

# Lichtenberg-Kolleg Junior Research Fellowships in "Religious Toleration in the Modern World: Theory and Practice."

## Gerry Roche: Research Proposal

(i) *To examine the criteria used to define anti-Semitism in so far as they relate to criticisms of Israel.*

(ii) *To examine asymmetries in the criteria used in defining anti-Semitism and Islamophobia with a view to achieving a measure of concordance between them.*

(iii) *As a tentative first step in conducting such an examination, the possible relationship between anti-Semitism and negative perceptions of Israel [a democratic Jewish state]<sup>1</sup> might be compared<sup>2</sup> and contrasted to that between Islamophobia and negative perceptions of Pakistan [a democratic Muslim state].<sup>3</sup>*

(iv) *In furtherance of this examination the question might be posed as to what type of criticisms of Pakistan might - from that very fact alone - be regarded as being Islamophobic.*

## Introduction

The genesis of this research project arose in the recognition of the discordances that exist between what has sometimes been portrayed as the official EU definition of anti-Semitism<sup>4</sup> (i.e the so-called ‘*Working Definition of Anti-Semitism*’<sup>5</sup>) and statements by individuals and groups who manifestly could not – or, at the very least, should not – be considered to be anti-Semitic in that they manifest no antipathy, let alone criticism, of Jews as Jews or of Judaism as a religion.

Of the five examples given in the ‘working definition’ of “... *ways in which anti-Semitism manifests itself with regard to the state of Israel*”, two will be considered here:

- “*Drawing comparisons of contemporary Israeli policy to that of the Nazis*”
- claims that “... *the existence of a State of Israel is a racist endeavor.*”

In 2009, the *Guardian* newspaper published a letter signed by 88 British Jews which criticised the actions of the Israeli government in relation to Gaza, it stated:

*When we see the dead and bloodied bodies of young children, the cutting off of water, electricity and food, we are reminded of the siege of the Warsaw Ghetto. When Dov Weisglass, an adviser to the Israeli prime minister, Ehud Olmert, talked of putting Gazans "on a diet" and the deputy defence minister, Matan Vilnai, talked about the Palestinians experiencing "a bigger shoah" (holocaust), this reminds us of Governor General Hans Frank in Nazi-occupied Poland, who spoke of "death by hunger." <sup>6</sup>...*

This claim would clearly be anti-Semitic as judged by the ‘working definition’ (*supra*) and yet the suggestion that such a substantial group of eminent Jews were anti-Semitic would, on its face, be so improbable as to be unsustainable.

More recently the German journalist, Jakob Augstein, has been accused by the Simon Wiesenthal Centre of anti-Semitism for, *inter alia*, calling Gaza “*a camp*”.<sup>7</sup>

Claims that Israel is, or is becoming, an apartheid state would patently imply that it is, or is becoming a racist state and thus fall within the second example of manifestations of anti-Semitism under the ‘working definition’ given above. Yet two such eminent personages as an ex-prime minister of Israel, Ehud Olmert<sup>8</sup>, and an ex-president of the United States, Jimmy Carter<sup>9</sup>, have suggested that in the absence of a peace agreement with the Palestinians and implementation of a two-state solution, Israel is on its way to becoming an apartheid state. Though Mr. Carter restricted his criticism to the ‘occupied territories’, a public opinion poll carried out amongst Israelis in 2012, found that:

The majority of the Jewish public, 59 percent, wants preference for Jews over Arabs in admission to jobs in government ministries. Almost half the Jews, 49 percent, want the state to treat Jewish citizens better than Arab ones; 42 percent don't want to live in the same building with Arabs and 42 percent don't want their children in the same class with Arab children. A third of the Jewish public wants a law barring Israeli Arabs from voting for the Knesset ... The survey indicates that a third to half of Jewish Israelis want to live in a state that practices formal, open discrimination against its Arab citizens. An even larger majority wants to live in an apartheid state if Israel annexes the territories.<sup>10</sup>

In view of such findings it is difficult to sustain the claim that to assert: “... *the existence of a State of Israel is a racist endeavor.*” should necessarily be categorised as being anti-Semitic.

### The importance of determining a rigorous, objective and balanced definition of anti-Semitism

The accusation that someone is an anti-Semite is an extremely serious charge which may, in some jurisdictions, precipitate criminal proceedings<sup>11</sup> but even in the absence of such proceedings it is extremely pejorative and likely to bring any such accused into open contempt and place him outside the bounds of civil society.

The term ‘anti-Semitism’ is a term in everyday use and it is this usage that will determine how an accusation of anti-Semitism is generally understood; the Oxford English Dictionary (1997) defines it as “*hostility or opposition to Jews*”; the Merriam-Webster’s definition is “*hostility toward or discrimination against Jews as a religious, ethnic, or racial group.*” This latter definition was cited by the U.S. Department of State Report 2008 (*supra*) on anti-Semitism which – having stated that “*anti-Semitism is an adaptive phenomenon and continues to take on new forms.*”<sup>12</sup> – speaks of a ‘new anti-Semitism’ whose distinguishing feature is:

“... criticism of Zionism or Israeli policy that—whether intentionally or unintentionally—has the effect of promoting prejudice against all Jews by demonizing Israel and Israelis and attributing Israel’s perceived faults to its Jewish character.”<sup>13</sup>

The authority for this wider definition is found in what the report describes as “*The EUMC’s working definition*”. However the official status of this definition has been denied by a spokesman<sup>14</sup> for the FRA which is the successor agency to the EUMC.

A number of points arise but before addressing them an admonition by the English philosopher J.L. Austin, is of interest. Austin argues that if it is desired to define a term which is in current use and to

assign to it a meaning different to that which the word normally bears, then it is surely wiser to coin a new word for what is after all a new concept:

“... but most words are in fact used in a particular way already, and this fact can't be just disregarded. ... Certainly, when we have discovered how a word is in fact used, that may not be the end of the matter; ... we may wish to tidy the situation up a bit, ... draw the boundaries and distinctions rather differently.”<sup>15</sup>

In short, Austin cautions against taking an existing term and *radically* enlarging its meaning; to do so is to court intellectual confusion. I suggest that the term ‘anti-Semitic’ has – if the ‘working definition’ is accepted – undergone such a radical transformation.

This raises the question as to who has the right to formulate a definition of a term such as ‘anti-Semitism’; more succinctly: “Who has ownership of the term ‘anti-Semitic’?”

One view – which was accepted by the 2006 UK *All-Party Parliamentary Inquiry into Antisemitism* – is that this is purely a matter for the Jewish community; their report stated:

We take into account the view expressed in the Macpherson report of the Stephen Lawrence Inquiry that a racist act is defined by its victim. It is not acceptable for an individual to say ‘I am not a racist’ if his or her words or acts are perceived to be racist. We conclude that it is the Jewish community itself that is best qualified to determine what does and does not constitute antisemitism.<sup>16</sup>

This neglects the fact that an accusation of anti-Semitism can have extremely deleterious consequences for anyone so accused; which suggests that the definition of the term requires a precision, rigor and objectivity such as might be found in a textbook of law. The All-Party recommendation manifests no such rigor, neither does the ‘working definition.’

At an absolute minimum, the recommendation would additionally require:

- (i) that the Jewish community exhibit a near-unanimity that the words in question are anti-Semitic;
- (ii) that the majority of the non-Jewish community must at least acquiesce in such a determination.

A further consideration is that the term anti-Semitism is politically charged and those sympathetic to Zionism are likely to seek to widen its ambit to give shelter to Israel. Whilst it has often been noted<sup>17</sup> that some might seek to use criticism of Israel as a cloak for their anti-Semitic views, the converse – though less commented on – is equally possible.

To return to the EUMC report of 2003 in which the ‘working definition’ seeks to locate its authority, the EUMC report itself – in its discussion of the possible relationship between anti-Semitism and criticisms of Israel – is nuanced, circumspect and balanced; for example:

If we turn to the crucial question of defining the point where anti-Israeli and anti-Zionist expressions are to be considered as antisemitism, then we could conclude, on the basis of our definition of antisemitism, that anti-Israeli or anti-Zionist attitudes and expression are antisemitic in those cases where Israel is seen as being a representative of ‘the Jew’, *i.e.* as a representative of the traits attributed to the antisemitic construction of ‘the Jew’. But what if the opposite is the case and Jews are perceived as representatives of Israel?

What if Jews are criticised or offended for Israel’s policies toward the Palestinians? If we stick to our definition, then, strictly speaking, we would have to qualify hostility towards Jews as ‘Israelis’ only then as antisemitic, if it is based on an underlying perception of Israel as ‘the Jew’. If this is

not the case, then we would have to consider hostility towards Jews as ‘Israelis’ as *not* antisemitic, because this hostility is not based on the antisemitic stereotyping of Jews.<sup>18</sup>

The so-called ‘working definition’ sought to draw on the authority of the EUMC discussion but the subtlety of analysis was lost; the genesis of the working definition is told<sup>19</sup> by Kenneth S. Stern one of its main authors, who took particular exception to the second of the excerpts just quoted because it was not sufficiently robust in classifying criticisms of Israel as anti-Semitic. He is the American Jewish Committee’s specialist on anti-Semitism and extremism.<sup>20</sup>

As mentioned earlier, the U.S. Department of State (2008) report adopted this ‘working definition’. Hannah Rosenthal - who was the State Department’s anti-Semitism monitor – interviewed<sup>21</sup> subsequently, took some credit for this.<sup>22</sup> Her prior appointment had been as director of the Jewish Council for Public Affairs.<sup>23</sup>

Thus it seems that the progenitors of the ‘working definition’ were mainly leading members of the Jewish community – a development in keeping with the recommendations of the UK All-Party committee but open to the objections raised earlier.

*How best to proceed?*

An example (and a question) may assist. In 2012, the California State Assembly – placing reliance on the ‘working definition’ – passed a resolution that decreed as examples of anti-Semitism:

“... student- and faculty-sponsored boycott, divestment, and sanction campaigns against Israel that are a means of demonizing Israel and seek to harm the Jewish state”<sup>24</sup>

Is it conceivable that a campaign to boycott or disinvest from Pakistan because of that State’s behaviour towards minorities *e.g.* Christians, could *ipso facto* be labelled Islamophobic and be claimed to be discriminatory towards Muslims?

I suggest not and that this suggests a mechanism for discussing the definition of anti-Semitism; namely through the development of an abstract analysis of types of discrimination based on religious belief that could be deemed ‘unacceptable’; ‘anti-Semitism’ and ‘Islamophobia’ would then become instances of such an analysis and would, *necessarily*, share a measure of concordance.

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<sup>1</sup> The Proclamation of the Establishment of the State of Israel “... *the historical imperatives of Israel's rebirth; the framework for a democratic Jewish state founded on liberty, justice, and peace, as envisaged by the biblical prophets; ...*” [online], available: <http://www.mfa.gov.il/MFA/Facts+About+Israel/State/The+State.htm>. [accessed 4 February 2013]

<sup>2</sup> Some points of comparison are:

- both states were founded 1947–8;
- the establishment of both states resulted in some displacement of existing populations;
- both are ‘confessional’ democracies.

<sup>3</sup> The Islamic Republic of Pakistan was created in 1947 and is a democratic state “... *Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam ...*” (Preamble to the 1973 Constitution). [online], available: <http://www.pakistani.org/pakistan/constitution/> [accessed 4 February 2013].

<sup>4</sup> See, for example, a report in the *Jerusalem Post* [‘Expert slams study for playing down anti-Semitism.’ 8 July 2012] which stated that “*A leading Israeli authority on Norwegian anti-Semitism*” Dr. Manfred Gerstenfeld, chairman of the Board of Fellows at the Jerusalem Center for Public Affairs:

... sharply criticized on Sunday the results of a Norwegian study of bias against Jews because it plays down expressions of modern anti-Semitism and fails to use the EU’s definition of anti-Israel and anti-Jewish hatred.

[online], available: [://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=280323](http://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=280323). [accessed 5 February 2013]

<sup>5</sup> [Online], available: [fra.europa.eu/sites/default/files/as-workingdefinition-draft.pdf](http://fra.europa.eu/sites/default/files/as-workingdefinition-draft.pdf). [accessed 5 February 2013].

The status of this definition is contentious, though originally submitted to the EUMC [European Monitoring Centre on Racism and Xenophobia] as a draft it appears not to have been officially accepted (see *infra*) either by the EUMC or by its successor agency FRA [The European Union Agency for Fundamental Rights] though it has been accepted by the US Department of State; see for example: The U.S. Department of State (2008): *Contemporary Global Anti-Semitism: A Report Provided to the United States Congress*. [online], available: <http://www.state.gov/j/drl/rls/102406.htm> [accessed 5 February 2013]

<sup>6</sup> The Guardian (2009). 'Letters: UK has led efforts for Gaza ceasefire'. *The Guardian*, 10 January. [online], available: <http://www.guardian.co.uk/world/2009/jan/10/letters-gaza-uk> [accessed 5 February 2013]

<sup>7</sup> Weinthal B. (2013). 'Uproar over 'anti-Semitic' Spiegel columnist.' *Jerusalem Post*. 1 March. [Online], available: <http://www.jpost.com/International/Article.aspx?id=298375> [accessed 5 February 2013]

<sup>8</sup> Mc Carthy, R. (2007). 'Israel risks apartheid-like struggle if two-state solution fails, says Olmert' *The Guardian*, 30 November. [Online], available: <http://www.guardian.co.uk/world/2007/nov/30/israel> [accessed 5 February 2013]:

Israel's prime minister issued a rare warning yesterday that his nation risked being compared to apartheid-era South Africa if it failed to agree an independent state for the Palestinians. ... Ehud Olmert said Israel was "finished" if it forced the Palestinians into a struggle for equal rights.

<sup>9</sup> Speaking of his book, *Palestine: Peace Not Apartheid*, Mr. Carter said:

The book describes the abominable oppression and persecution in the occupied Palestinian territories, with a rigid system of required passes and strict segregation between Palestine's citizens and Jewish settlers in the West Bank. An enormous imprisonment wall is now under construction, ... In many ways, this is more oppressive than what black people lived under in South Africa during apartheid.

Carter, J. (2006). 'Israel, Palestine, peace and apartheid' *The Guardian* 12 December. [Online], available:

<http://www.guardian.co.uk/commentisfree/2006/dec/12/israel.politicsphilosophyandsociety?INTCMP=SRCH> [accessed 5 February 2013]

<sup>10</sup> The commentator – Gideon Levy – is a leading contributor to *Haaretz*; he continued:

The survey conductors say perhaps the term "apartheid" was not clear enough to some interviewees. However, the interviewees did not object strongly to describing Israel's character as "apartheid" already today, without annexing the territories. Only 31 percent objected to calling Israel an "apartheid state" and said "there's no apartheid at all."

Levy G. (2012a) 'Most Israeli Jews wouldn't give Palestinians vote if West Bank was annexed' *Haaretz*. 23 October. [Online], available: <http://www.haaretz.com/news/national/survey-most-israeli-jews-wouldnt-give-palestinians-vote-if-west-bank-was-annexed.premium-1.471644> [accessed 7 February 2013]

The original heading of the *Haaretz* article was 'Most Israelis support an apartheid regime in Israel'; the controversy that ensued resulted in it being amended (*supra*). Acknowledging his error, the writer continued:

My sin was to write: "*The majority doesn't want Arabs to vote for the Knesset, Arab neighbors at home or Arab students at school.*"

The truth, as I wrote in the news piece, is different: "Just" 33 percent of the respondents said they don't want Arabs to vote in parliamentary elections, "just" 42 percent wouldn't want an Arab neighbor ... [or] an Arab student in their child's class. Not a majority - just a (large ) portion of Israelis espouse these frightening views. Cold comfort.

Imagine a similar survey in France: A third of the French don't want Jews to be eligible to vote and nearly half don't want a Jewish neighbor or a Jewish student in their child's class. The right-wing propagandists who are currently causing a ruckus about my mistake would be among the first to shout "anti-Semitism." But for us, the Jews, it's allowed.

Levy, G. (2012b) 'Errors and omissions excepted' *Haaretz*. 29 October [online], available:

<http://www.haaretz.com/opinion/errors-and-omissions-excepted.premium-1.472852> [accessed 7 February 2013]

<sup>11</sup> EUMC (2003); p.28:

The EUMC calls on the Council of Ministers to adopt the Framework Decision (COM 2001/664) proposed by the European Commission in November 2001 on defining a common criminal law approach to racism and xenophobia in the EU. This Framework Decision, if adopted, will introduce effective, proportionate and dissuasive criminal penalties and define antisemitic acts.

EUMC (2003). *Manifestations of Antisemitism in the EU 2002 – 2003*. [online], available:

<http://fra.europa.eu/en/publication/2010/manifestations-antisemitism-eu-2002-2003> [accessed 8 February 2013]

<sup>12</sup> *Op. cit.* p.6.

<sup>13</sup> *Ibid.* p.4.

<sup>14</sup> "There is no issue of the FRA, as an EU agency, endorsing any definition," the official, Ioannis Dimitrakopoulos told the Forward."

[The Forward refers to the *Jewish Daily Forward*]

Berkman S. (2012). 'Anti-Semitism Fight Hinges on Definition' *The Forward*. 25 September. [Online], available:

<http://forward.com/articles/163105/anti-semitism-fight-hinges-on-definition/?p=all> [accessed 6 February 2013]

<sup>15</sup> Warnock G J (1964). *Sense and Sensibilia*, p.62–63. [emphasis in original].

<sup>16</sup> All-Party Parliamentary Group against Antisemitism. (2006). London. p.1. [online], available:

<http://www.antisemitism.org.uk/wp-content/uploads/All-Party-Parliamentary-Inquiry-into-Antisemitism-REPORT.pdf> [accessed 7 February 2013]

<sup>17</sup> EUMC (2003), p.174.

<sup>18</sup> *Ibid.* p.13 [emphasis in original]

<sup>19</sup> Porat, D. & Stern, K. (2005). 'Defining Antisemitism'. Stephen Roth Institute, Tel Aviv University. [Online], available: <http://www.tau.ac.il/Anti-Semitism/asw2003-4/porat.htm> [accessed 8 February 2013]

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<sup>20</sup> See American Jewish Committee [online], available:

[http://www.ajc.org/site/c.ijITI2PHKOG/b.835879/k.2F9B/AJC\\_Experts.htm](http://www.ajc.org/site/c.ijITI2PHKOG/b.835879/k.2F9B/AJC_Experts.htm) [accessed 8 February 2013]

<sup>21</sup> Haaretz (2012). 'Leaving post, U.S. official reflects on a new definition of anti-Semitism'. *Haaretz*. 17 October. [Online], available: <http://www.haaretz.com/jewish-world/jewish-world-news/leaving-post-u-s-official-reflects-on-a-new-definition-of-anti-semitism-1.470569> [accessed 8 February 2013]

<sup>22</sup> *Ibid.* :

*"That definition? It had to be cleared by a gazillion people," she said. "But we were able to get a comprehensive definition that included not only traditional forms ... and we were able to get included in there where legitimate criticism of Israel crosses into anti-Semitism."*

<sup>23</sup> *Ibid.*

<sup>24</sup> BILL NUMBER: HR 35; AMENDED IN ASSEMBLY AUGUST 23, 2012. [online], available:

[http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0001-0050/hr\\_35\\_bill\\_20120823\\_amended\\_asm\\_v98.html](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/hr_35_bill_20120823_amended_asm_v98.html) [accessed 8 February 2013]