



# ALERT PAPER

# NEW ANTI-JEWISHNESS

**The new anti-Jewishness consists of the discrimination against, or denial of, the right of the Jewish people to live as an equal member of the family of nations.**

by Prof. Irwin Cotler

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Among the projects to be in process in 2003:

- The Annual Estimate of the Situation and Dynamics of the Jewish People.
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- Jewish people crisis management.
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The Institute will advance Jewish leadership policy discourse by publishing policy papers and preparing background material for decision makers. The "Alert Paper" on the demographic situation is the second in a series of documents examining the threats, challenges and opportunities facing the Jewish people. In addition, the Institute will cultivate policy professionals who focus on Jewish people affairs, in an effort to help build up strategic thinking and policy planning capacities among the Jewish people.

# Human Rights and the New Anti-Jewishness: Sounding the Alarm

by Professor Irwin Cotler

## INTRODUCTION: ANTISEMITISM OLD AND NEW – DEFINITION AND DISTINCTION

**W**hat we are witnessing today – which has been developing incrementally, almost imperceptibly, and sometimes indulgently, for some thirty years now – is a new, virulent, globalizing and even lethal anti-Jewishness reminiscent of the atmospherics of the 1930s, and without parallel or precedent since the end of the Second World War. This new anti-Jewishness overlaps with classical antisemitism, but is distinguishable from it. Anchored in the "Zionism is Racism" resolution, but going beyond it, the new anti-Jewishness almost requires a new vocabulary to define it. It can best be defined as the discrimination against, denial of, or assault upon, national particularity and peoplehood anywhere, whenever that national particularity and peoplehood happens to be Jewish. In its more benign form (if it can be called benign), it finds particular expression in the singling out of Israel and the Jewish people for differential and discriminatory treatment in the international arena – where United Nations human rights bodies are used as the mask or protective cover for this anti-Jewishness (e.g. *The 2001 World Conference Against Racism* in Durban). In its most lethal form, it refers to the singling out of Israel and the Jewish people for existential or genocidal assault, as evidenced by the suicide-bombers – or what I prefer to call genocide-bombers – since their own acknowledged and asserted intent is the destruction of Israel and the killing of Jews wherever they may be – the convergence of both politicide and genocide.

In a word, classical or traditional antisemitism is the discrimination against, or denial of, the right of Jews to live as equal members of a free society; the new antisemitism – incompletely, or

incorrectly, as "anti-Zionism" (since not all critiques of Zionism are anti-Semitic) – involves the discrimination against, denial of, or assault upon, the right of the Jewish people to live as an equal member of the family of nations. What is intrinsic to each form of antisemitism – and common to both – is discrimination. All that has happened is that it has moved from discrimination against Jews as individuals – a classical antisemitism for which there are indices of measurement (e.g. discrimination against Jews in education, housing or employment) – to discrimination against Jews as people – a new antisemitism – for which one has yet to develop indices of measurement.

Accordingly, what I would like to propose is a set of indices by which we can identify, pour content into, and monitor, the nature and meaning of the new anti-Jewishness. These indices are organized around a juridical framework and draw upon principles of discrimination and equality as they find expression in both domestic and international law. There are thirteen indices that may serve to illustrate this new anti-Jewishness. As this is in the form of an "alert," they are here treated in a more abbreviated form, but they will appear elsewhere in a more expanded juridical analysis.

## THE NEW ANTI-JEWISHNESS: INDICES OF IDENTIFICATION

### I. Existential or Genocidal Antisemitism

The first and most lethal is existential or genocidal antisemitism. I am referring here to the public call for the destruction of Israel and the Jewish people. Examples include:

- The covenants of terrorist organizations like Hamas which publicly call for, and incite to, the destruction of Israel and the killing of Jews anywhere.
- Religious *fatwas* – or execution writs – issued by radical Islamic clerics, which not only call for the destruction of Israel and the killing of Jews, but proclaim it also as a religious obligation. Israel, then, has emerged as the Salmon Rushdie of the nations.
- Calls by member states of the international community – such as Iran or Iraq – for the destruction of another member state, such as Israel and its people, as evidenced in the statements by their respective political leadership that call not only for the destruction of Israel, but also express the intent to use nuclear weapons to accomplish this genocidal purpose.

In a word, Israel is the only state in the world today, and the Jews the only people in the world today, that are the object of a standing set of threats from governmental, religious, and terrorist bodies seeking their destruction. And what is most disturbing is the silence, the indifference and sometimes even the indulgence, in the face of such genocidal antisemitism.

## II. Political Antisemitism

There are three manifestations of this phenomenon:

- The discrimination against, or denial of, or assault upon, the Jewish people's right to self-determination which, as Martin Luther King, Jr. put it, "is the denial to the Jews of the same right, the right to self-determination that we accord to African nations and all other peoples of the globe. In short, it is antisemitism...". To the extent that Israel has emerged as the "civil religion" of world Jewry – the organizing idiom of Jewish self-determination – this new antisemitism is a *per se* assault, in contemporary terms, on the religious and national sensibility of the Jewish people.
- This involves the discrimination against, or denial of, the legitimacy, if not the existence, of the State of Israel. Indeed, it may be regarded as the contemporary analogue of classical or theological antisemitism, which discriminated against and denied the very legitimacy of the Jewish religion. In other words, if classical antisemitism was anchored in discrimination against the Jewish religion, the new anti-Jewishness is anchored in discrimination against the Jews as a people – and the embodiment of that expression in Israel. In each instance the essence of antisemitism is the same – an assault upon whatever is the core of Jewish self-definition at any moment in time – be it the Jewish religion at the time of classical antisemitism, or the State of Israel as the "civil religion" of the Jewish people under this new anti-Jewishness.
- There is yet another, and third, variant of political antisemitism. I am referring here to the "demonizing" of Israel – the attribution to Israel of all the evils of the world – the portrayal of Israel as the enemy of all that is good and the repository of all that is evil. This is the contemporary analogue to the medieval indictment of the Jew as the "poisoner of the wells." In other words, in a world in which human rights has emerged as the new secular religion of our time, the portrayal of Israel as *the* metaphor for a human rights violator is an indictment of Israel as the "new anti-Christ" – as the "poisoner of the international wells" encompassing all the "teaching of contempt" for the "Jew among the Nations," this new antisemitism implies.

## III. Ideological Antisemitism

This finds expression not only in the "Zionism is Racism" indictment – and the singling out of Zionism, the national liberation movement of the Jewish people and Israel's ideological *raison d'être*, for discriminatory treatment – but the further criminal indictment of Israel as "an apartheid state," and the calling for the dismantling of this "apartheid state" – a euphemism for Israel's destruction.

If the proclamation of "Zionism as Racism" gave antisemitism the appearance of international sanction, the calling for the dismantling of the apartheid state of Israel is even more toxic and

virulent, once again giving antisemitism the appearance of international sanction. Indeed, the increased characterization, or libeling of Israel as a “Nazi state” is tantamount to transforming ideological antisemitism into a duty – the obligation to remove this Nazi state, Israel.

#### **IV. Theological Antisemitism**

I am referring here to the convergence of state-sanctioned Islamic antisemitism, which characterizing Jews and Judaism, let alone Israel, as the perfidious enemy of Islam ( in this regard, see the recent publication by Robert Wistrich, a distinguished scholar of antisemitism called *“Muslim Antisemitism: A Clear and Present Danger”*); and which finds expression in the proclamation made by Yaser Arafat-appointed and funded Imam, Ahmed Abu Halabiya, from a Mosque pulpit and broadcasted on Palestinian state television – “The Jews must be butchered and tortured: Allah will torture them with your hands. Have no mercy on the Jews...wherever you meet them...kill them.” Similarly, the doctrine of Christian replacement theology – which holds that the Jews have been replaced by the Church in G-d’s favour, so that all of G-d’s promises to the Jews, including the land of Israel, have been inherited by Christianity – is another expression of theological antisemitism. According to this doctrine, an illegitimate Israel has usurped and betrayed Christian theology.

#### **V. Cultural Antisemitism**

I am referring here to the mélange of attitudes, sentiments, innuendo and the like – in academe, in parliaments, among the literati, public intellectuals, and the human rights movement – the discourse of the “chattering classes” and enlightened elites – as found expression in the remarks of the French Ambassador to the U.K. to the effect of, why should the world risk another world war because of “that shitty little country Israel”; or as British journalist Petronella Wyatt put it, “Antisemitism, and its open expression has become respectable at London dinner tables” once more – not just in Germany or Catholic Central-Europe.

#### **VI. European Antisemitism**

We are witnessing an explosion of European antisemitism without parallel or precedent since World War II, and whose atmospherics are reminiscent of the 1930s. Some examples, to which I can personally attest to, following my visits to European capitals these past two years, include:

- Assaults upon and desecration of synagogues, cemeteries and Jewish institutions;
- Attacks upon identifiable Jews;
- Convergence of the extreme left and the extreme right in public demonstrations calling for “death to the Jews”;

- Atrocity propaganda against Israel and Jews (e.g. Israel injects the AIDS virus into Palestinians);
- The ugly canard of double loyalty;
- The demonization of Israel through the escalating ascription of Nazi metaphors;
- Indifference or silence in the face of horrific acts of terror against Israel and the threatening of sanctions against Israel for exercising its right of self-defense against these acts of terror.

In the words of Joel Kotek of the University of Brussels: "One's position on the Arab-Israeli conflict has become a test of loyalty. Should he become a supporter of Israel he becomes a supporter of a Nazi state."

## **VII. Substantive Anti-Jewishness in the International Arena: The Denial to Israel of Equality before the Law**

I am referring here to the singling out of Israel for differential, if not discriminatory, treatment amongst the family of nations; with Israel emerging, as it were, as "the collective Jew among the Nations." Some examples include:

- The *World Conference Against Racism* in Durban, which turned into a conference of racism against Israel, where Israel was the only state singled out for indictment;
- *UN Commission on Human Rights*, where Israel is the only country singled out for a country-specific condemnation even before the annual session begins; where 30 percent of all resolutions condemn Israel alone, while the major human rights violators enjoy exculpatory immunity;
- *The Conference of the Contracting Parties to the Geneva Conventions*, where Israel became the first country in fifty-two years to be the object of a country-specific indictment, while the perpetrators of horrific killing fields – be it Cambodia, Sudan, etc. – have never been the object of a contracting party's enquiry;
- The systemic and systematic discrimination against Israel in the major decision making bodies of the United Nations and its specialized agencies;
- The exclusion of *Magen David Adom*, Israel's humanitarian aid agency, from the *International Federation of Red Cross and Red Crescent Societies*;
- The conversion of refugee camps under UNRWA's management into bases and sanctuaries of incitement and terror, in breach of fundamental principles of international humanitarian and refugee law.

## **VIII. Procedural Anti-Jewishness: The Denial of International Due Process to Israel and the Jewish People in the International Arena**

This refers to the disenfranchisement of Israel in the international arena, where, for example, Israel emerges as the only country denied “standing” in any regional grouping in the United Nations; and which resulted in Israel (and Jewish NGOs) being excluded from the *Regional Conference* in Iran, where the regional Asian position for the *World Conference Against Racism* was prepared .

## **IX. “Legalized” Antisemitism**

This refers to the international "legal" character of this antisemitism, in which, in a kind of Orwellian inversion of law and language, United Nations human rights bodies become the mask under which this "teaching of contempt" is carried out. If antisemitism is no longer respectable, and anti-Zionism in the form of the "Zionism is Racism" resolution has been exposed as a cover for antisemitism, what better mask than human rights – and the U.N. as repository of human rights – to carry out this process of distortion and defamation.

## **X. Economic Antisemitism**

This refers to the economic coercion and discrimination practiced through the Arab boycott, which emerges as the contemporary economic analogue of classical economic antisemitism. Classical economic antisemitism involved discrimination against Jews in housing, education, and employment; the new economic antisemitism involves the extra-territorial application by Arab countries of an international restrictive covenant against corporations conditioning their trade with Arab countries on their agreement not to do business with Israel (secondary boycott); or not doing business with another corporation which may be doing business with Israel (tertiary boycott); or even, in certain instances, conditioning the trade with such corporations on neither hiring nor promoting Jews within the corporation (I was able to document this in the course of my chairing a Commission on Economic Coercion and Discrimination).

## **XI. Holocaust Denial**

The cutting edge of this new antisemitism is in the form of Holocaust denial, which moves inexorably from denying the Holocaust, to accusing Jews of fabricating the "hoax" of the Holocaust, to indicting Jews for extorting false reparations from the innocent German people, to

the building of their "illegal" State of Israel on the backs of the real indigenous owners, the Palestinians. Let there be no doubt about it, those who would seek to deny the Jewish people their past are the same people who, if given the chance, would deny the Jewish people their future.

## **XII. Racist Terrorism against Jews**

This refers to the state orchestrated incitement to violence and terrorism against Jews, including the singling out of Israelis and Jewish nationals as targets of international terrorism. This racist terrorism has been ratcheted up into an alarming case of “mega” or “catastrophic terrorism,” as exemplified by the recent attempts to literally incinerate thousands of Israelis by blowing up of fuel and gas storage facilities in the Herzlyia area and blowing up the Azrieli office towers in Tel Aviv; the attempted use of cyanide poison in a Jerusalem restaurant; the attempted blowing up of residential apartment areas in Haifa; and the recent disclosure of Hezbollah and Al-Qaeda connected plans to target Israeli institutions and Jewish nationals in the Western hemisphere.

## **XIII. State-sanctioned Antisemitism**

This refers to the state-sanctioned “culture of hate” – integrating both old and new forms of anti-Jewishness – that finds increasing expression in the incitement to hatred in state-controlled mosques, media, schools, and other institutions, including such recent examples as the broadcasting of the *“Protocols of the Elders of Zion,”* the blood-libel, and the appropriation of symbols and motifs from classical antisemitism to demonize Israel and the Jewish people today.

In the words of Professor Fouad Ajami:

*The suicide bomber of the Passover massacre did not descend from the sky; he walked straight out of the culture of incitement let loose on the land, a menace hovering over Israel, a great Palestinian and Arab refusal to let that country be, to cede it a place among the nations, he partook of the culture all around him – the glee that greets those brutal deeds of terror, the cult that rises around the martyrs and their families.*

## Conclusion

None of this is intended to suggest, nor would one wish to have it inferred, that Israel is somehow above the law, or that Israel is not to be held accountable for any violations of law. On the contrary – Israel is accountable for any violations of international law or human rights like any other state; and the Jewish people are not entitled to any privileged protection or preference because of the particularity of Jewish suffering.

But the problem is not that Israel as the "Jew among Nations" seeks to be above the law, but that it has been systematically denied equality before the law; not that Israel must respect human rights – which it should – but that the human rights of Israel have not been respected; not that human rights standards should be applied to Israel – which they must – but that these standards have not been applied equally to anyone else.

Israel and the Jewish people have been singled out for differential and discriminatory treatment in the international arena – and worst of all – singled out for destruction.

The time has come to sound the alarm – not only for Israel and the Jewish people whose safety and security is under existential threat and attack – but for the world community and the human condition as a whole. For as history has taught us only too well, while the persecution and discrimination may begin with Jews, it doesn't end with Jews.

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He is on leave from McGill University where he is Professor of Law and Director of its Human Rights Program. He has written extensively on matters of hate, racism, and human rights. He has also written extensively on war crimes law, international criminal justice, counter terrorism law and policy and the relationship between state-sanctioned incitement and acts of terror.

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