



AMERICAN JEWISH COMMITTEE

SUBMISSION TO

THE PARLIAMENTARY INQUIRY INTO

ANTISEMITISM IN CANADA

The American Jewish Committee is honored to provide a written submission for the Parliamentary Inquiry into Antisemitism in Canada. AJC (founded in 1906) is the United States' oldest human relations organization, with over 175,000 members and supporters.

In our experience, one of the most important things to be done about hatred is for leaders to acknowledge the problem and then help enlist their society's institutions to combat it more effectively. We applaud your inquiry and are pleased to help you in any way we can.

AJC has worked closely with our Canadian colleagues for the last quarter century. We are aware of the challenges shared on both sides of our border, such as antisemitism from the far-right (neo-Nazis, skinheads, Holocaust deniers, white supremacists, militia types, etc.), from the far left (including some on campus), and from those who distort the teaching of religion – whether Christianity or Islam – to vilify or dehumanize Jews, the Jewish state, or both. We are also aware of recent issues in Canada, such as the anti-Israel actions proposed by a labor union, a church movement, and participants in a film festival, which raised concerns about possible antisemitic intent or effect.

We could address these concerns and others in detail. But we have great respect for the knowledge and expertise of the Canadian Jewish Congress and other agencies on the ground. They are much closer to the situation in Canada than we, and thus we encourage you to pay particular attention to their analyses and recommendations about such contemporary issues.

AJC would prefer to focus on one tool that other countries and their key institutions are finding increasingly useful in this battle, and we recommend that Canada embrace it as well: It is the EUMC (European Monitoring Center on Racism and Xenophobia)'s "Working Definition" of Antisemitism.

BACKGROUND:

Following the collapse of the peace process in 2000, attacks against Jews and Jewish institutions began to spike around the globe. Many times it was clear that an incident was antisemitic – such as a swastika on a synagogue. But sometimes the facts were more difficult to categorize. It had to be determined what should be counted as an antisemitic incident, and what should not. And what would be the procedure if

the perpetrator's identity was not known and his or her motives could not be ascertained? There was no common definition of what constituted antisemitism. This was a huge problem for monitors and for those who wanted to compare antisemitism from one region to the next. In fact, when the European Monitoring Center on Racism and Xenophobia (which was later subsumed under the European Union Agency for Fundamental Rights [FRA]) issued a report on antisemitism in 2004, it lamented that many of their national monitors had no definition of antisemitism to guide their work, and that methodologies differed from country to country.¹

EUMC thereafter, to its credit, crafted a "Working Definition of Antisemitism" in 2005.² The definition, it should be noted, does not exist to label any person an "antisemite," nor is it a device through which to look into someone's heart. Rather, it refocuses inquiry away from questions such as "Did an actor really hate Jews?" and toward the character of the acts. While no definition can be "perfect," this one has been found to be credible and useful. More and more it is being referenced around the globe by governments, courts, human rights groups, law enforcement agencies and personnel, journalists and others.

KEY ASPECTS OF THE DEFINITION

The "Working Definition" notes that its "purpose . . . is to provide a practical guide for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation dealing with antisemitism."

And it continues:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.

Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

In addition, such manifestations could also target the State of Israel, conceived as a Jewish collectivity.

Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

The definition then gives various examples of what might be considered antisemitic incidents or expressions.

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http://fra.europa.eu/fraWebsite/products/publications_reports/studies_discussion_papers/studies_antisemitismreport_en.htm.

² The entire definition is attached to this submission as an appendix.

Regarding antisemitic crimes, it adopts what many experts consider the best model of hate crime definition (taken from language approved by the United States Supreme Court case of *Wisconsin v. Mitchell* (508 U.S. 476 [1993]) – namely, focusing on whether the targets of crime are selected, in EUMC’s words, “because they are, or are perceived to be, Jewish or linked to Jews.”

For example, prior to the working definition, there would have been debate about whether an attack on a Jewish institution in Canada³ or elsewhere in retaliation for an action of the Israeli government would constitute antisemitism or not. Some said that since it was not clear that the actor hated Jews, such attacks might not be antisemitic.

The parallel in the American experience would be a claim that someone who lynched a black person in South in the 1960s was racist if he believed racist stereotypes about blacks, but not, absurdly, if he was prompted to kill the same person in the same manner because of concern about civil rights legislation or a speech by Martin Luther King, Jr.

Likewise, after a French Jew, Ilan Halimi, was kidnapped, tortured, and eventually killed, it became clear that one of the motivations for the attack was the belief that Jews were rich and that Halimi would be ransomed. People debated whether this was an antisemitic event, since the stereotypes held about Jews were “positive.”

The “working definition” renders such debate largely irrelevant and unnecessary by making the classification simple and consistent. If the victim was selected to be a victim of a crime because he was or was perceived to be Jewish or linked to Jews, then it qualifies as an antisemitic attack.

Throughout the definition, there is language noting that, in any circumstance, the “overall context” has to be included. But it is sufficiently detailed to give guideposts so that monitors and others across the globe can catalogue and reference the same things: Calling for the murder of Jews as a service to ideology or religion; Denying the Holocaust; Holding all Jews responsible for the acts of a single Jew. The specific examples are linked to classic and modern antisemitic motifs. So, rather than list the classic claims of Jews poisoning wells or killing non-Jewish children or deicide, the common denominator is presented: as “charging Jews with conspiring to harm humanity [and blaming] Jews for ‘why things go wrong.’”

USAGE OF THE DEFINITION:

Since its adoption by the EUMC in 2005, the definition has been increasingly referenced by a growing variety of groups and institutions, such as the Organization for Security and Cooperation in Europe (in both its educational and police training materials and programs),⁴ courts,⁵ congressional hearings in the

³ Such as the attack on a Montreal day school was motivated by anger over the killing of a Hamas leader. See <http://www.wcr.ab.ca/news/2004/0412/bombing041204.shtml>.

⁴ See http://194.8.63.155/documents/odihr/2005/06/14897_en.pdf and http://194.8.63.155/documents/odihr/2005/06/14915_en.pdf.

⁵ See, for example, “Decision,” Vilnius City District 2 Court Judge A. Cininas, #A11-01087-497/2005 dated July 7, 2005. and Benjamin Weinthal, “German Court: OK to label anti-Zionists

United States (including the Helsinki Commission),⁶ online reference tools,⁷ newspapers,⁸ blogs,⁹ scholarly articles,¹⁰ legal articles,¹¹ radio shows,¹² student groups,¹³ museums,¹⁴ national inquiries of parliamentarians,¹⁵ international meetings of parliamentarians,¹⁶ United States Department of State reports,¹⁷ The United States Commission on Civil Rights,¹⁸ and in submissions to the United Nations Economic and Social Council Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights.¹⁹ It has even been translated into 32 languages by the European Forum on Antisemitism.²⁰

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and anti-Semites. Both sides claim victory in ‘kosher anti-Semitic label case,’ Jerusalem Post, September 4, 2008.

⁶ See “Censorship in Arab Countries,” Capital Hill Hearing Testimony, CQ Congressional Testimony, January 22, 2008. See also January 29, 2008, “Hearing of the United States Commission on Security and Cooperation in Europe [Helsinki Commission]: Taking Stock – Combating Antisemitism in the OSCE Region.

⁷ See <http://en.wikipedia.org/wiki/Antisemitism#Definitions>.

⁸ See <http://www.haaretz.com/hasen/spages/818363.html> and Benjamin Wienthal, “Berlin Exhibit Equates Security Fence with Berlin Wall,” Jerusalem Post, May 1, 2008.

⁹ See <http://www.zionismontheweb.org/boards/viewtopic.php?t=240>.

¹⁰ See <http://www.tau.ac.il/Anti-Semitism/asw2003-4/porat.htm> and Michael Whine, “Progress in the Struggle Against Anti-Semitism in Europe: The Berlin Declaration and the European Monitoring Center on Racism and Xenophobia’s Working Definition on Antisemitism,” Jerusalem Center for Public Affairs, No 41, 1 February 2006. <http://www.jcpa.org/phas/phas-041-whine.htm>.

¹¹ See <http://www.scribd.com/doc/16527726/JURISPRUDENCE-OF-THE-NEW-ANTISEMITISM>.

¹² See “Defining Anti-Semitism,” Talk of the Nation, May 18, 2009, National Public Radio. <http://www.npr.org/templates/player/mediaPlayer.html?action=1&t=1&islist=false&id=104257675&m=104257672>.

¹³ See Rebecca Omonira-Oyekanmi, “Students support wide-ranging antisemitism policy,” Education Guardian, 29 March 2007 (Regarding National Union of Students’ adoption of EUMC definition). See <http://www.guardian.co.uk/education/2007/mar/29/students.uk>.

¹⁴ See http://www1.yadvashem.org/about_holocaust/holocaust_antisemitism/Working_Definition_on_Antisemitism.pdf.

¹⁵ See <http://thepcaa.org/Report.pdf>.

¹⁶ See <http://www.communities.gov.uk/documents/corporate/pdf/1151284.pdf>.

¹⁷ See <http://www.state.gov/documents/organization/102301.pdf>.

¹⁸ US Commission on Civil Rights Public Education Campaign to End Antisemitism. <http://www.eusccr.com/Whatiscampusanti-semitism4907.htm>.

¹⁹ See http://www.unwatch.org/atf/cf/%7B6DEB65DA-BE5B-4CAE-8056-8BF0BEDF4D17%7D/Sub-com_on_antisemitism.pdf.

²⁰ See <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/>.

The definition is perhaps most controversial where it tackles the thorny question of whether criticism of Israel is antisemitism. The definition is clear that criticism of Israel is not antisemitism if it is “similar to that against any other country.” In other words, people are free to criticize Israel ferociously, as they would the policies, programs, political leadership or other actions or attributes of other states.

But because most criticism of Israel is not a manifestation of antisemitism does not mean that no criticism of Israel is capable of being antisemitic. The definition provides some reasonable guideposts for monitors and others, again not to label anyone an antisemite or to look into someone’s heart, but rather for purposes of cataloguing, identifying and analyzing antisemitic acts and expressions. The definition is careful to state:

Examples of the ways in which antisemitism manifests itself with regard to the State of Israel, taking into account the overall context, could include:

- Denying the Jewish people their right to self-determination, *e.g.* by claiming that the existence of a State of Israel is a racist endeavor.
- 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 antisemitism (*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.

Each of these examples, depending on the context, may be a manifestation of antisemitism: Asserting that all peoples have a right to self determination, but that the Jewish quest for self determination alone reflects racism; demanding behavior from the Jewish state that is not demanded of any other; referring to antisemitic canards or Nazi imagery to describe Israeli actions; or blaming Jews as a group for the actions of the State of Israel are clear examples of actions that might well be antisemitic.

A MODEL USE OF THE DEFINITION

The U.S. Department of State’s 2008 report on Global Antisemitism demonstrates the utility of the working definition. It broke the various parts of the definition down into their component parts and looked at manifestations of antisemitism through that prism.

For example, after citing the working definition’s observation that “antisemitism frequently charges Jews with conspiring to harm humanity, and is often used to blame Jews for ‘why things go wrong,’” the report examined the contemporary use of such conspiracy theories, ranging from fraudulent quotes attributed to Benjamin Franklin to assertions that Jews and/or Israel were behind the September 11, 2001 attacks.

In another section, it quoted the working definition's examples of possible antisemitism:

- Denying the fact, scope, mechanisms (*e.g.*, gas chambers) or intentionality of the genocide of the Jewish people at the hands of Nationalist 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.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

It then examined numerous manifestations of Holocaust denial or trivialization, including statements of Iranian President Ahmadinejad or equations of the Star of David with the Nazi swastika.

Using the subparts of the definition as categories to catalogue and examine antisemitic acts and expressions allows for more careful and less *ad hoc* analysis of the phenomenon, both over time and across borders.

CONCLUSION

In February 2009, parliamentarians from around the globe, including a large contingent from Canada, adopted the "London Declaration."²¹ One action item was:

Governments must expand the use of the EUMC "working definition" of antisemitism to inform policy of national and international organizations and as a basis for training material for use by Criminal Justice Agencies.

And another:

Media Regulatory Bodies should utilize the EUMC "Working Definition" of antisemitism" to inform media standards.

We recommend that the inquiry use the definition as a framework for its analysis of antisemitism in Canada. To do so will help focus your work and also provide a model for an increasingly useful analytical approach for use by other governments, NGOs and others on how best to understand and combat this oldest hatred.

Sincerely,

Kenneth S. Stern
Director, Antisemitism and Extremism

²¹ See <http://www.communities.gov.uk/documents/corporate/pdf/1151284.pdf>.

WORKING DEFINITION OF ANTISEMITISM

The purpose of this document is to provide a practical guide for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation dealing with antisemitism.

Working definition: “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

In addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as 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 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.
Examples of the ways in which antisemitism manifests itself with regard to the State of Israel taking into account the overall context could include:
- Denying the Jewish people their right to self-determination, *e.g.*, by claiming that the existence of a State of Israel is a racist endeavor.
- 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 antisemitism (*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.
However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.