



WRITTEN SUBMISSION ON ANTI-SEMITISM FOR
THE UNITED NATIONS SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF
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The Louis D. Brandeis Center for Human Rights Under Law, Inc. (LDB) is an independent, non-partisan institution for public interest advocacy, research, and education. Our mission is to advance the civil and human rights of the Jewish people and to promote justice for all.¹ We appreciate the opportunity to provide this submission on anti-Semitism to the United Nations Special Rapporteur on Freedom of Religion or Belief.

In identifying instances of anti-Semitism, the Special Rapporteur must recognize all the facets of Jewish identity that can be targeted by anti-Semites. Anti-Semitism is expressed not only as loathing of Jews, their religious practices, and their places in society. It is frequently manifested as hatred of Jews' fundamental core beliefs.

Zionism – the yearning and desire of Jews to exercise their right to self-determination and to re-establish a Jewish homeland in the Land of Israel – is an inherent ancestral and ethnic Jewish characteristic. It is, and has been for thousands of years, a fundamental component of Jewish religious identity. Supporting “Jews” while opposing “Zionists” is tantamount to supporting “Jews” while opposing “Sabbath observers” or “those who keep kosher.” Not all Jews observe the Sabbath or keep kosher diets, but those who do so are identifiably Jewish and deserve protection from anti-Semites. The same is true of Jewish Zionists.

Zionism is support for the right of Jewish self-determination in the Jewish ancestral homeland. Hence those who oppose Zionism deny the Jews this right. The International Holocaust Remembrance Alliance (IHRA) Definition of anti-Semitism includes, as an example of anti-Semitism: “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.”² The IHRA recognized that denying this fundamental core Jewish belief is de facto anti-Semitism. Irwin Cotler, Canada’s former Minister of Justice and a human rights scholar, once noted, “Traditional anti-Semitism denied Jews the right to live as equal members of society, but the new anti-Jewishness denies the right of the Jewish people to live as an equal member of the family of nations.”³ Anti-Semitism today is expressed not only as a hatred of Jews, but also as opposition to the existence of a Jewish state.

¹ See <https://brandeiscenter.com/about/mission-and-values/>.

² IHRA Definition, see <https://www.holocaustremembrance.com/node/196>, (May 26, 2016) [last visited June 7, 2019].

³ Kenneth L. Marcus, *The Definition of Anti-Semitism*, 151 (2015).

Zionism as a political movement gained steam in the 19th century, but its roots as a core tenet of Jewish religion run much deeper. As Dr. Daniel Gordis, a historian of Israel and Zionism, writes:

Though it is commonly said that those delegates from around the world who gathered in Basel for the First Zionist Congress in 1897 were the people who created the Zionist movement, that is not entirely true. The participants in the First Zionist Congress launched Zionism as a *political* movement. But the dream at the core of their movement, the yearning to return to their ancestral home in the Land of Israel, had originated much earlier. It was a dream as old as the Jewish people itself.⁴

One of the most indelible ancient memories in Jewish tradition is God telling Abraham in the Book of Genesis that “to your offspring I will give this land” of Israel.⁵ It was in Israel some three thousand years ago that the Jews became a nation. It is there that, in the words of historian Nahum Sokolow, the Jews became a people “distinct in morality, in learning, in literature, in social arrangements and in agriculture.”⁶

The Jewish people retained their emotional connection to the Land of Israel long after their exile. Every year at Passover, Jews declared (and continue to declare), “Next Year in Jerusalem.” Jewish prayer contains a daily benediction for the rebuilding of Jerusalem, and for God to “return his presence to Zion.” The Jewish Grace After Meals contains a blessing that God should “build Jerusalem, the holy city, speedily in our days,” and begins with Psalm 126, an ecstatic vision for the Jewish return to Zion. And for thousands of years, Jewish brides and grooms have taken a moment to remember the destruction of Jerusalem before shattering a glass at their weddings, reciting a verse from Psalm 137: “If I forget you, Jerusalem, may my right hand forget its skill.”⁷ Dr. Gordis has summarized this history by noting, “Never had the Jews left Zion willingly, and never had they ceased believing that they would one day return.”⁸

Our times have seen an unfortunate growing campaign to marginalize and isolate Jews who support Israel’s existence as a homeland for the Jewish people. In the United States, this movement has been particularly active on university campuses. Groups are intentionally targeting Zionists, engaging in smear tactics, in bullying, and in outright harassment. These groups are organized and well-funded. Their concerted strategy is to demonize Zionist students on campus and make them feel unwelcome. For example, Students for Justice in Palestine (SJP), in their “Conference Theme & Goals” for their most recent national conference at UCLA, called Zionism “ethnic cleansing, destruction, mass expulsion, apartheid and death.” SJP’s declared “goal” includes “hope” that

⁴ Daniel Gordis, *Israel: A Concise History of a Nation Reborn*, 31 (2016).

⁵ *Genesis* 12:7.

⁶ Nahum Sokolow, *The History of Zionism 1600-1918* xiv-xv, (1919).

⁷ *Psalms* 137:5-6.

⁸ Daniel Gordis, *Israel: A Concise History of a Nation Reborn*, 2 (2016).

Zionism “can be destroyed.” At the conference, SJP noted, the attendees would focus “on developing actionable *local and regional campaigns with clear targets*” to achieve this goal.⁹

Many progressive groups have begun to heed this call to “target[]” Zionist students on campus. For example, in April 2018, 53 student groups at New York University – including affinity groups like the NYU Mexican Student Association and the NYU Asian Pacific American Coalition, as well as LGBTQ groups – pledged to boycott NYU’s pro-Israel clubs and the students who participated in them.¹⁰ Similarly, in April 2019, after receiving widespread criticism for placing “mock Israeli eviction notices” on students’ doors, Students for Justice in Palestine at Emory University called on the Emory community to “avoid endorsing or co-sponsoring events” with Jewish institutions like the Emory Hillel and the Emory Chabad.¹¹ And in May 2019, the student government of Williams College voted not to recognize a Zionist club as an official student club – the first time in more than a decade that a club complied with all relevant bylaws but still was denied recognition status.¹² According to the Williams College newspaper, much of the opposition specifically stemmed from the Zionist club’s stated purpose, which was “to support Israel and the pro-Israel campus community, as well as to educate the College on issues concerning Israel and the Middle East.”¹³

This effort to isolate and demonize Zionists is not limited to university campuses. Leaders of the DC Dyke March, scheduled to take place in Washington, DC today (June 7), have announced that Jewish participants may wear or carry religious paraphernalia such as skullcaps (*yarmulkes*) or religious prayer shawls (*tallitot*), but may not bring any symbols that suggest support for Israel such as a rainbow flag that includes a Star of David.¹⁴ In essence, the Dyke March leaders are demanding that Jewish Zionists hide or shed a key component of Jewish identity in order to join a march that is

⁹ National Students for Justice in Palestine, *Our 2018 Conference Theme & Goals*, <https://www.nationalsjp.org/2018-conference.html> (*emphasis added*).

¹⁰ See NYU Students for Justice in Palestine, *50+ NYU Student Groups Endorse Boycott, Divestment, and Sanctions Movement for Palestinian Human Rights* (Apr. 9, 2018), <https://medium.com/@nyusjp/50-nyu-student-groups-endorse-boycott-divestment-and-sanctions-movement-for-palestinian-human-c27786ddc233>.

¹¹ See *Student & Community Groups Condemn Racist Harassment Campaign Against Palestinian Rights Advocates at Emory University* (April 5, 2019), https://docs.google.com/document/d/15hN4zNhFk6ciCswK8onkzsAt2sygB6S_QCS_kIS3gaU/edit.

¹² See Aiden Pink, *Williams College Council Votes Against Recognizing Pro-Israel Student Club*, *The Forward* (May 7, 2019), <https://forward.com/fast-forward/423887/williams-college-council-votes-pro-israel-student-club/>.

¹³ William Newton, *CC rejects Williams Initiative For Israel*, *The Williams Record* (May 1, 2019), <https://williamsrecord.com/2019/05/cc-rejects-williams-initiative-for-israel/>.

¹⁴ A.J. Campbell, *The D.C. Dyke March Won’t Let Me Fly The Jewish Pride Flag* (June 6, 2019), <https://www.tabletmag.com/scroll/286020/the-d-c-dyke-march-wont-let-me-fly-the-jewish-pride-flag>.

intended to celebrate diversity and inclusion. No other group is asked to pay such a price for admission.

Similarly, at the World Cup matches in Russia in June 2018, soccer fans who displayed Israeli flags were subjected to threats, harassment and violence.¹⁵ This exclusion of Zionists has been occurring in some European countries for years. In 2014, Nicole Yardéni, the Toulouse representative of the French national Jewish council reported that “[she] and other Jews were banned from a left-wing demonstration called to protest homophobia and – of all things – anti-Semitism, because they were ruled to be Zionists.”¹⁶

It is irrelevant – although regrettable – that some Jews declare themselves to be anti-Zionist. A Jew who sheds his Zionist historical identity is like a Muslim woman who sheds her hijab, or like a Sikh man who sheds his turban. An individual is free to distance himself or herself from his or her ethnicity, but that personal choice does not alter the ethnicity. Virulent and hateful anti-Zionist harassment can be anti-Semitic even if the harasser is Jewish.

When individuals are bullied and marginalized because of their race, sexual orientation, or gender, society is quick to condemn the activity as “racism,” “bigotry,” or “sexism,” and prohibit such harassment. After the Holocaust, most people today recognize and condemn traditional anti-Semitism like swastikas, and disruption or violence during Jewish prayer. It is more difficult, however, to identify and condemn anti-Semitism that targets Zionism and denies the right of Jewish self-determination.

We hope the information provided here will assist the Special Rapporteur in understanding when anti-Semitism is masked as anti-Zionism. To halt the rapid rise of anti-Semitic bigotry around the globe, this form of anti-Semitism should be recognized and condemned for what it is: hateful exclusionary targeting of a historically crucial element of Jewish religion and culture.

¹⁵ JTA, *Soccer Fan Wearing Israeli Flag Harassed at World Cup in Moscow*, (June 23, 2018, 9:38 am), <https://www.haaretz.com/world-news/europe/at-world-cup-in-moscow-israeli-soccer-fans-face-harassment-violence-1.6199536>.

¹⁶ Jeffrey Goldberg, *Is It Time for Jews to Leave Europe?*, THE ATLANTIC, April 2015, <https://www.theatlantic.com/magazine/archive/2015/04/is-it-time-for-the-jews-to-leave-europe/386279/>.