration of acts of terror in furtherance of that objective.

The third manifestation of this genocidal antisemitism is the religious fatwas, or execution writs, where these genocidal calls in mosques and media are held out as religious obligations, where Jews and Judaism are characterized as perfidious enemies of Islam, and where Israel becomes, as it were, the Salman Rushdie of the nations.

In a word, Israel is the only state and the Jewish people are the only people in the world who are the standing objects of genocidal threats by governmental, terrorist, and radical religious groups, while in a cruel inversion of the Holocaust, they themselves are accused of genocide.

This brings me to the second indicator – political antisemitism – the denial of fundamental rights to the Jewish people, and only to the Jewish people.

In other words, if genocidal antisemitism is a public call for or incitement to the destruction of Israel, political antisemitism is the denial of Israel's right to exist to begin with, or the denial of the Jewish people's right to self-determination, if not even their denial as a people.

This essay will deal, in abbreviated fashion, with only two manifestations of this phenomenon.

The first is the denial of the Jewish people's right to self-determination. As Martin Luther King Jr. put it, it's the "…denial to the Jews of the same right, the right to self-determination that we accord to African nations and to all other peoples of the globe. In short, it is antisemitism…"

The second feature of political antisemitism involves denying the legitimacy, if not the existence, of the State of Israel. In other words, just as classical antisemitism was anchored in the denial of the very legitimacy of the Jewish religion, so the new anti-Jewishness is anchored in

the denial of the very legitimacy of the Jews as a people, as embodied by the State of Israel, as the homeland of the Jewish people, or indeed, their right even of being a people to begin with.

In the words of the distinguished lawyer and scholar of antisemitism, Anthony Julius – once again a person understated in his characterization and critique of antisemitism – who summed up this second indicator of political antisemitism as follows:

> *To maintain that the very existence of Israel is without legitimacy, and to contemplate with equanimity the certain catastrophe of its dismantling... is to embrace – however unintentionally, and notwithstanding all protestations to the contrary – a kind of antisemitism indistinguishable in its compass and consequences from practically any that has yet been inflicted on Jews.*

This brings me now to a third indicator of antisemitism. I am referring to ideological antisemitism – or antisemitism laundered under the cover of the struggle against racism. Simply put, while the first two indicators referred to above are overt public, and clearly demonstrable, ideological antisemitism is a much more sophisticated, and arguably more pernicious, expression of the new antisemitism. Indeed it might even serve as an ideological support system for the first two indicators, though these are prejudicial and pernicious indicators in their own right to not even need this support.

In a word, ideological antisemitism finds expression not in any genocidal incitement against Jews and Israel, or overt denial of the Jewish people and Israel's right to exist; rather, ideological antisemitism – and this is what gives it its sophisticated form – disguises itself as part of the struggle against racism, while marching under the protective cover of the United Nations.

There are two manifestations of this and they have a particular Canadian dimension.

The first is not "simply" the indictment of Israel as an apartheid state – the kind of rhetoric that is so prominent on Canadian campuses – but involves the call for the dismantling of Israel because it is an apartheid state, where apartheid is defined as a crime against humanity under international law.

As was evidenced by the festival of hate, which I personally witnessed, at the 2001 World Conference Against Racism in Durban, this indictment is not "limited to Boycott, Divestment, Sanctions." Rather, it is a call for the actual dismantling of the State of Israel on the grounds that it is a criminal apartheid state.

The second manifestation of ideological antisemitism involves the characterization of Israel not only as an apartheid state and one that must be dismantled as part of the struggle against racism, but as a Nazi state, the embodiment of all evil. The call for its dismantling is not just hortatory but imperative; for how can you have an apartheid Nazi state existing as part of the international community? Accordingly, all supporters of this apartheid Nazi state are deemed collaborators in an international conspiracy, which has an intimidating and silencing effect on students on Canadian campuses.

The fourth manifestation is legalized antisemitism. If ideological antisemitism seeks to mask itself under the banner of anti-racism, legalized antisemitism is no less sophisticated or insidious. For legalized antisemitism simultaneously seeks to mask itself under the banner of human rights, to invoke the authority of international law, and to operate under the protective cover of the United Nations – all things Canadians rightly care about and embrace – hence the laundering dynamic.

In a word, and in an inversion of human rights language and law, the singling out of Israel for discriminatory and differential treatment in the international arena – and the denial to it of equality before the law and international due process – is "legalized."

May I give one of many examples of this discrimination of which I have otherwise written about: The United Nations Council on Human Rights is mandated to promote and protect human rights pursuant to the UN Charter and its principle of "equality for all states large and small." Yet 80% of the resolutions of the UN Council on Human Rights have condemned one member state in the international arena. Call it X; it happens to be Israel. Yet it is condemned more than all the rest of the States combined.

But no less important, the major human rights violators enjoy exculpatory immunity, with no resolution against Iran or against Sudan (and one can go on) fostering a culture of impunity while singling out one member state for differential and discriminatory treatment, a clear denial of equality before the law, and denial also of protection of the very victims of the major human rights violators.

One might add that on the agenda of every session of the UN Human Rights Council is a permanent agenda item number 7 called "violations by Israel of human rights in the Occupied Palestinian Territories." Agenda item number 8 speaks of "human rights violations in the rest of the world." So you have an Alice in Wonderland situation where one state is singled out for indictment even before the hearing begins.

The fifth indicator is the growing incidence of academic, university, trade union and related boycotts

and divestments – whose effect in practice, if not in intent – is the singling-out of Israel, Israeli Jews and supporters of Israel for selective opprobrium and exclusion. Indeed, what began as a UK phenomenon has now become a global one – with universities, organizations, and unions from South Africa to Canada, Norway to the United States, and from Turkey to Italy – moving from the boycott of Israeli goods and services to restrictions and bans on Israeli academics. As the UK All-Parliamentary Inquiry into Antisemitism reported:

> *The singling-out of Israel is of concern. Boycotts have not been suggested against other countries...The discourse around the boycott debate is also cause for concern, as it moved beyond reasonable criticism into anti-Semitic demonization of Israel.*

Labour MP John Mann, chair of the All-Party Parliamentary Group against Antisemitism, stressed the motion's discriminatory character against British Jews:

> *"Boycotts do nothing to bring about peace and reconciliation in the Middle East but leave Jewish students, academics and their associates isolated and victimized on university campuses".*

May I now refer to the sixth indicator, and that is the lie that will not die. I am referring here to the "Protocols of the Elders of Zion." For over one hundred years, the world has been suffused with the most pervasive, persistent, and pernicious group libel in history, known as the "Protocols of the Elders of Zion", the tsarist forgery that proclaimed an international Jewish conspiracy bent on world domination, and which is responsible for all the evils in the world.

Today, the lie that will not die underpins the most outrageous of international conspiracy thinking and incitement, targeting first the Jews and then the "international Zionist conspiracy" in Israel. I will give only a few examples, but this indicator alone serves as a disturbing phenomenon of the new antisemitism.

And so Jews are accused of being behind the 9/11 attacks – that they had forewarning of these attacks and therefore left the building; that Jewish doctors are responsible for infecting Palestinians with the AIDS virus; that Jewish scientists are responsible for the propagation of the avian flu; that a Jewish astronaut is responsible for the explosion of the Columbia space shuttle; that Jews were behind the publication of the Danish cartoons, and the Pope's defilement of Islam; that Jews are responsible for the war in Iraq; that genocides such as Darfur are orchestrated by the Jews. And on and on this goes.

Now, it was not long before this same libelous inheritance respecting the Jews had been transferred to Israel – to the international Zionist conspiracy – that blames Israel and the Zionists for all of the above things that were once blamed on the Jews.

Let me share with you just a few recent examples in the last year alone, beginning with the resurrection of the contemporary blood libel.

There was a slanderous article in Sweden's most popular newspaper *Aftonbladet*, holding that Jews, in this case Israelis, abducted Palestinians in a conspiracy with American rabbis, killing them so as to steal their organs for transplant. And as lies have long legs, this libel made its way around the world and found expression in the media in Canada as well.

Large circulation daily newspapers such as *Al Watan* in Qatar and *Al-Quds Al –Arabi* crudely manipulated the swine flu epidemic – which caused such apprehension internationally and here in Canada – to demonize Israel and its leaders by blaming them for the outbreak of the swine flu.

Holland's daily, *De Telegraaf*, held that the flu pandemics were an international Jewish conspiracy to reduce the world's population, the whole reminiscent of another classic blood libel of the Jews as "poisoners of the international wells."

Mideast television also reported their own "exclusives", reaching the Muslim population internationally and here in Canada as well, that Israeli doctors are conducting Nazi-like experiments on Palestinian prisoners, and that Israel deliberately infects Palestinians with AIDS; and that Israelis release giant killer rats to attack Palestinians, and burn Palestinian eyes with red-hot stakes.

One closing point: I am often asked: Why a conference or inquiry to combat antisemitism? Are there not other forms of hatred or discrimination deserving study?

There are. Indeed, while Minister of Justice and Attorney General of Canada, I issued a National Justice Initiative to Combat Racism and Hate. The Government at the time issued a comprehensive National Action Plan against Racism. Clearly, hatred and racism must be fought in all its forms and manifestations, but there are six considerations that warrant combating antisemitic hared, each of which I will mention briefly.

First, we are dealing not only with the oldest and most enduring of hatreds – one which assumes different mutations over time – but which has ended up causing catastrophic suffering, not only for Jews, but for all those who get enveloped in the virus of antisemitism.

Second, antisemitism is the only form of racism – or hatred – that has a global dimension – the globalization of hatred, as Denis MacShane has put it. Simply put, there is no other vulnerable minority that is the target

globally of a racist virus, and where that virus, by way of extension, as the London Declaration has put it, not only propagates hatred against Jews, but propagates hatred against Israel as the Jew among the nations.

The third distinguishable feature of Jew hatred is that this species of racism known as antisemitism manifests itself as state-sanctioned, indeed, state-orchestrated character of incitement and hate. Fourth, there is no other racism that is laundered both under the authority of the United Nations and the struggle against racism. What makes this so sophisticated and insidious is that it uses the language of human rights, the imprimatur of international law, and the protective cover of the United Nations to cover up this species of hatred.

Fifth, there has been a dramatic spike in antisemitic attacks on Jewish property, and Jewish religious communal and educational institutions – what has been referred to as a pandemic of hatred – and which registered its highest incidence ever of antisemitic attacks in 2009 in such diverse countries as the UK, the Netherlands, Sweden and Canada. Finally, we are witnessing a resurrection of all the libels of classical antisemitism – the blood libel, the economic libel, the conspiracy libel, the poisoning of the wells libel, the Protocols libel, the double entendre of the cruel Nazi libel (denying the Holocaust while accusing Jews of behaving like Nazis), and the concurrent and parallel invocation of these libels not only against Jews but against the Jewish state.

In conclusion, this essay has sought to summarize six indicators of the old/new antisemitism – and the singularity of this hatred. As well there are six other indicators in a fuller version of this essay published elsewhere that underpinned, if not necessitated, the establishment of the Inter-Parliamentary Coalition to Combat Antisemitism.

As John Mann, Chair of the All-Party UK Coalition for Combating Antisemitism put it, on the occasion of the founding of ICCA:

> *"We're meeting because Antisemitism is on the rise. There must be a fight-back and we parliamentarians are willing to lead from the front. Jewish communities across the world should know that they are not alone… We are proud to be joined by national leaders across the political spectrum, who stand united and ready to confront this oldest hatred in the newest of settings."*

The time has come not only to sound the alarm – for the reasons set forth in this essay – but to act. For as history has taught us only too well, while it may begin with Jews, it does not end with Jews.