

Contemporary Anti-Semitism in North American Higher Education:
Submission to the Canadian Parliamentary Coalition to Combat Antisemitism

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The resurgence of anti-Semitism in North American institutions of higher education has, sad to say, been extensively documented in recent years,² as have the related phenomena in other parts of the world.³ In this submission, would like to explain

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² This is true of both Canadian universities, see Dr. Stefan Braun, *Second-Class Citizens: Jews, Freedom of Speech, and Intolerance on Canadian University Campuses*, WASH. & LEE J. CIVIL RTS. & SOC. JUST. (Spring 2006) at 1, 27, and U.S. institutions, see GARY A. TOBIN ET AL., *THE UNCIVIL UNIVERSITY* (2d ed. forthcoming 2009); U.S. COMM'N ON CIVIL RIGHTS, *CAMPUS ANTI-SEMITISM* (2006), available at <http://www.usccr.gov/pubs/081506campusantibrief07.pdf> [hereinafter *CAMPUS ANTI-SEMITISM*]; Kenneth L. Marcus, *Anti-Zionism*, *supra* note 1 at 837.

³ For incidents in other parts of the world, see, e.g., *ACADEMICS AGAINST ISRAEL AND THE JEWS* (Manfred Gerstenfeld ed., 2007); MICHEL WIEVIORKA, *THE LURE OF ANTI-SEMITISM: HATRED OF JEWS IN PRESENT-DAY FRANCE* 311–56 (Kristin Couper Lobel & Anna Declerck trans., 2007); Geoffrey Short, *Antisemitism on Campus: A View from Britain*, in *ANTISEMITISM: THE GENERIC HATRED* 119 (Michael Fineberg et al. eds., 2007); Manfred Gerstenfeld, *2007–2008: Another Year of Global Academic Anti-Semitism and Anti-Israelism* 1, *ISRAEL E NEWS*, Sept. 14, 2008, <http://www.israelenews.com/view.asp?ID=3098>.

three things that the Canadian Parliamentary Coalition to Combat Antisemitism should consider: (i) the nature and sources of contemporary North American campus anti-Semitism, (ii) the relationship between anti-Semitism and anti-Israelism and (iii) the need for universities to disseminate anti-harassment policies which specifically describe the forms of anti-Semitic harassment. In particular, the CPCCA can enormously advance the cause of combating anti-Semitism by urging university administrators to instruct their faculty, staff and students on the forms of anti-Semitic harassment that are unacceptable, relying especially on the EUMC Working Definition of Anti-Semitism.

I. THE NATURE AND SOURCES OF CAMPUS ANTI-SEMITISM

A. The Definition of Anti-Semitism

The new anti-Semitism, like anti-Semitism proper, encompasses ideology, attitude and practice. Many important definitions of anti-Semitism, such as *Merriam-Webster's* long-standing, influential formulation⁴ (“hostility toward or discrimination against Jews as a religious, ethnic, or racial group”⁵) recognize both the attitudinal and

⁴ The U.S. Department of State has relied upon *Merriam-Webster's* long-standing definition of anti-Semitism as “hostility toward or discrimination against Jews as a religious, ethnic, or racial group.” USDS, CONTEMPORARY GLOBAL ANTI-SEMITISM: A REPORT PROVIDED TO THE UNITED STATES CONGRESS (2008) *available at* <http://www.state.gov/documents/organization/102301.pdf> at 6.

⁵ Significantly, since the term “anti-Semitism” was first coined, it referred only to an animosity directed at Jews rather than to a general antipathy towards the various semitic peoples. *See, e.g.,* Bernard Lewis, SEMITES AND ANTI-SEMITES: AN INQUIRY INTO CONFLICT AND PREJUDICE (1986) at 117.

practical aspects of the phenomenon.⁶ The ideological dimension of anti-Semitism was classically recognized in Theodor Adorno's mid-century definition: "The ideology [of anti-Semitism] consists of . . . stereotyped negative opinions describing the Jews as threatening, immoral, and categorically different from non-Jews, and of hostile attitudes urging various forms of restriction, exclusion, and suppression as a means of solving 'the Jewish problem' "⁷

While the influence of Adorno's early work on prejudice has suffered from the passage of time, this now-antique conception shows disquieting freshness as a characterization of the new anti-Semitism, as long as the concept of Israel is substituted for "Jewish" and "the Jews." Thus, the ideology of the new anti-Semitism consists of *stereotyped negative opinions describing the Jewish state, its members, supporters and co-religionists as threatening, immoral, and categorically different from other peoples, and of hostile attitudes urging various forms of restriction, exclusion, and suppression as a means of solving the "Israel problem."*

In an extraordinarily important and influential modern reformulation of the definition of anti-Semitism,⁸ the European Monitoring Centre on Racism and

⁶ The *Merriam-Webster* definition is useful in the manner in which it suggests the breadth of prejudices subsumed under this category.

⁷ Theodor W. Adorno, Else Frenkel-Brunswik, Daniel J. Levinson, and R. Nevitt Sanford, *THE AUTHORITARIAN PERSONALITY* (1950) at 71.

⁸ The extent of the EUMC Working Definition's influence may be seen, for example, in its adoption by USDS, *CONTEMPORARY GLOBAL ANTI-SEMITISM*, *supra* note 4 at 6 and

Xenophobia (EUMC) established the following working definition: "Anti-[S]emitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti[-S]emitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."⁹

The EUMC definition is important for its explicit recognition that “such manifestations could also target the state of Israel, conceived as a Jewish collectivity.”¹⁰ In particular, the EUMC definition provides several recent examples of anti-Semitism in public life, the media, schools, the workplace, and religious institutions which relate to this collectivity, including the following:¹¹

- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective - such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (*e.g.* gas chambers) or intentionality of the genocide of the Jewish people at the hands of

ALL-PARTY PARLIAMENTARY GROUP AGAINST ANTISEMITISM, REPORT OF THE ALL-PARTY PARLIAMENTARY INQUIRY INTO ANTISEMITISM (2006).

⁹ European Monitoring Centre on Racism and Xenophobia (EUMC), WORKING DEFINITION OF ANTISEMITISM (March 16, 2005), <http://eumc.europa.eu/eumc/material/pub/AS/AS-WorkingDefinition-draft.pdf>.

¹⁰ EUMC, *supra* note 9.

¹¹ *Id.*

National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.¹²

These examples demonstrate the EUMC's insight that the putatively political or anti-Israeli cast of much new anti-Semitism shrouds significant continuities with antecedent forms of the "longest hatred." In addition, the EUMC working definition provides the following examples of "the ways in which anti-Semitism manifests itself with regard to the state of Israel taking into account the overall context":

- Denying the Jewish people their right to self-determination.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

The EUMC emphasizes, however, that criticism of Israel similar to that leveled against other countries does not constitute a form of anti-Semitism.¹³ Indeed, virtually all commentators agree that criticism of Israel is not a form of anti-Semitism *per se*. For this

¹² *Id.*

¹³ *Id.*

reason, Alan Dershowitz has argued that the claim that critics of Israel are derogated as anti-Semites is “a straw man” and a “fabrication.”¹⁴ The new anti-Semitism is a form of prejudice, not a form of criticism.

B. The Sources of Campus Anti-Semitism

The recent Canadian (and other North American) episodes of campus anti-Semitism are not unrelated to the outbreak of incidents that have been chronicled elsewhere in the world, particularly in Western Europe and the Middle East. The U.S. State Department has provided a helpful analysis of this global outbreak, finding that recent global anti-Semitism has had four major sources.¹⁵ The first is traditional centuries-old European anti-Jewish prejudice, associated with stereotypes of Jewish control of government, the media, international business, and the financial sector. The second is an aggressive “anti-Israel sentiment that crosses the line between objective [political] criticism of Israeli policies and anti-Semitism.” The third form is Muslim anti-Semitism, common among Europe’s growing Muslim population, based on age-old hatred of Jews, as well as Muslim opposition to Israel and American policies in Iraq. The final source is anti-globalism that spills over to Israel, and to Jews who are identified with Israel, globalism and the United States. The same forms of anti-Semitism may also be found on North American college campuses. By and large, the most significant recent

¹⁴ See Alan Dershowitz, *THE CASE AGAINST ISRAEL’S ENEMIES: EXPOSING JIMMY CARTER AND OTHERS WHO STAND IN THE WAY OF PEACE* (2008) at 4.

¹⁵ U.S. DEP’T OF STATE, *REPORT ON GLOBAL ANTI-SEMITISM* (2004), <http://www.state.gov/g/drl/rls/40258.htm>.

episodes of campus anti-Semitism have been associated with anti-Zionism, arising partly in response to the second intifada, the Gaza campaign earlier this year, and the continuing Israeli-Palestinian crisis. In other words, the most conspicuous aspect of recent campus disturbances has involved incidents of the “new anti-Semitism.”

II. THE RELATIONSHIP BETWEEN ANTI-SEMITISM AND ANTI-ISRAELISM

Several government agencies, officials, and other commentators have developed frameworks to distinguish the new anti-Semitism from non-discriminatory criticism of Israel. In general, these frameworks boil down to three or four basic criteria, each of which reflects a different of a broader standard, which is that anti-Semitic discourse singles out Jews or the Jewish state for adverse treatment in a manner which is neither fair, nor justifiable, nor consistent with the treatment of others.

The first criterion is the use of classic anti-Semitic stereotypes to characterize Israel. Classic stereotypes may include demonization of Israelis, similar to older characterizations of the Jewish people as the embodiment of evil. For example, flyers are sometimes seen on college campuses in which Israeli leaders are portrayed in diabolical fashion, just as Jews have been portrayed since medieval times as agents or children of the devil.

The second criterion is the application of double standards. This may involve requiring behavior of Israel not expected of other countries or denying the Jewish people

rights and legitimacy afforded other nations, including the right of self-determination. Those who deny Israel's right to exist do not express anti-Semitic impulses when they also oppose all other forms of nationhood, as some anarchists and globalists, for example, may do. What is salient here is the use of disparate measure.

The third is holding Jews collectively responsible for Israeli actions and policy, regardless of actual complicity. The attribution of collective wrongdoing to particular individuals, regardless of fault, is the defining attribute of prejudice.¹⁶ Gordon Allport, for example, influentially defined prejudice as "[a]n aversive or hostile attitude toward a person who belongs to a group, simply because he belongs to that group, and is therefore presumed to have the objectionable qualities ascribed to the group." In traditional Christian anti-Semitism this played out in the deicide myth. More recently, it has manifested in assaults on *diasporic* Jews for fabricated complicity in alleged Israeli atrocities.

Discourse exhibiting these characteristics, even if cloaked as criticism of Israel, can generally be characterized more properly as anti-Semitism. What they have in common is that they all indicate when facially anti-Israeli expressions are in fact an expression of an underlying anti-Jewish animus. They are only indicators, however, and cannot substitute for fact-specific analysis.

¹⁶ See, e.g., Gordon Allport, *THE NATURE OF PREJUDICE* (1950) at 8

Some commentators also identify a fourth criterion, *i.e.*, the use of comparisons between Israel or Jews and Nazi Germany, which is called “Holocaust inversion.” This criterion may more properly be viewed as an application of the first two criteria (demonization and double standards), but it appears frequently enough to merit separate discussion. Holocaust inversion is analogous to other forms of what might be called “human rights inversion”: the practice of accusing victims of the very wrong that they have suffered. (Other examples include the myth of the black racist and the stereotype of the “Indian giver.”) Among its myriad variants, Holocaust inversion includes portraying Jews (especially Israeli Jews) as Nazis, crypto-Nazis, Nazi sympathizers, Holocaust perpetrators, or Holocaust copycats.

III. CPCCA SHOULD INSTRUCT UNIVERSITY ADMINISTRATORS ON THE NEED FOR SPECIFIC GUIDANCE ON ANTI-SEMITIC HARASSMENT

North American colleges and universities typically prohibit ethnic, racial and religious discrimination, including harassment of Jewish students and faculty. This has, however, proven to be grossly ineffective. Too frequently, institutions fail to address anti-Semitic incidents properly because they are unable to identify them as such. In many cases, where elements of anti-Israelism are present, administrators are unable to appreciate the anti-Semitic character of what may appear, superficially, to be a matter of social or political discourse. CPCCA should resolve this problem by urging university administrators to provide specific guidance on anti-Semitic harassment. Specificity is the key; without it, universities will continue to flounder.

On February 17, 2009, the London Declaration on Combating Antisemitism provided important general guidance which is relevant to this point. The London Declaration wisely admonished that “Governments must expand the use of the EUMC ‘working definition’ of antisemitism to inform policy of national and international organisations and as a basis for training material for use by Criminal Justice Agencies...”¹⁷ This was a fundamentally important point. This submission has discussed, *supra*, the EUMC’s important, detailed, and thoughtful working definition: more than any other single document, it has achieved international stature as the authoritative statement of contemporary anti-Semitism. The London Declaration correctly indicated that the specificity of the EUMC’s definitional examples can bring necessary understanding to the policy of national and international organizations. Among these organizations, the most important institutions in North America are colleges and universities. Higher education institutions must take the lead in stating, with specificity, the unacceptability of conduct which denies equal opportunities on the basis of Jewish ethnic or ancestral identity.

The CPCCA can meaningfully advance the cause of combating anti-Semitism by providing both greater specificity and greater local context for the findings and recommendations of international bodies such as the Inter-parliamentary Coalition Against Antisemitism. In North America, where higher education is the flashpoint for so many anti-Semitic incidents, the CPCCA should provide guidance on how university

¹⁷ Inter-parliamentary Coalition Against Antisemitism, *London Declaration on Combating Antisemitism* (Feb. 17, 2009), available at <http://www.communities.gov.uk/documents/corporate/pdf/1151284.pdf>.

leaders can best address the current worsening situation. The best advice that CPCCA can give is for universities to bar anti-Semitic harassment with the same particularity and forcefulness with which they bar harassment of a sexual nature. As with other kinds of anti-discrimination policy, it is critical to be specific about the nature of conduct which is disapproved. The CPCCA should urge institutions to use the EUMC Working Definition as the basis for conduct codes, training programs, and orientation sessions.