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Submission by Mark Surchin

I am making this submission to the Canadian Parliamentary Coalition to Combat Antisemitism (the "Coalition") as a private individual living in Toronto where I work as a partner in a law firm. I should disclose for anyone that may find it relevant that for many years Bob Rae was one of my partners and I supported his candidacy for leader of the Liberal Party of Canada.

For the last three years, starting with the war between Israel and Hezbollah in Lebanon, I have in my spare time immersed myself in online discussions concerning not only the Arab-Israeli dispute but how that dispute is discussed here in Canada, including whether some of the discussion raises issues of antisemitism. My experience has been with "mainstream" blogs published by both independent bloggers and news organizations. In some cases comments need to be approved before they are posted and in other cases there is no moderation of comments. The blogs I have visited range from the "left" to the "right" of the political spectrum. I do not participate in discussions on white supremacist or other extremist sites.

While I do not think that what is said in online communities affects the lives of the vast majority of Canadians, it may be the case that online discussions raise issues that are applicable in a broader context.

As a matter of first impression, I was alarmed by much of the online commentary and took a segment of that commentary as constituting antisemitism. Over time I have come to think that my first impression was fundamentally wrong and that there is only a fringe element of antisemitism that manifests itself in these discussions. There is, however, a passionate debate concerning Israel/Palestine that, for the most part, does not tolerate expressions either of antisemitism or of Islamaphobia. Accordingly, I am concerned that the FAQ section of the committee's website presages recommendations that will operate so as to inappropriately smear legitimate critics of Israeli state policy - or even those that are against the Zionist idea and think a one state solution is the appropriate path to conflict resolution - to the very serious charge of antisemitism.

I think we need to step back and take note of what antisemitism used to mean in Canada. It has historically meant: discrimination in employment, denial of access to housing and restrictive covenants tied to land ownership, university quotas, mandated social segregation at clubs and a general feeling that Jews were "the other" and, accordingly, not real Canadians. People of a certain age remember signs such as "No Dogs or Jews Allowed." The all pervasive nature of

antisemitism in Canada led to an unjust and cruel immigration policy known as “none is too many”, which meant that many of the Jewish refugees from Hitler’s Europe were slaughtered rather than admitted into Canada.

I believe that if the Coalition studies whether the environment for Jewish Canadians is deteriorating as judged by antisemitism as it clearly existed, there will be very little evidence that such is the case. There may in fact be more philosemitism than antisemitism. We Canadians can take pride in the fact that this is so. In fact, what may be occurring in other parts of the world may in fact not be occurring here.

On the other hand, there are other identifiable groups in today’s Canada who would argue that it is now they that suffer from some of the forms of discrimination described above. One thing I see mentioned in online discussions is the concern that the Coalition was formed to deal prominently with one form of discrimination or bigotry that has dramatically declined over recent decades. At the same time, it is argued that similar forms of discrimination or bigotry are being manifested towards other identifiable groups. Why they ask, is there no Coalition to address their legitimate concerns or, as an alternative, why is this Coalition not looking at racism that affects all identifiable groups rather than one such group alone?

More to the point, many are concerned that the ultimate result of the work of the Coalition will be to criminalize criticism of Israel. Some express the fear that the Coalition will be reminiscent of the McCarthy-era House Un-American Activities Committee. I believe that if the work of the Coalition is done in good faith and fairly, and the result is a report and set of reasonable recommendations, these fears will prove to have been without foundation.

I think Canada’s history with antisemitism is very real and, in that respect, as a Jewish Canadian, I applaud the fact that there are Members of Parliament devoted to the goal that such ugly hatred not re-emerge or again become socially acceptable. While I wish that a like Coalition had existed during the worst years of the 20th century, I think it is important that we not become complacent. That being the case, I’m supportive of the work being done by the Coalition in examining the state of antisemitism in our country. But at the same time, I’m very concerned that the social stigma of expressions of antisemitism not be lessened by defining the term “antisemitism” too broadly such that it loses its power to shame.

My main recommendation to the Coalition is that it examines the state of antisemitism in Canada as judged by what we used to think was meant by the term antisemitism. I think it would be wise for the Coalition to conclude that neither anti-Zionism nor criticism of Israeli behaviour is *per se* antisemitism.

To the extent that this examination touches on Israel, I'd like the Coalition to examine the phenomenon of the old or "real" antisemitism manifesting itself as anti-Zionism or criticism of Israeli state behaviour. In this regard, I don't know how one can articulate a test that operates so as to separate President Carter from David Duke. Moreover, I don't know what the Coalition envisions as a recommendation. If the Coalition were to recommend that criticism of Israel become a crime, I'd be concerned. If, however, the Coalition were to adopt a reasonable written standard addressed at real antisemitism that is cloaked as criticism of Israel that would be very useful for people to refer to when a particular context makes that necessary or desirable. I believe such a written standard would be respected if it is developed with input from historians and scholars and that it should not have the force of law.

My thoughts on a possible test would be to look at whether a particular statement would be viewed as antisemitic if references to Zionism and Israel simply were changed to Jews. For example, a statement that "the Jews control the World," which for me is antisemitic, doesn't lose that character when changed to "the Zionists control the World." But a statement to the effect that the creation of Israel on balance caused more harm (to Palestinians) than it was of benefit to persecuted Jews (while being a statement that I would passionately argue with), is not in my opinion an expression of antisemitism. Similarly, statements to the effect that Jews are disloyal Canadians because they have an affinity to Israel strike me as antisemitic. In that regard, in my opinion changing references from "Jews" to "Zionists" does not remove the inherent antisemitism.

A tough example would be along the following lines. In a political context someone might charge that X should not be elected because that candidate is a "Zionist." Technically speaking that might mean that someone is expressing a good faith view that Zionism is a misconceived idea. That statement alone may not be antisemitic, especially when an electoral choice actually involved other candidates who actually were against Zionism or in favour of a one state solution. But if someone were to add statements to the effect that as a Zionist, candidate X is "disloyal" to Canada, for me the line is crossed. Or if someone were to mention family members being

“Zionists,” when those family members are Jewish, it becomes clear to me that the person making the statement or “charge” in fact is expressing antisemitism.

Examples of the “old” anti-Semitism that I see are exceedingly rare but, when expressed, tend to focus on purported Jewish “control” of various societal institutions. Those that make such statements tend to acknowledge that they are expressing “unflattering” characteristics towards Jews but, at the same time, deny that they “hate” Jews and, therefore, maintain that the comments are not antisemitic.

For me, as someone who actively participates in online discussions, it would be useful to respond to such a comment by pointing to an agreed definition of antisemitism and characterize the comment as expressing antisemitism. But, in so doing, and if such a definition is to deal at all with Israel, how do you describe a test that separates a progressive idealist generally against ethnicity-based nation states and/or concerned with equality and justice for Palestinians, on the one hand, from cunning anti-Semites, on the other hand? And, in so doing, how can you boldly fight an ancient evil without so expanding the term that it becomes devalued, loses its ability to shame and makes many believe that this is a case of “crying wolf?”

The Coalition needs to consider the reality that if anti-Semitism is defined too broadly, that definition will not be respected and some will err on the side of being indifferent to antisemitism altogether. In short, I believe that the Coalition needs to consider the possibility that a definition of antisemitism that is too broad will create a backlash that actually creates real anti-Semitism that affects the lives of Canadians.

In expressing the above view I should say that I do think that Israel in fact is often judged by a double standard and unfairly singled out for criticism. But I’m reluctant to characterize that phenomenon as the “new antisemitism.” People engaged in a debate should simply argue that a double standard is at work without resorting to the “showstopper” that their adversaries are anti-Semites. In addition, Israel does actually exist as a sovereign state, complete with a government, embassies and consulates, and as such is able to defend herself in the court of public opinion in the way that all sovereign states are able to do. Israel does not need Canadian domestic law to regulate that debate. And neither do Jewish Canadians.

I think your primary mandate is to make sure that Jewish Canadians do not return to an era we all wish never existed. In that regard, what matters isn’t whether Israel is judged by a double

standard but whether Jewish Canadians are being made responsible, collectively and individually, for the behaviour of the State of Israel. In that regard, while many Jewish (and other) Canadians may disagree with things like Israel Apartheid Week on university campuses, and may (and should, if they disagree) voice their displeasure at things like the label “apartheid” being applied to Israel, as a Jewish Canadian I do not think that the state should step in to control that debate.

Please, by all means, come up with a suggested test, not having the force of law, that would be useful to expose the “fringe” anti-Semites who try to use the ongoing Middle East debate to express an ancient hatred. But at the same time, please be very careful not to over-reach lest you devalue the ability of the term “antisemitism” as an appropriate label of bad character deserving of shame.

Conclusion

I think the Coalition should consider the following:

1. As a matter of process, explain the rationale behind examining antisemitism alone and not racism or oppression generally.
2. Develop a credible definition of antisemitism that people can cite and use.
3. Focus primarily on Canada and the state of antisemitism here and not deal with Israel, except to the extent demonstrably relevant to Canada. In particular, criticism of Israel should not be criminalized.
4. Commit to expanding the nature of inquiry to encompass other identifiable Canadian groups. Most notably, given our own history, it would be very important for a like body to examine the experience of aboriginal Canadians.

Yours very truly,

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