

# Antisemitism in North America

New World,  
Old Hate

*Edited by*  
Steven K. Baum,  
Neil J. Kressel,  
Florette Cohen-Abady and  
Steven Leonard Jacobs

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## Antisemitism in North America

# Jewish Identities in a Changing World

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In memory of  
Robert S. Wistrich  
(1945–2015)  
Eminent historian, spokesman and founder of antisemitism studies

\*\*\*\*\*

In memory of Jack Martin Baum  
(1933–2015)  
A mi amiga y el amor de mi vida Mary Juanita  
—Steven K. Baum

In memory of Betty Kressel  
(1918–2014)  
—Neil J. Kressel

To husband Glen, children Elie, Becky, Michael, Kelly and Adelle  
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—Florette Cohen-Abady

To my wife Louanne who supports me in this fight and makes all things  
possible.  
—Steven Leonard Jacobs





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# Foreword

*Michael Berenbaum*

In a letter dated August 18, 1790 to the Newport (Rhode Island) Hebrew Congregation, President George Washington wrote:

The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.<sup>1</sup>

Cherished by American Jews, Washington's letter mirrored the Congregation's invitation to him and gave the presidential imprimatur to a Jewish vision for the newly established country. Our first president envisioned a government of the United States of America that accorded its Jewish citizenry the "natural rights" of citizens of the state, a state in which all possessed "*alike liberty of conscience and immunities of citizenship*." He rejected a policy of mere toleration and wrote of the inherent natural rights of citizens.

Thus began the Jewish experience in this country. Unlike other nations where society had to undergo a process of emancipation *before* Jews were granted the rights of citizenship, Jewish rights were granted *ab initio*—from the inception of the nation and with them came a new possibility of Jewish existence.

As with many of the lofty ideals of the United States, there was a gap—often a huge gap—between the enunciated principles of this country and their realization in practice. Despite our first president's pronouncement, many years passed before the United States was able to close that gap regarding American Jews.

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1 George Washington, "From George Washington to the Hebrew Congregation in Newport, Rhode Island, 18 August 1790." *Founders Online, National Archives*, <http://founders.archives.gov/documents/Washington/05-06-02-0135> (accessed 25 September, 2014).

One can also read the words “all possess alike” with a certain measure of outrage when considering the historical reality of US slavery, woman’s inequality and discrimination against gays. Each group of Americans has experienced the gap between the ideal and the real; each has had to overcome barriers of law and of society and yet each can also point to genuine triumphs as America repaired itself from abhorrent laws and policies, social customs and societal norms. Each group can point to milestones in their quest to realize the vision articulated by President Washington. For African Americans one can point to the Civil War, the Emancipation Proclamation, the integration of Baseball, President Truman’s desegregation of the armed forces, the Supreme Court decision in *Brown versus Board of Education*, the Freedom Riders, the March on Washington, the Voting Rights Bill and the election of Barack Obama. There were setbacks along the way and the anthem of the movement has been “We Shall Overcome,” a statement of hope and an agenda of work that remains to be done. Women and gays, Roman Catholics, Hispanics, and Americans with disabilities can point to their milestones, to achievements made and to tasks that still remain.

American Jews also can point to milestones including the “Jew Bill” of 1825 in Maryland and to when—in New Hampshire in 1867—the last legal barrier to elected office fell. American Jews can also point more generally to the dramatic transformation in their status within the United States. In 1923, the great Jewish philosopher Harry A. Wolfson, then an undergraduate at Harvard, wrote in the *Menorah Journal* “some are born blind, some are born lame and some are born Jewish.” Jewishness was viewed as a handicap, a blemish, an obstacle to be overcome. Ninety years later, the provocative Pew Survey (2013) of the Jewish population in the United States found that more than nine out of ten Jews are proud of being Jewish.<sup>2</sup>

Jews in the 1950s, even committed Jews, were afraid of appearing, behaving and being labeled as too Jewish. In the postwar years, most Jews felt constrained by the “glass ceiling.” Certain law firms were still closed to them; so were certain banks, the presidencies of universities, top positions in the largest corporations. But in the past half century all those barriers have been broken. Politically, Jews were elected to office even in states with small Jewish populations. Minnesota, Wisconsin, and California had two Jewish Senators. A self-identified Orthodox Jew, Joseph Lieberman, ran on the national ticket and introduced to the American people the concept of working 24/6, that is,

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2 “A Portrait of Jewish Americans,” Pew Research religion and Public Life Project, October 1, 2013, <http://www.pewforum.org/2013/10/01/jewish-american-beliefs-attitudes-culture-survey/> (accessed 25 September 2014).

taking off the Jewish Sabbath. That ticket won a plurality of votes and only lost in the Electoral College after a Supreme Court decision. With the exception of Cornell, all the Ivy League Colleges have now had a Jewish President, some more than one, and Jews have chaired the Federal Reserve since the days of Alan Greenspan.

In their work *Microtrends*, Mark Penn and E. Kinney Zalesne found that Judaism was the most popular religion in the United States, or perhaps more accurately the least unpopular. Evangelicals and Liberal Protestants are divided one against the other. Secular Americans are hostile to the Evangelicals and the Roman Catholic Church has been stung by its sexual abuse scandals and opposition to freedom of choice. With Islam yet to gain full acceptance, Judaism won the complex distinction, almost by default.<sup>3</sup>

Haunted by the past and anxious of the future, American Jews—despite their achievements—are still insecure. The great Jewish scholar Gershom Scholem wrote of the German-Jewish monologue where German Jews in the interwar years of the 20th century told each other how German they were. Could American Jews, despite the research data, be deceiving themselves? Could *IT* happen here? I don't have to tell the reader what *IT* is!

Years ago Will Herberg wrote that Jews constituted 3% of the population but a third of America's religious experience.<sup>4</sup> Today, American Jewish religious life has serious concerns.

- There is a significant Muslim population in the United States: will these Muslims assimilate and, like most other Americans, come to regard Jews as an integral part of American life or will they be more responsive to the anti-semitism that pervades Muslim life in the Middle East and Europe?
- A growing Hispanic population is less familiar with Jews. Their participation in American life will only increase. How will they relate to Jews?
- What about the Asians who meet Jews at elite universities and compete with Jews for jobs in science and technology as well as in business?
- What will be the consequences for Jews of the estrangement of the American left from Israel?

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3 Mark Penn and E. Kinney Zalesne, *Microtrends: The Small Forces behind Tomorrow's Big Changes*. (New York: Twelve Books, 2007). See, also, Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides and Unites Us*. (New York: Simon and Schuster, 2010).

4 Will Herberg, *Protestant, Catholic, Jew: A Study in Religious Sociology*. Reprint edition. (Chicago: University of Chicago Press, 1983).

- What of the growth of a Christian Right that regards the United States as a Christian country? How will this impact on the Jewish future in this country?
- Can the United States really resist the trends that we see in Europe and the Middle East, including the rise of a radical Islam that is anti-West, anti-Israel and anti-Semitic? This movement has reanimated the Blood Libel accusation, the *Protocols of the Elders of Zion*, and other antisemitic themes that were rejected in post-Holocaust Europe
- Will Muslims in the United States regard opposition to the policies and/or existence of the State of Israel as license to attack local Jews as do some of their European co-religionists?
- Can Israel continue to enjoy American political support if it means a confrontation with Iran, or if the so-called “strategic alliance” is no longer strategic?

In the 1980s, Jewish community relations sage Earl Raab wrote of the disparity between the research data indicating antisemitism was declining and the feeling among Jews that it was on the rise. He hypothesized that in the postwar years following Holocaust antisemites had constrained their expressions of antisemitism. But in the late 1960s and early 1970s, confrontation became normative and open expressions of antisemitism were more apparent—despite statistical declines. With the introduction of the Internet, the same experience may be recurring. Despite annual statistics of decreased antisemitic attacks, Internet sub-communities connect with one other and their websites become megaphones to the world.

One must welcome this book in part because it covers the whole of the American experience, including Canada, Mexico, the Caribbean, and other areas, in addition to providing a detailed consideration of the United States of America. One also must welcome it because it represents serious scholarship and learning.

So read this book and ponder whether United States exceptionalism with regard to the Jews is self-delusion, fragile reality, or built into the fabric of the nation, its culture and its Constitution. Ask, also, whether the Jewish situations that exist in the United States can be seen in other parts of the Americas.

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**PART 1**

*The Situation in the United States*





# How to Interpret American Poll Data on Jews, Israel and Antisemitism

*Neil J. Kressel*

Despite its evident imperfections, the vast majority of American Jews view the United States as a uniquely hospitable host in the history of a diaspora fraught with nearly endless discrimination.<sup>1</sup> Yet, for many, this positive assessment has always coexisted with a concern that matters, even in this “golden *medina*,” could get far worse on the turn of a dime.<sup>2</sup> With this historically-understandable

- 
- 1 Leonard Dinnerstein, *Anti-Semitism in America* (New York: Oxford, 1994), and others have documented how America from the beginning offered Jews a far more hospitable environment than what they had left behind in Europe, though the encounter with antisemitism frequently remained a part of Jewish life in the New World. Dinnerstein and others document the growth of anti-Jewish hostility in the late nineteenth and early twentieth centuries followed by its rapid and marked decline after World War II. Nathan Perlmutter (former National Director of the Anti-Defamation League) and Ruth Ann Perlmutter, in *The Real Anti-Semitism in America* (New York: Arbor House, 1982), 281, describe the United States as a land “. . . more hospitable to us than to anti-Semitism.” Nathan C. Belth, another writer sponsored by the Anti-Defamation League, concluded his study, *A Promise to Keep: A Narrative of the American Encounter with Anti-Semitism* (New York: Schocken, 1979), 284, by noting: “The nation is a better place today than it was at the turn of the century, before the First World War or the Second; a better place than in the 1930s or 1950s. For all its faults, today it is a kinder, more decent society for all its citizens. Will it still be so tomorrow? The evidence of two hundred years of history would seem to dictate a hopeful answer.” William D. Rubinstein also notes, correctly, that: “Throughout the English-speaking world, the forces of liberalism were sufficiently strong to marginalize and minimize serious or violent anti-semitism . . .” The English-speaking world generally offered unparalleled opportunities for Jewish success and achievement, and rarely if ever ranked among those actively persecuting Jews—indeed, have mostly ranked as a place of refuge and protection for them.” William D. Rubinstein, “Antisemitism in the English-Speaking World,” in *Antisemitism: a History*, Albert S. Lindemann and Richard S. Levy, eds. (New York: Oxford, 2010), 164. Yet those who buy into the flawed notion that America has always been an idyllic “golden medina” might do well to revisit accounts of the early years of mass immigration, including Michael Gold’s *Jews Without Money* (New York: Public Affairs, 2009, originally published in 1930), an ideologically-driven (Marxist) yet expertly-drawn portrait of Jewish life on New York’s Lower East Side.
  - 2 Leonard Dinnerstein, “Is There a New Anti-Semitism in the United States?” *Society* (January/February 2004), 57, cites a 1988 poll in which 77% of American Jews expressed the belief

anxiety has come a preoccupation with the state of American sentiments. Thus, mainstream American Jewish organizations, notably the Anti-Defamation League and the American Jewish Committee, have for decades sponsored scientific research to monitor the pulse of the American public with regard to Jews, antisemitism, Israel, and other matters deemed vital to Jewish safety, such as civil rights for all and the separation of church and state. Back in the decades following the Second World War, the efforts of Jewish organizations to understand these issues produced major contributions to social science.<sup>3</sup> Then, as now, quantitative surveys of American public attitudes toward matters of particular Jewish concern generally adhered to high methodological standards. As we shall see, the polls during the past half century have brought—mainly—what seems, at least on the surface, to be good news on all fronts.

Still, many Jews persist, to varying degrees, in worrying about whether the American public can really be trusted to remain friendly to Jews, Jewish concerns and Jewish interests. Indeed, several essays in this volume bear witness to an enduring conviction that a nervous vigilance remains the only wise orientation, even in the United States.

For some commentators, including more than a few Jews, “collective Jewish paranoia” provides the most convincing explanation of heightened Jewish fears about the possibility of increased antisemitism. While most acknowledge that this so-called obsession has a genuine historical foundation, such analysts also maintain that there is *no longer* much realistic basis for Jewish anxiety and that, by now, it has become largely dysfunctional.<sup>4</sup> Thus, for example, the once-prominent Israeli politician Avraham Burg has written a book titled *The Holocaust is Over; We Must Rise from its Ashes* in which he denounces what he perceives to be a dangerous Jewish tendency to dwell on victimhood.<sup>5</sup> Even

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that anti-Semitism could become a severe problem in the near future. See also, for example, Dinnerstein's essay in this volume and evidence in Gary A. Tobin & Sharon L. Sassler, *Jewish Perceptions of Anti-Semitism* (New York: Plenum, 1988).

- 3 See, for example, Theodor W. Adorno, Else Frenkel-Brunswik, Daniel J. Levinson, and Nevitt Sanford, *The Authoritarian Personality* (New York: Harper and Row, 1950); Charles Y. Glock and Rodney Stark, *Christian Beliefs and Anti-Semitism* (New York: Harper and Row, 1966); Gary T. Marx, *Protest and Prejudice: A Study of Belief in the Black Community* (New York: Harper and Row, 1967); Gertrude J. Selznick and Stephen Steinberg, *The Tenacity of Prejudice: Antisemitism in Contemporary America* (New York: Harper and Row, 1969); Charles Herbert Stember et al., *Jews in the Mind of America* (New York: Basic Books, 1966).
- 4 See, for example, Yoav Shamir's film, *Defamation, Anti-Semitism: The Movie* (New York: First Run Features, 2009), DVD.
- 5 Avraham Burg, *The Holocaust Is Over; We Must Rise from its Ashes* (New York: Palgrave Macmillan, 2008).

noted antisemitism historian Leonard Dinnerstein writes in this volume that “What the future may bring is impossible to know but what might be said about the climate of bigotry in the United States today is that antisemitism is too minor an issue to think about.”

In its extreme form, the “paranoia” argument holds that Jewish concern about the potential for virulent and destructive antisemitism is unjustifiable even with regard to the situation in other nations around the world. As I have argued elsewhere, this position can be sustained with regard to large parts of the Muslim world only by ostriches that bury their heads in the sand and fail to perceive abundant and readily available evidence of dangerous bigotry. Anti-Jewish (and not “merely” anti-Israeli) hostility can be easily documented in the words of many influential Muslim secular and religious leaders as well as for large segments of the publics in some Muslim-majority countries.<sup>6</sup> For several nations in Europe as well, the data from attitude surveys clearly support serious concern about rising hostility toward Israel, of course, but also concern about the possibility of a resurgence of European antisemitism supplemented by the importation of new forms from Muslim-majority countries.<sup>7</sup> In 2014, the Anti-Defamation League released the results of a well-funded and extensive survey of global attitudes toward the Jews. 53,100 people from more than one hundred countries were interviewed in 96 different languages. On the basis of this study, the ADL concluded that more than one billion people in the world held beliefs that were clearly antisemitic. Even if one questions some of the methodological decisions made by the researchers, one cannot dismiss the overwhelming finding that antisemitism remains a globally significant problem.<sup>8</sup> Thus, those who attribute Jewish concerns about rising *global* antisemitism to paranoia are, in my view, arguing against the facts.

However, there is much stronger support for the position that anxiety about *American* public attitudes toward Jews is wrongly-directed or excessive. One could, in fact, interpret research conducted in recent years as documentation

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6 Neil J. Kressel, *“The Sons of Pigs and Apes”: Muslim Antisemitism and the Conspiracy of Silence* (Washington, DC: Potomac books, 2012), 65.

7 See, for example, ADL, *Attitudes toward Jews in Seven European Countries* (New York: Anti-Defamation League, 2009), [http://www.adl.org/Public%20ADL%20Anti-Semitism%20Presentation%20February%202009%20\\_3\\_.pdf](http://www.adl.org/Public%20ADL%20Anti-Semitism%20Presentation%20February%202009%20_3_.pdf) (accessed January 24, 2013) and ADL, *Attitudes toward Jews in Ten European Countries* (New York, 2012), [http://www.adl.org/Anti-semitism/adl\\_anti-semitism\\_presentation\\_february\\_2012.pdf](http://www.adl.org/Anti-semitism/adl_anti-semitism_presentation_february_2012.pdf) (accessed January 24, 2013). See, also, Denis MacShane, *Globalising Hatred: The New Antisemitism* (London: Weidenfeld and Nicolson, 2008).

8 ADL, *ADL Global 100* (New York: Anti-Defamation League, 2014), <http://global100.adl.org/about> (accessed January 30, 2015).



that the vast majority of the American people like Jews a great deal, show very low levels of antisemitism, support Israel through thick and thin, and exhibit few signs of moving away from powerful support for civil rights and the separation of church and state. According to this perspective, those who worry about American antisemitism are possibly confusing the predicament of Jews in some other parts of the world with their situation in the United States. Such worriers fail to grasp that if people in the rest of the world thought and acted like Americans, there would indeed be a firm basis for optimism.

As Alan Dershowitz wrote in 1997 regarding the orientation of some Jews in the United States:

Like an individual victim who sees his assailant around every corner, the Jewish people have been traumatized by our unrelenting victimization at the hands of Jew-haters. It is impossible for anyone who did not personally experience the Holocaust, or the other repeated assaults on Jewish life throughout our history, to comprehend what it must have been like to be victimized by unrelenting persecution based on primitive Jew-hating. We continue to see antisemitism even where it has ceased to exist, or we exaggerate it where it continues to exist in marginalized form.<sup>9</sup>

Though he worries about the impact of assimilation on the Jewish people collectively, he suggests that—as individuals—American Jews “... have never been more secure, more accepted, more affluent, and less victimized by discrimination or anti-Semitism.”<sup>10</sup>

More recently, Edward S. Shapiro—an expert on Jews in America—opined that:

The fears of American Jews regarding domestic anti-Semitism are continually being stoked by organizations whose very survival is at stake should American Jews come to believe that American anti-Semitism has become a marginal phenomenon. Without the existence of domestic anti-Semitism, much of the *raison d'être* of organizations such as the Anti-Defamation League of B'nai B'rith would be called into question. This is not to say that these organizations have outlived their usefulness. Anti-

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9 Alan M. Dershowitz, “Assimilation Is a Greater Problem than Anti-Semitism for American Jews,” in *Anti-Semitism*, ed. Laura K. Egen Dorf (San Diego, CA: Greenhaven Press, 1999), 94, excerpt reprinted from Alan M. Dershowitz, *The Vanishing American Jew* (Boston: Little, Brown, 1997).

10 Ibid., 85.

Semitism is a growing phenomenon in Great Britain, Italy, Norway, France, and other European countries, encouraged mainly by immigration from Arab countries, Pakistan, and Turkey. And Jewish “defense” organizations also do valuable work in fostering better relations among America’s many ethnic, religious, and racial groups. But certainly these same organizations have inflated the reality of American anti-Semitism.<sup>11</sup>

One need not reject entirely the insights of Dershowitz and Shapiro in order to argue that there may yet be data-based and political foundations for realistic concern, even if summary statistics suggest that the problems of Jews in the United States are relatively benign compared to those in other parts of the world and other historical eras. Possibly, Shapiro exaggerates reports of the death of American antisemitism and, at the same time, Jewish organizations do inflate the dangers associated with the remaining residual bigotry. One need not deny that—from a Jewish standpoint, at least—the United States has, now more than ever, largely lived up to its billing by Lincoln as “the last best hope of earth.” Yet, one could still suggest that the costs of a type II error (i.e., missing an incipient antisemitic movement when one is present) are very high because—if something goes wrong here—the gig is up. Jews, worldwide, would be in very big trouble. American support for egalitarian principles (including their application to Jews) has been an important contributor to whatever good fortune the Jews have experienced even in other nations. Moreover, in view of worldwide indifference, neutrality or hostility toward Israel, it is relatively easy to envision scenarios in the not-too-distant future where the survival of the Jewish state and, possibly, millions of its Jewish inhabitants would depend on active American support. And Israel, despite the views of its detractors, remains an essential insurance policy for Jews facing irrational bigotry in many other nations. The Right of Return was designed in response to antisemitism and it remains necessary at least so long as the peoples of many countries retain their ambivalence or ill-will with regard to the Jewish people. Thus, continuing American sympathy for Israel amounts to more than a luxury for Jews who are concerned about antisemitism; it is a necessity.

Lastly, as we shall see, American public opinion is, despite its favorable central tendencies, far from unanimously positive on *any* matters of vital concern

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11 Edward S. Shapiro, “The Cognitive Dissonance of American Jews,” *Society* 49: 6 (December 2012), 549. <http://link.springer.com/article/10.1007/s12115-012-9601-5/fulltext.html> (accessed January 24, 2013).

to Jews; minority positions could evolve into majority positions, rendering the future far from bright. In the study of public opinion as in the study of economic trends and stock market prices, it is not hard to predict future trends based on the past. But whether such projections will be accurate is an entirely different matter.

The chapter has two main purposes: 1) to summarize briefly the evidence from public opinion polls concerning American attitudes toward Jews and Israel, and 2) to consider the extent to which these data justify concern. To address this latter question, the chapter will assess historical trends, demographics, and the limitations of opinion polls as measures of public sentiments.

Needless to say, public opinion data on Jews and the Middle East can be analyzed from many vantage points—for example, from that of people who—for whatever reason—want American support for Israel to diminish or, even, from the perspective of those who want antisemitism to increase. Some may also object that the inclusion of a discussion of anti-Israel attitudes anywhere in the vicinity of a discussion of antisemitism is inherently biased, in that it implies that the two may somehow be connected. These sorts of issues will not be resolved here. It is worth noting, however, that the connection between anti-Israel attitudes and antisemitic ones is, in fact, a partly empirical matter which has been studied—though not altogether resolved—in the published literature.<sup>12</sup>

One might additionally ask why it is important to study public opinion polls in the first place. After all, some question the extent to which polls tap genuine trends; they may, instead, be measuring changes in what people deem acceptable to tell pollsters. Thus, the frequently-observed correlation between tolerance and education may reflect something fundamental about the nature of the educational process, or it may simply show that educated people have absorbed different rules about what is and is not socially acceptable to share in public discourse.<sup>13</sup> Moreover, some have doubted whether there exists much clear linkage between public opinion and policy. Laws and policies—especially foreign policies—indeed derive from many sources unrelated to

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12 See, for example, Florette Cohen, Lee Jussim, Kent D. Harber, and Gautam Bhasin, "Modern Anti-Semitism and Anti-Israeli Attitudes," *Journal of Personality and Social Psychology* 97, no. 2 (2009): 290–306; Edward H. Kaplan and Charles A. Small, "Anti-Israel Sentiment Predicts Anti-Semitism in Europe," *Journal of Conflict Resolution* 50 (2006): 548–561; Steven K. Baum and Masato Nakazawa, "Anti-Semitism Versus Anti-Israel Sentiment," *Journal of Religion and Society* 9 (2007): 1–8, <http://moses.creighton.edu/JRS/pdf/2007-31.pdf> (accessed August 12, 2010).

13 See, for example, Selznick and Steinberg, *Tenacity of Prejudice*.

public attitudes and much of the time popular sentiment takes a backseat to more direct sources of foreign policy.<sup>14</sup> Still, to deny that public opinion in a democracy plays any role at all strikes me as an extreme position. In a general sense, few would doubt that (1) public opinion polls provide at least one useful measure of what the public really thinks and feels about the Jews, Israel, and related matters, and (2) that these attitudes, in turn, play some part in determining future policies and events. So it hardly seems a wise option to ignore the huge and detailed body of data that has been so carefully assembled over so many decades.

### Public Opinion Data: Jews

When Al Gore named Connecticut Senator Joseph Lieberman as his running mate in 2000, some pundits wondered whether anti-Jewish attitudes in the United States might hurt the Democratic ticket. Yet, by 1999, 92% of the American people were telling pollsters that they would vote for a Jew for president, up from 46% in 1937 and 62% in 1958. Still, as political scientist Jeffrey E. Cohen notes, a minority of Americans did buy into anti-Jewish stereotypes at the time of the nomination.<sup>15</sup> What Cohen's research found, however, was that such beliefs did not turn out to reduce the likelihood of many people to vote for the Gore/Lieberman ticket. Moreover, the majority of Americans seemed warmly and positively disposed toward both Jews and Lieberman, who—*not incidentally*—was religiously observant and publicly proud of his heritage. Many people, of course, did not support the Connecticut senator in his bid for the vice-presidency, but Cohen's quantitative analysis traces these decisions,

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14 See, for example, the excellent—though somewhat dated—discussion in Bernard C. Cohen, *The Public's Impact on Foreign Policy* (Boston: Little-Brown, 1973). In addition, it is important to keep in mind that polls provide a standard against which policies may be judged; in this sense, they may be used by partisans and lobbyists to legitimate their own direct attempts to influence policymakers. Also, although public opinion polls correlate imperfectly with other sources of domestic influence on foreign policy, there is empirical evidence that they usually provide some sense of trends in newspaper coverage and elite opinion—if better data is lacking. Polls also influence politicians' perceptions of what is popular. Finally, polls would be most likely to have a large impact on policy if they revealed a great disparity between public opinion and public policy. See Neil J. Kressel, "Elite Editorial Favorability and American Public Opinion: A Case Study of the Arab-Israeli Conflict," *Psychological Reports* 61 (1987): 303–313.

15 Jeffrey E. Cohen, "Religion and the 2000 Presidential Election: Public Attitudes toward Joseph Lieberman," *Presidential Studies Quarterly* 35, no. 2 (June 2005): 389–402.

largely, to political orientations; in other words, reactions to the candidate, appropriately, seemed to derive in large part from reactions to his politics and other typical factors. To the extent that attitudes toward Jews played a part, Cohen argued, it was because those who held *favorable* attitudes toward Jews were somewhat *more* likely to develop favorable attitudes toward Lieberman than one would otherwise have expected based upon their politics.

Another perspective on the American public's feelings about Jews comes from some startling comparative data collected by the Pew Global Attitudes Project. In 2008, researchers asked samples from around the world whether they had a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable opinion of the Jews.<sup>16</sup> A fairly large, though varying, percentage of respondents in every country said that they "didn't know" or refused to answer the question. Yet, in Muslim-majority countries or countries with sizable Muslim minorities, large percentages were indeed willing to share their opinions of Jews, saying that these were either "very unfavorable" or "somewhat unfavorable." The percentage who were *very* unfavorably inclined toward Jews was 68% in Turkey, 92% in Egypt, 94% in Jordan, 89% in Lebanon, 65% in Pakistan, 36% in Indonesia, 22% in Nigeria, and 21% in India. In most countries with smaller Muslim populations, the numbers usually looked a bit better—but generally were not good. Thus, the percentage who were either "somewhat unfavorable" or "very unfavorable" in their opinion of Jews was: 44% in Japan (including 9% "very unfavorable"), 41% in South Korea (including 8% "very unfavorable"), 50% in Brazil (including 14% "very unfavorable"), 46% in Mexico (including 23% "very unfavorable"), 55% in China (including 17% "very unfavorable"), 46% in Spain (including 18% "very unfavorable"), 34% in Russia (including 12% "very unfavorable"), and 25% in Germany (including 4% "very unfavorable").

Against these figures, the people of the United States—often maligned around the globe and in international forums for their non-progressive attitudes—scored lowest in the world in unfavorable opinions of Jews with only

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16 Pew Global Attitudes Project, "Unfavorable Views of Jews and Muslims on the Increase in Europe," Report Prepared by the Pew Global Attitudes Project of the (Washington, DC: Pew Research Center, Washington, DC, September 17, 2008), <http://www.pewglobal.org/files/2008/09/Pew-2008-Pew-Global-Attitudes-Report-3-September-17-2pm.pdf> (accessed January 24, 2013). See, also, Pew Global Attitudes Project, "Muslim-Western Tensions Persist," Report Prepared by the Pew Global Attitudes Project of the (Washington, DC: Pew Research Center, Washington, DC, July 21, 2011), <http://www.pewglobal.org/files/2011/07/Pew-Global-Attitudes-Muslim-Western-Relations-FINAL-FOR-PRINT-July-21-2011.pdf> (accessed January 24, 2013).

2% “very unfavorable” and 5% “somewhat unfavorable.” (Based on this Pew study, Australians, British, and French were not far behind the Americans.) Viewed as a whole, the 2008 Pew data—and similar findings obtained in other recent Pew studies—support rather strongly the contention that much of the world remains a very hostile toward Jews. However, the locus of the problem, at least according to these (admittedly incomplete) data sets is *certainly* not in the United States where Jews are very well-regarded by most of their neighbors.

Another conclusion that might surprise some—but that squares well with the Pew studies and Professor Cohen’s research on Senator Lieberman—was reached by authors Robert D. Putnam and David E. Campbell in their well-received book, *American Grace: How Religion Divides and Unites*.<sup>17</sup> They reviewed a large number of public opinion studies and conducted their own surveys, concluding—as one of many provocative findings—that Jews are the most broadly liked religious group in the United States—more popular than mainline Protestants, Roman Catholics, Evangelical Protestants, Mormons, Buddhists, and Muslims. Reflecting on the book in 2012, historian Edward Shapiro notes that: “Religion is highly respected in America, and it is not surprising that Americans give high marks to Jews when they are viewed mainly as members of a religion . . . Whether Americans would give such high marks to Jews if they were viewed as a religio-ethnic group is another matter.”<sup>18</sup> Notwithstanding that he offers other methodological reasons why the news for the Jewish people may not be quite as superb as Putnam and Campbell report, Shapiro still accepts the main thrust of their conclusion.

He is, in my view, right that positive American feelings toward Jews should not be ignored, dismissed, downplayed, or explained away. But neither should we ignore that there remain a substantial number of Americans who do accept anti-Jewish stereotypes and a smaller number who openly admit to what we might reasonably classify as old-time antisemitism. To understand such numbers in proper context, we might start by looking at historical opinion trends in the United States.

Poll data on American antisemitism dates back to the 1930s. We are best able to assess time trends by looking at similar questions asked repeatedly over the years. A number of competent researchers have paused at several times to review trends in these data. Nearly always, they concluded that the proportion of the American public buying in to negative beliefs had declined since last assessed.

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17 Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides and Unites* (New York: Simon and Schuster, 2012).

18 Shapiro, “Cognitive Dissonance,” 550.

Thus, in 1966, sociologist Charles Herbert Stember concluded his comprehensive review of public opinion data, saying: "One fact emerges from our analyses: Anti-Semitism in all its forms massively declined in the United States between the prewar or war years and the early 1960s. This conclusion is strikingly illustrated by . . . those issues for which we have data spanning all or most of the period under study."<sup>19</sup> He later notes that: "In both feeling and behavior toward Jews, our society has undergone a profound change within the span of one generation."<sup>20</sup> Thirteen years later, in 1979, political scientist Harold Quinley and sociologist Charles Y. Glock concluded: "While anti-Semitism in America was once virulent and open, such is no longer the case today . . . Extreme hatred and loathing of Jews have all but disappeared . . . Attitudes of this kind are sometimes found within political fringe groups, but they are rejected overwhelmingly by the public at large."<sup>21</sup>

A few years later, Geraldine Rosenfield of the American Jewish Committee analyzed polls from the 1960s until the early 1980s, finding evidence of continued decline in antisemitism. However, she also noted that ". . . in one context or another, a small but varying proportion see Jews as being more loyal to Israel than to the U.S., as unscrupulous, aggressive, or too powerful."<sup>22</sup> Then, in 1996, Tom W. Smith, the director of the prestigious General Social Survey at the National Opinion Research Center at the University of Chicago, reviewed the data from more than 140 studies of antisemitism. Smith reported that "images of African, Asian, and Hispanic Americans are decidedly more negative than views of Jews on the dimensions of industriousness, self-sufficiency, intelligence, wealth, and not being violence-prone. In fact, on these dimensions, Jews were the only minority group rated more positively than whites in general."<sup>23</sup> However, Smith did not ignore a potential downside to this collective image, explaining: "It can help stoke the traditional stereotype of Jews as powerful manipulators who, through a combination of wealth, cunning and both shrewd and unscrupulous business practices, control the economy

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19 Charles Herbert Stember, "The Recent History of Public Attitudes," in *Jews in the Mind of America*, ed., Charles Herbert Stember (New York: Basic Books, 1966), 208.

20 *Ibid.*, 217.

21 Harold E. Quinley and Charles Y. Glock, *Anti-Semitism in America* (New York: Free Press, 1979), 185.

22 Geraldine Rosenfield, "The Polls: Attitudes toward American Jews," *Public Opinion Quarterly* 46 (1982), 432.

23 Tom W. Smith quoted in "Anti-Semitism Decreases but Persists," *Society* 33, no. 3 (March/April 1996): 2. See, also, Tom W. Smith, "The Religious Right and Anti-Semitism," *Review of Religious Research* 40, no. 3 (March 1999): 244–258; Tom W. Smith, "Anti-Semitism in Contemporary America: a Review," *Research in Micropolitics* 5 (1996): 125–178.

and the government.”<sup>24</sup> Even after noting the marked decline of antisemitism, Smith reported that one in five Americans still believed in the mid-1990s that Jews had too much power and influence in some spheres of American life.

One frequently-used way of measuring antisemitic attitudes is a scale developed by the Anti-Defamation League; it is based on items assessing the extent to which people believe things like whether Jews:

- Stick together more than other Americans,
- Always like to be at the head of things,
- Are more loyal to Israel than to America,
- Have too much power in the business world,
- Have too much influence on Wall Street,
- Have lots of irritating faults,
- Have too much power in the U.S. today,
- Are more willing to use shady practices,
- Are so shrewd that others don’t have a fair chance to compete,
- Don’t care what happens to anyone but their own kind,
- Are not as honest as other business people.<sup>25</sup>

Studies using this ADL scale classified 29% of Americans as hardcore antisemites in 1964, 20% in 1992, and 12% in 1998. If the scale had been used during the 1930s or during the war years, one would presume—based on existing survey results from those times—that a much higher percentage of Americans would have been classified as antisemitic than the 29% from 1964.

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24 Smith quoted in “Anti-Semitism Decreases,” 2.

25 This scale is discussed in many places, including Selznick and Steinberg, *Tenacity of Prejudice*; Quinley and Glock, *Anti-Semitism in America*; Dinnerstein, “Is There a New Anti-Semitism,” 56. The basic idea is that respondents are classified as relatively more antisemitic based on the number of antisemitic statements with which they agree. To some extent, there, classification as an antisemite is not a “yes” or “no” matter, and must be somewhat arbitrary. David Kremelberg, “Sources and Targets of Anti-Semitism in the United States,” (Ph.D. dissertation, University of Connecticut, 2009), 35–83, includes a factor analysis of several items commonly used in antisemitism scales. Kremelberg identifies three distinct dimensions of American antisemitism which he names, “denigration,” “status degradation,” and “aversion.” The denigration factor involves vilification of Jews along a broad range of dimensions. The status degradation factor refers to casting aspersions on Jews relating to their presumed power, influence, and wealth. The aversion factor refers to a dislike of contact with Jews. Kremelberg argues that scores on these factors might lead to a better way of studying antisemitism in survey research.



After 1998, it becomes harder to discern a clear downward trend in anti-semitic attitudes. In 2002, for example, the ADL scale yielded 17% hardcore antisemites—up 5% from 1998. In 2005, the number was 14%; in 2009 it was down to the low of 12% but in 2011 it was up again to 15%. It is hard to know the extent to which the slight movements upward and downward in this index represent real changes as opposed to blips due to sampling artifacts and day-to-day random variance. In this sense, one might counsel against headlines proclaiming antisemitism to be on the rise when the number moves upward only slightly.

One recent snapshot of American antisemitism comes from a 2011 ADL poll.<sup>26</sup> Fairly large percentages of Americans did buy into some negative beliefs about Jews. For example, almost half of the respondents agreed that Jews “stick together more than most Americans.” Nearly one-third agreed that “Jews were responsible for the death of Christ,” and about the same percentage said Jews “always like to be at the head of things.” About one American in four thought Jews talk too much about what happened to them during the Holocaust. About 15% agreed that Jews were too shrewd, too shady in business practices, or in possession of too much power in the United States.

However, in an imperfect world, many people can possess some unfavorable beliefs about a group without being overall bigots. While nobody should be comfortable with the percentages of people in the United States holding anti-Jewish beliefs, it is—after all—a judgment call, say, just how much talk about the Holocaust is appropriate, and it is hard to know just what individual respondents were thinking when they agreed that Jews were responsible for the death of Christ. Perhaps—to give them the benefit of the doubt—some meant “a few Jews back then.” Agreement with the “responsibility for the death of Christ” item does not necessarily imply a willingness to blame contemporary Jews for the presumed role of a few of their distant ancestors. If, however, one accepts *several* or *many* negative aspects of the antisemitic stereotype, classification as a bigot becomes more reasonable. And that is how ADL makes the call.

Recent American antisemitism is found more in some groups than in others. Of those who did not go further in their education than high school,

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26 See “ADL Poll: Anti-Semitic Attitudes on Rise in USA,” *Jerusalem Post*, March 11, 2011, <http://www.jpost.com/LandedPages/PrintArticle.aspx?id=244326> (accessed January 24, 2013); Anti-Defamation League (ADL), *A Survey of American Attitudes Toward Jews in America* (New York, ADL, 2011), [http://archive.adl.org/anti\\_semitism\\_domestic/ADL-2011-Anti-Semitism\\_Presentation.pdf](http://archive.adl.org/anti_semitism_domestic/ADL-2011-Anti-Semitism_Presentation.pdf) (accessed January 24, 2013).

twenty-two percent can be classified as hardcore antisemites; this is more than double the nine percent of antisemites among college graduates.

The worst news in the study, however, concerns African-Americans and Latinos. Twenty-nine percent of African-Americans hold views that can be classified as hardcore antisemitic, a number that has been holding fairly steady in recent years. The percentage of Latinos in whom some antisemitism can be found is much higher among those born outside of the United States than those born in the country (42 percent to 20 percent). One might speculate, then, that as Latinos become Americanized, they also become less antisemitic. On the other hand, African-Americans and Latinos, according to projections, will constitute a larger part of the general population in the future, and—unless their antisemitism levels decline—this might lead to an increase in prevalence of anti-Jewish sentiment in the American public as a whole.

Still, when data are viewed in the aggregate, Jews appear more welcome in the United States now than they have been anytime, anywhere else in the Diaspora. In order for this to change fundamentally, as many have pointed out, America would need to cease being the America we know today. This is not impossible. Catastrophic change can happen. But this is also not on the horizon.

If such an interpretation is correct, one might simply advance the historic agenda of American Jews to preserve and extend American values of tolerance, respect for diversity, freedom of religion, and the like. Beyond that, the fight against antisemitism domestically would amount to a mopping up operation, a monitoring of fringe groups, cooperation with law enforcement, and a requirement for vigilance.

But, as I shall argue shortly, the fight against antisemitism is somewhat more complex, primarily because it takes place in a global context. To understand this point, we first need to review the data on American public attitudes toward the state of Israel.

### Public Opinion Data: Jewish State

Barry Rubin, the prominent American-born Israeli expert on the Middle East and terrorism, titled his March 2010 assessment of United States public opinion data: “Americans Love Israel Even More than You Think.”<sup>27</sup> Rubin, of course,

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<sup>27</sup> Barry Rubin, “Americans Love Israel Even More Than You Think,” Gloria Center article, Herzlia, Israel, March 3, 2010, <http://www.gloria-center.org/2010/03/americans-love-israel/> (accessed January 24, 2013).

was very far from naive about the sources of American foreign policy; he noted that “International relations is not a popularity contest.” Nations often act to promote their perceived interests, even when such actions run counter to public sympathies. Moreover, various influential elites and lobbyists with differing perspectives can successfully promote policies that do not necessarily reflect the preferences of most Americans. Still, Rubin suggested, public opinion polls can be useful in fighting “myths” and “examining the impact of policymaker, elite, and media campaigns on the masses.” And, to the extent that mass public opinion does constrain policy, Rubin assigned those points squarely and firmly to the supporters of the state of Israel.

Looking at a 2010 Gallup Poll that measured how Americans feel about different countries, we observe that Americans’ favorites are two English-speaking democracies—Canada and the United Kingdom—followed by Germany and Japan, two countries whose political systems were partly created by the United States.<sup>28</sup> Next in the affections of Americans comes Israel. Sixty-seven percent of Americans have a favorable impression of the Jewish state, compared to 25 percent who have an unfavorable impression. But about ten percent of Americans—a sizeable segment of the anti-Israel group don’t seem to like *any* other countries, and only a total of six percent of Americans are very hostile to Israel.

Some additional comparative perspective is useful. Israel’s favorability rating is very slightly above those of India and France. Russia at 47 percent favorability and China at 42 percent favorability score somewhat lower.

If we examine American feelings toward Arab and Muslim nations in this pre-“Arab Spring” poll, we find considerable variability in the way particular countries are perceived. Egypt, before “Arab Spring,” is not far below Israel with a 58 percent favorability rating, while Saudi Arabia—always an uncomfortable ally—registers 35 percent favorability with 58 percent of Americans viewing the monarchy unfavorably. The Palestinian Authority scores 20 percent favorable (against 70 percent unfavorable) and Iran is at the bottom of the pack—below North Korea—with only 10 percent of Americans having a favorable opinion of the Islamic Republic; 85 percent hold an unfavorable one.

The data set does contain information less comforting to supporters of Israel. It turns out that country ratings are not consistent across political party identifications. Thus, Republicans are much more likely than Democrats to have a favorable impression of Israel (80 percent versus 53 percent);

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28 Lydia Saad, “In U.S., Canada Places First in Image Contest; Iran Last,” Gallup Politics, Washington, DC, February 19, 2010, <http://www.gallup.com/poll/126116/Canada-Places-First-Image-Contest-Iran-Last.aspx> (accessed January 24, 2013).

Republicans also rate Egypt, the Palestinian Authority, and Iran less favorably than do Democrats. Although the ordering of preferences for foreign nations is fairly consistent across age categories, the 18–34 age group has a relatively less favorable impression of Israel than the 55 and older group; the younger group also has a relatively more favorable image of the Palestinian Authority, Yemen, Pakistan, Iran, and Egypt. In the 18–34 age group, for example, pre-“Arab Spring” Egypt even achieved a slightly higher favorability rating than Israel. We will return to the impact of age, party identification, and other variables later. But, first, we should place contemporary opinion data in historical context.

The central tendency of American public support for Israel in the Arab-Israeli conflict dates back to the pre-independence years, although at that time and now, large percentages of the public expressed no clear preference for either side. The topic has been heavily polled and—as in the case of studies of antisemitism—reviews of survey data have been compiled at many times over the past 65 years.

Widespread Jewish support for the new state of Israel in 1948 could have been interpreted as evidence of clannishness, dual loyalty, or warmongering for selfish interests by an American public that was still fairly antisemitic. However, for the most part, this did not occur. Although most Americans remained without opinions on the Arab-Israeli conflict, those who had them decisively favored the Jews. From the Fall of 1947 until the Spring of 1949, over a third of the American people consistently favored Israel while only about a sixth favored the Arabs. After independence, according to Charles Herbert Stember and Benjamin B. Ringer who reviewed the poll data carefully, Israel quickly became “accepted by the American public simply as one foreign nation among many—an understandable reaction, considering the dispatch with which the United States government proceeded to normalize its relations with the new country.”<sup>29</sup> Although Americans wanted their government to cooperate with Israel, they also wanted to maintain good relations with the Arab states, and—in some polls in the 1950s—Israel did not have much advantage in American public support. To some extent, fluctuations in public attitudes in the fifties—and also more recently—have corresponded to heavily-covered media events from the Middle East and to perceptions of American government policy favorability toward countries in the region.<sup>30</sup>

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29 Charles Hebert Stember and Benjamin B. Ringer, “The Impact of Israel on American Attitudes,” in *Jews in the Mind of America*, 191.

30 Cite Neil J. Kressel, “American Public Opinion and Mass Media Coverage of the Arab-Israeli Conflict, 1948–1982,” Ph.D. dissertation (Harvard University, 1983), 257–258; Kressel, “Elite Editorial Favorability and American Public Opinion.”

By the time of Israel's 1967 victory in the Six Day War, Americans had grown considerably more sympathetic to the Jewish state; 56 percent of Americans supported Israel against 4 percent supporting the Arabs. This represented more than a doubling of support levels for Israel from 1964, although it is unclear whether the change stemmed in some way from Israel's victory or from a more complex web of circumstances, including changing perceptions of Israel's accomplishments and its difficult predicament.

Many Israel supporters worried that Israel's less impressive military performance at the beginning of the 1973 Yom Kippur War—coupled with newly effective Arab wielding of the oil weapon and heightened media attention to the plight of the Palestinians—would reduce American public sympathy for Israel; still, a 1977 review of 27 polls conducted since the Six Day War, found no discernible decline in support by that year. Political scientists Seymour Martin Lipset and William Schneider reported that, to that date, there had “never been a poll that found more support for Arabs than Israelis, no matter how the question has been asked.”<sup>31</sup> Support for Israel ranged between 35 and 56 percent while support for Arabs fluctuated between 1 and 9 percent.” Demographically, Lipset and Schneider found support for Israel associated with high socio-economic status. The lowest support for Israel was among Blacks, but even Blacks were more sympathetic to Israel than to the Arab states.

About a decade after the Lipset and Schneider study, Israeli political scientist Eytan Gilboa conducted the most extensive published review of polls to that date. He reached several conclusions in 1987: First, “General American feelings for Israel have remained consistently favorable since the inception of the Jewish state in 1948. Various polls, utilizing different methods and measurements, have revealed relatively high percentages of national samples stating that Israel is a close, strong, or reliable ally of the United States. This pattern has remained constant even in times of tension and disagreement between the two governments and during controversial events, such as the 1982 Israeli war in Lebanon.”<sup>32</sup> When asked to select adjectives describing parties to the Arab-Israeli dispute, Israel and Israelis have consistently been described with more favorable terms than those used to describe the Arab parties. Gilboa in 1987 also found that quite a few Americans, a fairly large minority, claimed to care

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31 Seymour Martin Lipset and William Schneider, “Carter vs. Israel: What the Polls Reveal,” *Commentary* 64: 5 (1977): 21–29; Seymour Martin Lipset, “The Polls on the Middle East,” *Middle East Review* (1978): 11; William Schneider, “Is Israel Losing Popular Support: The Evidence of the Polls,” *Politics Today* (March/April, 1979): 14–16.

32 Eytan Gilboa, *American Public Opinion toward Israel and the Arab-Israeli Conflict* (Lexington Books: Lexington, MA: 1987), 306.

*deeply* about Israel's fate; the numbers made clear that this minority obviously included many American non-Jews.

Generally, between 1967 and 1987, there was substantial fluctuation in the margin by which Israel was favored over the Arabs. On a few occasions, the percentage of the public supporting Israel dropped to as low as a third—once, for example, after a temporary breakdown in Israeli-Egyptian peace negotiations early in 1978 and once in September 1982 after news of the bloody massacres in Lebanon of Palestinians at the Sabra and Shatila camps by Arab Christian militias allied with Israel.

On first inspection, it appears that from 1987 to the present—despite many major, potentially opinion-defining events in the Middle East—relatively little has changed in the overall orientation of the American public's thoughts and feelings regarding Israel and the Arab-Israeli conflict. If true, this is remarkable because that quarter-century included several Middle Eastern wars involving the United States, the ebb-and-flow of a frustrating "peace process," two intifadas, the rise of Hamas and Hezbollah, the fall of Communism, 9/11, a global war on terror, "Arab Spring," a global financial crisis, and much more.

Two good reviews of poll data appeared recently, one by Eytan Gilboa in 2009 and another by Israeli political scientist Amnon Cavari in 2012. According to Gilboa in 2009, "frequent surveys have shown remarkable and stable support for Israel in American public opinion;" he finds this result "even more impressive when compared to the very negative opinion of Israel registered in democratic liberal countries such as members of the European Union."<sup>33</sup> To document this new negativity in the European orientation toward Israel, he cites—among other evidence—a November 2003 poll where respondents in fifteen nations of the EU perceived Israel to be "the greatest threat to peace in the world."<sup>34</sup> (It is worth noting in this regard that, during the 1950s, Israel often found *more* public support in Western Europe than in the United States, perhaps owing to the different policies of European governments in those days, the relative weakness of Muslim influence in world affairs, different demographics of the European population, and the freshness of memories of the murder of six million Jews during the Holocaust.)

Despite European developments, Gilboa reports that in the United States: "... on the average, since 1996 about two-thirds of Americans held favorable opinions of Israel while about one-third held an unfavorable opinion. This

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33 Eytan Gilboa, "The Public Dimension of US-Israel Relations: A Comparative Analysis," in *US-Israeli Relations in a New Era*, eds. Eytan Gilboa and Efraim Inbar (New York: Routledge, 2009), 54.

34 *Ibid.*, 72.

represents a more positive impression of Israel than ever before, although support for the Arab side has also increased in recent decades. (Both sides have drawn supporters from the previously unaware and/or undecided.) The highest favorability ratio in recent years, 69 percent to 25 percent, was registered in 2005, while the lowest, 58 percent to 35 percent, was registered in January 2002.<sup>35</sup> Interestingly, elites were often found to favor Israel by a greater margin than the general public. Looking at a 2007 poll, for example, Israel held a 63 percent to 30 percent advantage in the general public, but a 63 percent to 14 percent edge among the elite public. (In this study, elites were a fairly large and diverse group, defined by possession of a college degree, a household income of at least \$75,000, high media usage, and a self-declared intention to vote).<sup>36</sup> More specific, better-defined, and higher-level elites, of course, may have altogether different orientations toward the Arab-Israeli conflict, but their attitudes cannot be readily identified from mass opinion surveys.

The general American public, however, has been very likely to view Israel as a reliable ally. In a July 2006 poll, for example, Israel—along with Canada, the United Kingdom, Australia, and Japan—was most likely to be seen as close American allies (among a list of 25 countries that were studied).<sup>37</sup> While Americans, as a whole, seem to have mixed feelings about some recent Israeli leaders, the American public overwhelmingly (65–75%) believed—at least in 2006 and 2007—that Israeli leaders were very serious about wanting to reach a peace agreement with the Palestinians.<sup>38</sup> The American public also shared the Israeli leadership's view that Iran constituted a major threat to world peace.<sup>39</sup> Even on matters related to foreign aid, about which the American public generally lacks enthusiasm, there is consistent support for aid to Israel.<sup>40</sup>

Cavari's review of survey data generally confirms Gilboa's findings, though he attends more to fluctuations in support over time.<sup>41</sup> He also points out that, although a majority of Americans continue to endorse support for Israel, the level of support for Israel in June 2010 was 58 percent, which was 5 points lower than a year earlier. A month later, support dropped to 51 percent. Such num-

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35 Ibid., 56.

36 Ibid., 56, 72.

37 Ibid., 59.

38 Ibid., 62.

39 Ibid., 63.

40 Ibid., 62.

41 Amnon Cavari, "Six Decades of Public Affection: Trends in American Public Attitudes toward Israel," in *Israel and the United States: Six Decades of US-Israeli Relations*, ed. Robert O. Freedman (Boulder, CO: Perseus/Westview, 2012), 120.

bers still greatly exceeded support for the Arab side and remained high by historical standards, yet Cavari mentioned a possible downward trend. Still, by February 2012 and after Cavari's chapter went to press, support for Israel was back up to 61 percent, and was still at 59 percent in November of that year, after Israel started an operation in Gaza. Support for the Palestinians, at that time, stood at 13 percent. Thus, Israel's support in 2012 exceeded its support in the days following the dramatic victory in 1967 (56 percent)—a time that some erroneously look back to as the high point in American sympathy for the Jewish state.<sup>42</sup> Various polls taken during the 2014 Gaza campaign showed that overall support for Israel remained high, though perhaps a bit lower than the 2012 peak.<sup>43</sup>

In analyzing contemporary public support for Israel, it is important to look beyond overall trends. Cavari suggests that "... the aggregate support [for Israel in its early years] may have been mostly due to the support of Democrats..." However, he notes that—since the 1990s—"public opinion toward Israel has taken on a [new] partisan dimension that did not exist before."<sup>44</sup> A breakdown of responses to the sympathy question by party identification shows that, during the past fifteen years, Republicans have been consistently and considerably more supportive of Israel than Democrats have been—though affiliates of both parties supported Israel more than the Arab nations or the Palestinians.<sup>45</sup> A 2012 poll, for example, showed 78 percent of Republicans supporting Israel versus the Palestinians, compared to 56 percent of Independents supporting Israel and 53 percent of Democrats.<sup>46</sup> The partisan split shows up in another way. Although 66 percent of respondents in one 2010 survey felt that the American president *should be* a strong supporter of Israel, only 34 percent of Americans thought that (Democratic) President Obama *was* a strong supporter while 42 percent thought he was not.<sup>47</sup>

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42 Mitchell Bard, "American Public Opinion Toward Israel," (Jewish Virtual Library, December 2012), [http://www.jewishvirtuallibrary.org/jsource/US-Israel/American\\_attitudes\\_toward\\_Israel.html](http://www.jewishvirtuallibrary.org/jsource/US-Israel/American_attitudes_toward_Israel.html) (accessed January 24, 2012). See, also, Elizabeth Mendes, "Americans Continue to Tilt Pro-Israel," Gallup Politics, March 2, 2012, <http://www.gallup.com/poll/153092/Americans-Continue-Tilt-Pro-Israel.aspx> (accessed January 24, 2012).

43 Adam Taylor, "Is It True that American Support for Israel is Waning?," Washington Post World Views, July 29, 2014, <http://www.washingtonpost.com/blogs/worldviews/wp/2014/07/29/is-it-true-that-american-support-for-israel-is-waning> (accessed February 4, 2015).

44 Bard, "American Public Opinion."

45 Cavari, "Six Decades," 118.

46 Mendes, "Americans Continue."

47 Cavari, "Six Decades," 119. See, also, Taylor, "Is It True?"



Another importer predictor of support for Israel is age, with younger people, those aged 18–34, less supportive of Israel than older ones, aged 65 and up. Gilboa has an explanation for the age difference, suggesting: “Younger Americans . . . who are subjected to constant aggressive manipulations and intimidation of Arab and Muslim organizations and radical left-leaning groups on college campuses are prone to adopt a highly distorted view of Arab-Israeli relations and American-Israeli relations.”<sup>48</sup> Blacks and Latinos are generally more supportive of Israel than of the Arabs or Palestinians; however, their level of support is typically lower than that of whites and non-Latinos.<sup>49</sup> Surveys have also identified a substantial gap between Protestant Christian conservatives (evangelicals) who typically number among the strongest supporters of Israel and mainline Protestants (especially liberals) who are less supportive.<sup>50</sup>

One final point is critical. Despite American sympathy for Israel—sometimes manifested by as much as a 4 or 5 to 1 edge in the percentage that support Israel versus the Arabs—about three-quarters of the public say that America should take *neither* side in the Arab-Israeli conflict. The ones who would take a side are nearly unanimous that America should side with Israel (32 percent to 1 percent for the Palestinians in a 2011 poll). Still, most Americans—despite their sympathies—prefer not to take sides. Moreover, three-quarters of the American people also believe that Palestinian-Israeli “peace” is either “important” or “very important” to the United States.<sup>51</sup> Still, only 34 percent of respondents in a 2007 poll believed there would come a time when there would be such peace; 63 percent disagreed.<sup>52</sup>

When fighting has erupted in recent years—against Hezbollah in 2006 and several times in Gaza—about one American in four usually arrives at

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48 Gilboa, “The Public Dimension,” 71.

49 Cavari, “Six Decades,” 111–119. Perhaps African-Americans have been influenced by Palestinians have adopted characterizations of Israel as an “apartheid” regime and attempted to paint their struggle as akin to the civil rights movement. Regarding Latinos, see: Shlomo Shamir, “Poll: Nearly 50% of Hispanic Americans believe U.S. too supportive of Israel,” March 28, 2011, Haaretz.com, <http://www.haaretz.com/jewish-world/poll-nearly-50-of-hispanic-americans-believe-u-s-too-supportive-of-israel-1.352409> (accessed January 24, 2013). But see also Esther J. Cepeda, “A False Story About Latinos, Chicago Daily Herald, February 27, 2012, <http://www.dailyherald.com/article/20120227/discuss/702279939> (accessed January 24, 2013).

50 Cavari, “Six Decades,” 111–119.

51 Bard, “American Public Opinion.”

52 Karlyn Bowman, “Americans Lean toward Israel,” January 5, 2009, Forbes.com, [http://www.forbes.com/2009/01/03/israel-arab-palestine-oped-cx\\_kb\\_0105bowman.html](http://www.forbes.com/2009/01/03/israel-arab-palestine-oped-cx_kb_0105bowman.html) (accessed January 24, 2013).

the conclusion that Israel has “gone too far.” When bodies begin to pile up, even more Americans may deem Israeli actions unjustifiable—as many as four in ten during the Summer 2014 Gaza campaign. But this number does not approach the seven in ten who consider Hamas’ actions to be unjustifiable. All in all, Americans like Israel, but they like peace more. Thus, even when Israel becomes embroiled in a war with Hamas which is committed to its destruction, a fairly large segment of Americans are apt to direct a portion of the blame in its direction—even though most of these people assign a greater share of the blame to Hamas and many retain some affection for the Jewish state.<sup>53</sup>

### **Making Sense of It All: Antisemitism**

Around the world there is plenty of bad news—not only for Israel’s supporters but also for those who genuinely oppose old-fashioned antisemitism. Yet, if one is speaking solely about the United States, the most reasonable conclusion is that the country is—now more than ever—a singularly hospitable abode for the Jews. America emerges without irony as a beacon on a hill, a nation that is, at least with regard to the Jews, living up to its lofty promise. The United States sometimes finds itself fighting against a current of world opinion but, even so, it has to date stood by its principles more consistently than is typical for nation-states. In the battle against antisemitism, the USA has some allies that seem sincere, especially in parts of Europe. In confronting unjustifiable anti-Israel hostility, the United States more and more frequently stands alone or almost alone. If there is a criticism to offer of America’s behavior from the perspective of those who oppose antisemitism, it is that the nation has not always spoken loudly, consistently, and frequently enough about the failure of other nations to live up to the standards by which Americans live at home. Yet even this criticism must be tempered by a sense of the complexities of fighting antisemitism in a world where the United States must balance many interests and values.

There is relatively little basis at present for worrying about imminent deterioration in overall tolerance for Jews in the United States. Despite occasional blips in measures of antisemitic incidents and opinions, Americans on the whole are not becoming more antisemitic. The old anti-Jewish stereotypes retain some of their potency, with nontrivial segments of the American public still believing that Jews are too powerful, crafty, corrupt in business, interested only in their own kind, responsible for the death of Jesus, and disloyal to the

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53 Taylor, “Is it True?”

United States. But those who buy wholeheartedly into this vision are relatively few, and lacking in power and major media access. Most Americans express tolerant and positive feelings about Jews; they have no problem voting for Jews, living near Jews, and supporting the Jewish state.

In spite of all this, there are several problems worth monitoring:

- Polls reveal that African-Americans, recent Latino immigrants, and the uneducated remain disproportionately committed to antisemitic viewpoints. While most members of these groups are not antisemitic, and many have positive feelings about Jews, the cultural taboo against expression of Jew-hatred does not appear as strong among African-Americans, recent Latino immigrants, and the uneducated as it does in American culture as a whole. The difficulty in eradicating antisemitism from the African-American and Latino communities may become increasingly important as these groups will probably constitute a larger proportion of the American public in the future.
- Pockets of relatively extreme antisemitism exist among groups too small to show up on national surveys. Research is needed to identify, understand, and better combat these groups. A particularly hateful antisemitism exists among some parts of the very far right and there still persists a fair amount of religious antisemitism in a few Christian groups. As a rule of thumb, liberal Christian groups tend to be more hostile than the general public to Israel, though sometimes less antisemitic. Conservative Christian groups tend to be more sympathetic to Israel than the general public, though perhaps somewhat more antisemitic. But few people in mainstream Christian groups are overtly antisemitic, at least by the standards that prevailed seventy-five years ago. The most extreme Jew-hatred is found among very small pockets of extremists who rant and rail against ZOG, the so-called Zionist-occupied government. At present, there is probably less of a threat that such groups will proselytize large segments of the American public, but possibly a greater danger that they will radicalize and carry out bloody acts of terror against Jewish targets.
- In light of the prominence of antisemitic ideology in many parts of the Muslim world, it is important to monitor the extent to which such mindsets have crossed into the American Muslim community.<sup>54</sup> Polls, thus far, have not provided much good information about this issue. With the Internet, media from Muslim majority countries are consulted frequently by native speakers from those countries. Some research has found substantial

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54 Kressel, *The Sons of Pigs and Apes*, 22–55.

evidence of radicalization among young American Muslims, with one reasonably well-designed study—for example—showing that about one in four young Muslims supported suicide bombing under some circumstances.<sup>55</sup> For the most part, mainstream Muslim organizations reject direct expressions of old-fashioned antisemitism, although they may support various overseas organizations that espouse extreme ideologies. On occasion, direct antisemitism has emerged in the American Muslim community, as for example when a Paterson New Jersey newspaper published an Arabic translation of the *Protocols of the Elders of Zion*. Better data is needed to assess the extent to which the antisemitism that prevails in Muslim-majority countries has carried over into public opinion in the American Muslim population. In addition, we need to know more about the extent to which Muslim political positions on the Middle East carry over into delegitimation, demonization, and double standards regarding the Jewish state—all of which can be considered antisemitic under the official definition now used by the United States Department of State. When thinking about small enclaves of extreme antisemitism in the Muslim community—as in the case of extreme right-wing antisemitism—it is important to understand that even a handful of radicalized haters can do a great deal of damage if they engage in terrorist violence.

- A very different concern is that the American public may feel more comfortable with Jews as individuals of a different religious faith and less comfortable with Jews acting as a Jewish people supporting its interests, for example, expressing concern about the Holocaust, the state of Israel, Muslim antisemitism, etc. This vague discomfort may show up in responses to various poll questions, including the frequently-asked one about Jewish disloyalty. This tendency to reject Jewish peoplehood, to the extent that it can be reliably documented, needs to be monitored and further studied, lest it turn into something more dangerous. This matter is important because many American Jews now view their Jewish identity as based at least as much in ethnicity as in questions of religious belief.
- Finally, we may also need to heed, at least partly, the caveat about the inability of polls to reveal fully the content of souls. It is certainly possible that some Americans have not changed their truest and deepest feelings about Jews so much as the rules have changed about which views may be expressed in public. I think, however, that this argument grows weaker over time; in

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55 David Morgan, "Poll Finds Some U.S. Muslim Support for Suicide Attacks," Reuters, May 22, 2007, <http://www.reuters.com/article/2007/05/22/us-usa-muslims-poll-idUSN2244293620070522> (accessed March 6, 2013).

any case, the openness to Jewish political candidates, Jewish neighbors, and Jewish coworkers implies that something important and real has changed. Moreover, considerable social psychological evidence establishes that if you can modify the behavior of people, their hearts and minds will likely follow.<sup>56</sup>

It remains directly in the Jewish interest and consistent with liberal Jewish values to oppose prejudice-based intolerance of any group in the United States. Intolerance of any group can readily lead to intolerance of other groups. These days—as Chelsea Schafer and Greg Shaw recently reported in a roundup of polls on tolerance in the United States—tolerance has been increasing toward most groups in the country. Gay and lesbian people have probably experienced the greatest increase in public acceptance in recent years, but the authors also speak of “. . . broad patterns of growing acceptance of people whose ethnicity, beliefs, and lifestyles are unlike their own.”<sup>57</sup> Two groups are not faring so well, according to the authors’ reading of the poll data. There is growing distrust of Muslims and increasing intolerance toward immigrants. Regarding both of these groups, I think, some of what Schafer and Shaw call intolerance, arguably, reflects legitimate disagreements concerning policies and differing judgments about the acceptability of ideologies perceived as intolerant or opposed to the public interest. However, some of what the polls are tapping is genuine bigotry and intolerance.<sup>58</sup> Thus, as the ADL and other mainstream Jewish organizations have long suggested, fighting intolerance and bigotry against Muslims (and other groups) should be a key part of the agenda of the Jewish community and those who care about it.

Right now, in the United States, antisemitism seems to function mainly as a normal prejudice, and this in itself is very unusual. Viewed historically and globally, antisemitism has behaved differently from most other forms of

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56 Perhaps a bigger long-term risk concerns the potential for cynicism to arise concerning the overextension of political correctness rules, prohibiting thoughts and speech regarding various groups. For the most part, changing norms about what can and cannot be said about minority groups have been constructive. When people change their linguistic behavior, there is at least some evidence that they ultimately change their internal attitudes. But enforcement of these norms are best when they come from peers, when they are not too rigid, when they don't stifle legitimate debate, when they don't infringe of the important first amendment principles, and when they do not make interactions between people in different groups too awkward and uncomfortable.

57 Chelsea E. Schafer and Greg M. Shaw, “The Polls—Trends: Tolerance in the United States,” *Public Opinion Quarterly* 73 (2009), 429.

58 I have attempted to sort these issues out in Kressel, “*The Sons of Pigs and Apes*,” 134–139.

prejudice. Thus, German scholar Clemens Heni calls it—a “specific phenomenon” and Israeli historian Robert Wistrich calls it—“a lethal obsession.”<sup>59</sup> Hostility toward the Jews has assumed many forms in different times and places, and some of these have been similar to other forms of prejudice. Yet antisemitism draws its potency from several unique aspects:

- 1) Jews have been charged with deicide in the Christian tradition and Jews have been accused of perpetual treachery in the Islamic tradition. These are difficult stains to cleanse.
- 2) Jews were officially-approved targets of expulsion and mass murder (i.e. the Banu Qurayza Jews) in the founding tradition of Islam and many saints in the Christian tradition have reinforced the doctrinal importance of keeping the Jews down (e.g. St. Augustine, St. Thomas Aquinas).
- 3) As adherents to a pre-existing, non-universalizing faith, Jews have frequently been portrayed as evil or ignorant in order to establish the need for a new religious tradition seeking to convert everyone.
- 4) The very longevity and cross-cultural pervasiveness of Jew-hatred seems to add to its perceived legitimacy. How, the antisemite asks in every generation, could so many people with so many different outlooks have been wrong in opposing the Jews? So much smoke must mean fire.
- 5) Unlike many (though not all) targets of other prejudice, Jews have typically been hated not because of their perceived inferiority but because of their perceived potency and cleverness. Thus, envy has often been more important than disdain in the genesis and perpetuation of Jew hatred.

For all the above reasons, antisemitism has had a peculiar and dangerous capacity to inspire murderousness in many lands over a great period of time. Even in the United States, some parts of the uniquely pernicious antisemitic mindset can be detected in the poll data.

Yet, all in all, as antisemitism currently manifests in the United States, it is somewhat different—but not worse—than other prejudices against white ethnic groups. Indeed, hostility toward Jews in the United States seems less intense and widespread, at present, than that experienced by some other groups, including—probably—Muslim-Americans, Mormons, immigrants, and various nonwhite groups. Those with an awareness of the long history of ebb and flow—but never the disappearance—of powerful and deadly

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59 Clemens Heni, *Antisemitism: A Specific Phenomenon* (Berlin: Edition Critic, 2013). Robert S. Wistrich, *A Lethal Obsession: Anti-Semitism from Antiquity to the Global Jihad* (New York: Random House, 2010).

antisemitism will argue for alertness and vigilance. For now, however, we may cautiously conclude that the United States remains one principal bastion of genuine tolerance and liberal virtue with regard to the Jews. Other nations around the world still have much to learn from its example. Nonetheless the rise of antisemitism always has indicated severe core problems in a host society. If antisemitism were to rise in the United States, it would be the canary in the coal mine, the sure sign of more fundamental problems in the nation, of broader disasters to come.

### Making Sense of It All: Israel

American public opinion findings on Israel and the Arab-Israeli conflict shed important light on the vociferous and angry critics of the Israel lobby (or as some—including Secretary of Defense Chuck Hagel—have inappropriately called it, “the Jewish Lobby.”)<sup>60</sup> There are, of course, numerous lobbyists attempting to influence American policy in the Middle East, including three important ones that claim to be supportive of Israel in different ways.<sup>61</sup> J-Street, for example, often finds itself at odds with the Israeli government, although it sees itself as pro-Israel. But, to the extent that AIPAC, the largest and most mainstream pro-Israel lobby, influences American policy towards support of Israel, it is largely making such policy more responsive to the will of the American people. There are many other official and unofficial lobbyists who attempt to influence American policy in the Middle East. Some of these are supported by oil companies, anti-Israel Americans, Middle Eastern nations, religious groups, and others who see conflicts in the region from a variety of vantage points. AIPAC can be successful, largely, because it has a sizable segment of non-Jewish public opinion behind its principal goals. For those who contend that such public opinion supports Israel only because Jewish money, power, and media manipulate the hearts and minds of America, I suggest a reality check. This hardly seems plausible, given the diversity of media and other forces bearing on the formation of political attitudes. Beyond that, I would urge a careful reading of the Czarist-forged *Protocols of the Elders of Zion*, wherein such antisemitic canards of Jewish manipulation find one of their earliest, clearest, and most influential expressions. Fears of Jewish money

60 See, notably, John J. Mearsheimer & Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus & Giroux, 2007).

61 Dov Waxman, “The Pro-Israel Lobby in the United States: Past, Present, and Future,” in *Israel and the United States*, 79–99.

pushing around congressmen against the public will turn out to be little more than bigotry, madness, and gross misperception masquerading as analytic theory, albeit sometimes under the cover of professorial robes.

In any event, according to the polls, public support for Israel in the United States is very strong. Despite differences in levels of support, it is—for the most part—bipartisan; it also cuts across categories of race, class, gender, and—mostly—religion. In few American demographic groupings is sympathy ever greater on any matter for the Arab side than for Israel.

As in the case of antisemitism, challenges to the public standing of the Jewish state do not come from large and clearly-defined segments of the general public. Instead, the greatest challenge comes from certain elite intellectual groupings in the media and academia—those charged with shaping the next generation, critiquing American policy, and framing the terms of the debate regarding the Arab-Israeli conflict. Again, data are limited, but one ADL study shows that—although 79% of college faculty members are without prejudice—over 60% possessed an “unfavorable impression of the current Israeli government” in 2002.<sup>62</sup>

Still, we should be cautious in over-interpreting this finding (and others like it) as an unfavorable impression of an Israeli government is hardly the same thing as an anti-Israel position overall. Another study found that 20.9% of faculty sympathized more with Israel and 10.7% more with the Palestinians; 51.3% said “both” and 17.1% “neither.”<sup>63</sup> While still supportive of Israel, these findings indicate somewhat less sympathy for the Jewish state than one would find in the general American public. In all likelihood, the support for Israel would be substantially less in elite academic institutions and among social science faculty, as these groups possess a larger share of radicalized professors.<sup>64</sup> Thus far, careful quantitative evidence about the disparity between the general American public and the social science faculty at elite academic institutions is lacking. But anecdotal and other forms of support exist, including—for example—Martin Kramer’s study, *Ivory Towers on Sand: The Failure of Middle Eastern Studies in America*.<sup>65</sup> If Kramer’s thesis is correct, and I believe it is,

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62 Dinnerstein, “Is There a New Anti-Semitism,” 54.

63 Scott Jaschik, “The Liberal (and Moderating) Professoriate,” *Inside Higher Ed*, October 8, 2007, <http://www.insidehighered.com/news/2007/10/08/politics#ixzzzMzBjFqNz> (accessed March 7, 2013).

64 Ibid.

65 Martin Kramer, *Ivory Towers on Sand: the Failure of Middle Eastern Studies in America* (Washington: Washington Institute for Near East Policy, 2001). See, also, continuing discussion of the issues Kramer raises at [www.campus.watch.org](http://www.campus.watch.org).



those professors charged with teaching the next generation about the Middle East will be doing so from a perspective that is much less supportive of Israel—if not openly hostile—when compared to the standard of the American public or the mainstream American political parties.

The potential problem for Israel's friends is less that Americans are at risk of changing sides in the foreseeable future, although this is not impossible. The more likely problem is that even a relatively small loss of enthusiasm for Israel can have major consequences, as America is almost singlehandedly backing Israel. If Americans come to see the Arab-Israeli conflict as nuanced, foggy, complex, or unclear, America could decide to weaken its support at some critical juncture in the future.

Moreover, given the tendency of American public attitudes to follow American government policy, support for Israel could be especially vulnerable to a president whose political agenda involved a radical change away from supporting Israel. One can envision this possibility in part because few Americans, regardless of their personal sympathies, vote for president on the basis of policies toward the Middle East. In addition, a “pitch” arguing for “peace over partisanship” would be likely to have the greatest emotional appeal particularly if it could overcome Americans' skepticism about its chances for success.

Another key problem for supporters of Israel is that the issue may be starting to lose its bipartisan characteristics. Democrats remain very supportive of Israel, but Republicans are clearly more supportive these days. In Israel's early years, Democrats were more supportive. Now, young Democrats—and, probably, left-wing Democrats and those educated at elite institutions—are the least supportive. Some of these groups may even be more sympathetic to the Palestinians than to the Israelis—although conclusive quantitative evidence on this point is lacking. Among Republicans, the Christian right may be the most supportive group of all. It will not be a good thing for Israel's friends if support for Israel becomes a feature of Republican but not Democratic platforms. The danger of this happening will be increased if the left-wing of the Democratic Party is ascendant; it will be reduced to the extent that centrist Democrats remain powerful. It is hard to predict the impact of any Jewish abandonment of the Democratic Party, of which they have been a key part for decades. So far, however, despite many predictions to the contrary, Jews have remained firmly Democratic and—nonetheless—Republicans have grown increasingly pro-Israel.

Back in 1978, Harvard professor Nadav Safran wrote that the evolution of American relations with Israel “. . . took place within the framework of a “special” American connection with Israel based on an interplay between a general American moral interest in and sympathy for that democratic Jewish state and

the particular attachment to it and concern for its welfare on the part of the near totality of America's 6 million Jews. This "special connection" has secured for Israel a modicum of American support even when that seemed to be a burden on the perceived American political-strategic interests, and has encouraged a higher level of support when Israel seemed to be playing a useful role in the context of the perceived American 'real' interest."<sup>66</sup> This is a fairly accurate description of the situation in 1978, emphasizing the general American sympathy for Israel and the role played by the American Jewish community while—at the same time—showing the ultimate dominance of realpolitik. Nowadays, general American sympathy for Israel is—if anything—stronger than when Safran wrote, and while the American Jewish community no longer uniformly supportive of Israel, it is still far more supportive than not. The real questions are: 1) Will the radical left in parts of academia and the media succeed in changing the moral calculus of the American people regarding the Arab-Israeli conflict? 2) Will the American Jewish community remain sufficiently committed to Israel to play the role ascribed to it by Safran? 3) To what extent will Americans correctly or incorrectly continue to calculate their interests as aligned with those of the Jewish state?

Many Americans currently show signs of an isolationist tendency, or at least a latent one. Whatever their sympathies, Americans apparently desire more than anything else to avoid messy overseas entanglements, of which the Middle East has recently provided many. Also, one needs to ask whether the "modicum" of support for Israel, even when it appears to be a burden (which was described by Safran) would be enough to sustain the state in a crisis.

We hear often that the Jewish community exaggerates antisemitism, and—I think—this is true for some American Jews who speak about imminent dangers coming from the American people. What should be more important for those concerned with eliminating or weakening prejudice around the world are the propagandistic and ideological reasons for downplaying global antisemitism and, more particularly, its extreme manifestations in the Islamic world. Those who argue that we need not worry about attitudes in America misunderstand or reject the critical role played by America in delegitimizing antisemitism and extreme anti-Israeli sentiment worldwide. Given how sympathetically most Americans feel toward the Jews, it is perhaps not surprising that so many find it difficult to grasp the extent of the irrational hatred for Jews and for the Jewish state in some other parts of the world. As I have argued, antisemitism is usually by its nature a different kind of bigotry, stubbornly resistant to measurement, assessment, containment, and eradication. Yet, the greatest failure

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66 Nadav Safran, *Israel: The Embattled Ally* (Cambridge: Harvard, 1978), 571.

of the well-intentioned American public may be its failure to grasp the extent to which Jew-hatred in many parts of the world retains its traditional nature as a dangerous “specific phenomenon” and a resilient “lethal obsession.” And the greatest physical threat to Jewish safety in the United States is undoubtedly the anti-Jewish terrorist risk posed by the radicalization of very small numbers of antisemitic operatives who fall beneath the radar of public opinion polls.

## Esau Hates Jacob: What's New About the New Antisemitism?

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It is unbelievable that we are still addressing the foul topic of antisemitism. Historian Victor Tcherikover famously said that there are few things in human history that have a history of 2000 years; antisemitism is one of them. And indeed, in our own day the taxonomy of antisemitism yet includes religious and secular varieties, political and cultural varieties, theological and ideological varieties. The antisemitism of the right still blames the Jews for modernity—not realizing that this is a compliment. The antisemitism of the left—seeking shelter, most recently, in anti-globalization—still trots out old New Left dogmas about capitalism.

And anti-Zionism—the newest version is the most dangerous, since it denies the legitimacy of a normal life for Jews. But yet I begin with a seemingly counter-intuitive assertion: The Jewish condition in 2013 is one not of antisemitism but of *security*. I say this in full awareness—possibly a greater awareness than most—of outbreaks of antisemitism in Europe in 2002, thence in the first half of 2004, and sporadic outbursts since; of jihadist Jew-hating maniacs in many Arab lands and in the West as well; of the current atmosphere in many corners of the academy, especially in Europe, in which anti-Zionism is quite the vogue. My assertion derives from a basic analysis of the verities of postwar Jewish history.

Leon Wieseltier has argued that the conclusion of the Second World War marked also the conclusion of the European age of Jewish history. The destiny of the Jewish people has at last left Europe, and the two-millennium European melodrama about “rights”—rights which could be granted, and therefore could be, and often were, taken away. The strategy therefore was one of “quietism,” very different from the activism that has characterized American Jewish activity in recent decades.

The fate of the Jews is and will be determined elsewhere, in Israel and in the United States. There is a friendly competition between the Israeli dispensation, in which Jews enjoy the protections and privileges of *sovereignty*, and the American dispensation, in which Jews enjoy the protections and privileges of a *pluralist democracy*. Both of these realities regard the old European system

of “rights” as inadequate, and obsolete. In Israel and America—very different from one another—the common characteristic is that rights are axiomatic.

We will analyze America and Europe in due course. But first, we need context. A story, variously attributed to Sholem Aleichem and to Y.L. Peretz, is illustrative and instructive.

Three Jews are on a train, in pre-World War I Eastern Europe. As they get to know each other, one Jew asks the other,

“*Fun vanen kumt a Yid?*—Where are you from?”

“From Kasrilevke.”

“Oh, Kasrilevke. And how many Jews are there in Kasrilevke?”

“Two hundred.”

“Two hundred. And how many non-Jews, *Goyim?*”

“We have fifty *goyim* in Kasrilevke.”

They turn to the second Jew, and ask, “And you, *reb Yid*: where are you from?”

“I’m from Visneh.”

“Oh, Visneh. And how many Jews are there in Visneh?”

“We have five hundred *Yidn* in Visneh.”

“And how many *goyim?*”

“One hundred *goyim.*”

They turn to the third Jew, and ask him, “Nu, and where are *you* from?”

“I’m from Minsk!”

“Minsk? Ooh! Ah! And how many Jews are there in Minsk?”

“We have one hundred thousand Jews in Minsk!”

“One hundred thousand! And how many *goyim?*”

“We have two hundred fifty thousand *goyim* in Minsk.”

The two Jews look at each other, and then at the Jew from Minsk.

“What do you need so many *goyim* for?”

This story tells us all that we need to know about how Jews viewed non-Jews, and defined for Jews an antisemitism that inhered in history. In a phrase, *Eisav sonei es Yaakov*—“Esau hates Jacob.” But as I have it in the title of this chapter: “*Eisav sonei es Yaakov?*” suggests a number of questions. First, of course, is the most basic question: what *is* antisemitism? How do we explain this phenomenon of Jew-hatred? Is antisemitism just another form of group-prejudice, and therefore explicable by the protocols of social science? Or is it *sui generis*, an eternal part of the *Jewish* experience, almost normative in nature: the traditional

Jewish rabbinic formulation: “*Halacha hi b’vadai: Eisav sonei es Ya’akov.*” “An established normative principle: Esau hates Jacob” is the classic representation of antisemitism: Babylonia, Rome, Christendom as “*Edom*”—the antisemitic descendants of Esau. This formulation suggests antisemitism incarnate, antisemitism universal, antisemitism eternal, antisemitism immutable.

The question: Is antisemitism indeed immutable? This approach to antisemitism, that antisemitism is an eternal historical reality, rests possibly on an underlying assumption that attitudes don’t change.

There have been many efforts aimed at defining antisemitism, including the elaborate formulations reflected in attitudinal surveys. There is, of course, the classic one-liner, an elaboration of the “Esau-hates-Jacob” locution, that an antisemite is one who dislikes Jews more than is absolutely necessary. And even this tired old saw tells us something about the nature, irrationality, and unpredictability of hatred of Jews. But I have always liked historian David Berger’s stark definition: *antisemitism is all forms of hostility manifested toward the Jews as a group throughout history, which results from no legitimate cause.*

It is difficult to define antisemitism with precision. Sometimes the best approach—paraphrasing former United States Supreme Court Justice Potter Stewart in his comment about obscenity—is “I can’t define it, but I know it when I see it.” This approach, however, poses one problem: all too often incidents or expressions are characterized as antisemitism when they are not. The “gut feeling” is important; it tells us something about perceptions. However, gut reactions are not the same as hard data.

However one defines antisemitism, two points must be kept in mind: first, *antisemitism presupposes that the Jews are radically “other.”* This simple central point is a universal, timeless characteristic of antisemitism.

There is one other point to be made about antisemitism: Antisemitism is not a *Jewish* problem; it is a *non-Jewish* problem. There is nothing that Jews can do about antisemitism, other than monitor it and do some little counteraction. I will return to this matter later in the discussion.

As we are well into the new Millennium, antisemitism continues to confound and puzzle American Jews. There is a profound paradox—“the riddle of the defensive Jew”—that plays itself out within the American Jewish community. On the one hand, well over 90 percent of Jews, when questioned, consistently aver that they feel “comfortable” in America. This “Feeling Thermometer” is always a good indicator of security. Yet some eight or more out of ten American Jews believe that antisemitism is a “serious” problem in the United States. In 1985, in the San Francisco Bay Area, more than one-third of those questioned said that Jewish candidates could not be elected to Congress from San Francisco, citing anti-Jewish bias or prejudice. Yet three out of the four congressional representatives from that area—as well as the two state senators

and the mayor of San Francisco—were, in fact, well-identified Jews *at the time the poll was conducted*. Moreover, the population of San Francisco in 1985 was approximately 97 percent non-Jewish, mirroring the national average.

Antisemitism in the United States? Conventional wisdom amongst many, perhaps most, American Jews has it that the antisemites are at the gates; the next pogrom is about to begin. But we need to look, not at “conventional wisdom,” but at hard data and the rigorous interpretation of those data. Interpretation of data is often a Rashomon-like exercise. Here Machiavelli is spot-on: “Others will tell you how things should be; let me tell you how they *really* are.”

A number of questions guide our discussion:

First, what do we know? What are the current available data on the nature and extent of antisemitism? What is happening out there, and—just as important—what is *not* happening?

Second, and indeed salient, is how do we explain perceptions *within* the American Jewish community of an antisemitism ascendant, even as data along a broad range of evaluative criteria tell us that antisemitism in America has declined and continues in its decline? How can nine out of ten Jewish Americans in the 1990’s and into the 2000s say they “feel home in America”—as they in fact do—in a country they believe is rife with antisemitism?

In 1983, in a survey conducted among American Jews by the American Jewish Committee, approximately one-half of the respondents *disagreed* with the statement “Antisemitism is currently not a serious problem for American Jews.” By 1988, the proportion had risen to 76 percent. And the National Jewish Population Surveys of 1990 and 2002 showed that from 83 to 90 percent of American Jews either are “strongly” or “somewhat” agreeing that antisemitism is a serious problem in the United States. The numbers in 2013 hover between 85 and 90 percent. How can nine out of ten Jewish Americans say they “feel at home in America” in a country they think is rife with antisemitism? What accounts for the perception among most Jewish people that antisemitism is a serious problem in America, and that the status and security of Jews is at risk while all available data show that antisemitism has declined dramatically in this country?

If things are so good out there, why do so many American Jews think that things are so bad?

Third, and related to the previous question: when Jews say that antisemitism is a serious problem, what do they mean? What are they talking about? What do the attitudinal surveys show—and what do they *not* show? How should social scientists interpret the polls?

Fourth, what are the new realities of antisemitism in Europe? There has to be more to say about the “new antisemitism” other than “The Muslims hate us.”

Finally, what about the counteraction of antisemitism?

The question about antisemitism in America, writ historically, is not why there has been so much antisemitism in the United States, but why there has been so *little*? For one thing, the traditional Zionist analysis of American Jewish circumstances is wrongheaded. America is not just another address for Jews “on the run,” another safe haven for persecuted Jews. The USA is in its philosophical foundations and political practices structurally hospitable to Jews. Pluralism ensures for us that Fichte’s antisemitic observation about “a state within a state” is no longer a slur but a way of positioning oneself in American society as an American. Diaspora is not exile. I adduce four basic historical dynamics for American exceptionalism and uniqueness.

1. The separation of church and state tautologically meant that Jews were not living in a “Christian” society—or in *any* kind of religious society. It was church-state separation that lifted pluralism from being a conceptual or philosophical ideal and made it a *legal* obligation. In the United States, from the very beginning of the American polity, the public sphere was viewed, by legal fiat, as being a neutral place. Church-state separation therefore asserted that Jews (and other minorities and individuals) would not be merely tolerated but *accepted*.

Maintaining a firm line of separation between church and state, therefore, is central to religious voluntarism and to religious freedom; by extension, it fosters the distinctive survival and creativity of religious groups, including Jews.

2. American society was a post-Emancipation society from its very beginnings. This reality was crucial in ensuring that political antisemitism of the kind that arose in nineteenth-century Europe did not come to be in the United States. Before the late eighteenth century, Jews everywhere in Europe were legally defined as outsiders in society, and therefore alien to the polity. The opening for Jews to become citizens came as a result of the Enlightenment—with the French Revolution acting as the engine for Enlightenment ideas—with the result that Jews began entering the mainstream of European societies.

America did not carry the European pre-Enlightenment baggage—the bulk of American Jewish history begins after the Declaration of Independence and the Constitution were drafted—with the result that Jews no less than any others were entitled to equal status in the body politic.

3. The United States was a new nation—a frontier society—made up of people of diverse backgrounds without “insiders” and “outsiders.” In contrast, in Europe, Jews had to cope with the fact that the nation-states in which they were citizens as result of the Emancipation had historical memories, deriving from a Christian context, going back centuries; they, the Jews, were not part of these memories except as aliens and enemies.



4. The United States, as a nation of immigrants, was inherently pluralist. Indeed, even when the ideology of choice was the “melting pot,” the reality was always cultural and democratic pluralism, and pluralism became a uniquely American way of positioning oneself as a member of American society, even as that person (or group) retained religious and ethnic identity. An important bi-product of a pluralist society was that it removed the onus under which Jews had been compelled to live in many other societies.

The story of Jew-hatred in America is different from the story of Jew-hatred in Europe. Clearly these four principles informed a society in which antisemitism was not embedded in the institutions of power—often the formal institutions of power—the way in which antisemitism inhered in the institutions of power in Europe, especially in the early decades of the twentieth century. A tad of perspective is called for. When my mother, reflecting fifty years later on her own experiences with university discrimination, said, “Jews denied admission to Yale? That’s terrible, it’s a scandal—but a quota is not an expulsion and a quota is not a pogrom.”

So how is the current state of antisemitism in America to be understood?

First, on the question of the nature and extent of antisemitism in the United States, there are some fairly concrete data. To paraphrase political scientist Ben Wattenberg, the good news is that the bad news isn’t all bad. There are two kinds of antisemitism—two kinds of anything, when it comes down to it, following the “Merton model”—behavioral and attitudinal. There is a crucial relationship between what people *think* and what people *do*, between *attitudinal* and *behavioral* antisemitism. Antisemitism of both kinds is assessed along a broad range of evaluative criteria. The data on antisemitism, along these criteria, indicate that both behavioral and attitudinal antisemitism have declined in the United States over the past sixty-plus years, even as there may be recurring danger signals. This finding, of course, is no great revelation, and is amply confirmed by evidence both anecdotal and research-generated. Nonetheless, the finding calls for some analysis in terms of both behavioral and attitudinal manifestations.

Behavioral antisemitism is manifest, of course, in different ways—from swastika daubing to political rhetoric. The reality is that behavioral antisemitism “where it counts” is simply no longer a factor in American life. Such behavioral antisemitism includes large-scale discrimination against Jews; the cynical use of antisemitism in political rhetoric in order to achieve political gains, arguably the most virulent form of antisemitism; and most important, the inability or reluctance of the Jewish community to express itself on issues of concern because of anti-Jewish animus. This kind of antisemitism—the kind that makes a difference in terms of the security and status of American Jews—has declined steadily and dramatically over the past four decades and more.

I propose therefore that the issue is not antisemitism; it is *Jewish security*. In any analysis of antisemitism in the United States, a crucial distinction is made, a distinction that probably cannot be made in Europe of 2013, nor could it be made in the America of 1933. We distinguish between *antisemitism*—which does exist and must be monitored, repudiated, and counteracted—and *Jewish security*, which is strong. Jewish security is the ability of Jews to participate in the society, individually and collectively, without the fear of antisemitic animus compromising that ability. Jewish security in the United States is strong largely because of a history and tradition of constitutional protections and institutions that inform democratic pluralism, as noted above. Antisemitism and Jewish security are, to be sure, concentric circles and therefore obviously related; yet the distinction between them is important when discussing the issue in the context of America in the 2011. This is the first era of history in which the discussion of the security of the Jewish polity ought not to be one of antisemitism.

Attitudinal antisemitism is a more nuanced matter, and it is the discussion of attitudes that the issue of data interpretation is best addressed, and some exploration is called for. It comes a surprise to many that attitudinal antisemitism in the United States has been a relatively little-studied phenomenon over the past three decades. In an age when social scrutiny seems to extend into the most obscure corners of our experience, we learn that antisemitism—an enduring of social phenomenon and, needless to say, one of special significance in our own time—has received scant attention from America's social scientists until relatively recently. Most comprehensive, indeed landmark, studies were conducted during the 1960s. Notable among these were the Anti-Defamation League's "Patterns of American Prejudice"—the "Berkeley Studies"—which developed a scale of antisemitic beliefs of non-Jews and articulated the now-classic reverse correlation that the higher the education level, the less likely are non-Jews to hold antisemitic beliefs.

Attitudinal antisemitism is boiled down to one question: What do Americans think about Jews? On this fairly narrow question there are fairly conclusive findings. The cumulative data of attitudinal surveys conducted by a range of researchers over the years have consistently substantiated the view that the level of conventional antisemitic beliefs has continued in its forty-year decline. Simply put, there are fewer Americans nowadays who profess unfavorable images of Jews than there used to be.

The usual explanation for this transformation is generational. It is not that the antisemites are being converted, but that each succeeding age-group tends to display fewer antisemitic attitudes than the preceding generation of that age group. Put simply: "Your father was an antisemite; you are not." Something happened in the society to effect this change. What happened was that social

and economic conditions improved over the decades, with a concomitant decrease, across the board, in prejudice. Committed antisemites are swayed to virtue neither by events nor by prejudice-reduction programs. Jewish communal analyst Earl Raab puts it best: antisemites do not fade away; they simply die. Research findings clearly, strongly, and consistently suggest that a younger, better educated, more affluent population is less antisemitic. This pattern, a negative correlation of education level and antisemitism, obtains across the board, including among blacks.

There have been five sets of studies over the past thirty years: the University of Chicago's National Opinion Research Center (NORC) 1990 General Social Survey, a comprehensive survey of 58 ethnic groups commissioned by the American Jewish Committee and conducted by NORC's Tom W. Smith; a 1992, 1998, 2002, and 2009 surveys of American attitudes toward Jews conducted for the Anti-Defamation League by Marttila and Kiley and the Marttila Communications Group; a 1992 intergroup relations study of New York City, done by the Roper Organization for the American Jewish Committee; a 1993 ADL/Marttila and Kiley survey on racial attitudes in America; and, most recently, a 1994 comprehensive study (commissioned by the American Jewish Committee) by NORC's Tom W. Smith confirming and synthesizing the findings of previous studies.

It is instructive to analyze and compare the AJC/NORC and ADL/Marttila studies. (The American Jewish Committee Intergroup Relations Survey of New York, while containing valuable data, is a local study; and the Marttila racial-attitudes survey addresses the question of prejudice in America generally, and calls for its own discrete treatment.)

The National Opinion Research Center 1990 General Social Survey (GSS) provided data on 58 ethnic groups—including, amusingly but tellingly, one fictitious group, the “Wissians”; NORC found that significant numbers of Americans hold negative attitudes toward the “Wissians.” The GSS data were “massaged” by NORC's General Social Survey director Tom W. Smith for the American Jewish Committee in order to elicit specific information about anti-Jewish attitudes.

NORC analyzed data related to six areas. Some of AJC/NORC's general findings, entirely relevant yet in 2013: first, and most generally, antisemitism and negative attitudes are at a low point. Specifically, only few members of certain minority groups harbor some negative attitudes toward Jews, and that conflict between Jews and non-Jews is less serious than are clashes between many other ethnic groups. NORC told us also that latent sources of antisemitism are not closely connected, and therefore are not likely to sustain one another. And the behavioral antisemitism that does exist in one area is almost always

unconnected to that in another area. These were important findings, suggesting a pattern vastly different from that which existed in America sixty and seventy years ago.

Particularly intriguing were AJC/NORC's findings on Israel and antisemitism. It has long been known that anti-Israel and antisemitic attitudes are linked, that antisemitic attitudes are more common among those with negative attitudes toward Israel, and that anti-Israel attitudes are stronger among those with antisemitic beliefs. According to NORC this linkage is not especially strong. Attitudes toward Israel may be related to causes other than antisemitic attitudes—oil, Arabs, a particular world-view, and so on.

Also instructive is the question of how Jews were perceived, in terms of social standing, relative to other groups. Among religions, Jews came in tenth of twenty religious groups, below "Protestants" and Catholics, but above Mormons, Greek Orthodox, Christian Scientists, Unitarians (!), Spiritualists and Jehovah's Witnesses.

A most significant area of the AJC/NORC study—as in any poll of attitudes toward Jews—is that of perceived power and influence. The "Jewish-power" question is one to which significant import is given; it therefore merits analysis.

There are three approaches to the "Jewish-power" question. The way in which the question is asked makes a difference. If the question is open-ended—as in "Which groups have too much power?"—Jews will consistently come out at the low end of the spectrum. If the question is closed-ended and contextual—"Which groups from the following list have too much power?"—Jews still come out relatively low. If the question is completely closed-ended—"Do Jews have too much power in the United States?"—the numbers are significantly higher.

The "Jewish-power" question was asked by NORC not as "Do Jews have too much power in the United States?"—it should never be asked in this way, because the data do not tell us much. It was asked, however, as it ought to be asked: as a contextual question: "Which of the following groups (twenty-three were listed: Arab oil nations, the media, labor unions, Orientals, blacks, the Catholic Church, the banks) have too much influence and power?" The Jews come out way down; the only significant group lower than the Jews were the Hispanics.

Seymour Martin Lipset, the eminent political scientist, and others suggest that with regard to this issue, people are not antisemitic, they are anti-power. That is, the issue is power, not Jews. People think that many groups have too much power in this society. But even this requires further nuance, which is illuminated in the Marttila poll, discussed below.

Antisemitism in America is neither virulent nor growing, concluded the American Jewish Committee/NORC study, consistent with the data from

earlier polls. But NORC cautioned that antisemitism in America is not a spent force, that Jews are yet recognized as an ethnic or religious out-group and are often accordingly judged and treated in a distinctive manner. Antisemitism has not disappeared; it has become dormant, and latent antisemitism does have the potential to become actualized. And antisemitic incidents do occur. Furthermore, antisemitic political groups may exist as isolated entities in the lunatic fringe. “Fringe” elements are tautologically “fringe,” and rarely enter the mainstream. But lunatics can be dangerous.

Surveys conducted by the polling firm Marttila and Kiley for the Anti-Defamation League in 1992, 1998, 2002 and 2009 prove significant as well, but in a different way than the AJC/NORC study was. For NORC, Tom Smith massaged general data in order to generate information about attitudes toward Jews. The ADL/Marttila studies is the first comprehensive study, *specifically* of attitudes toward Jews, since the Yankelovich poll of 1981, and used once again the criteria for antisemitism (the “index”) first developed by the Berkeley Studies and used by Yankelovich. These criteria are a problem. Moreover, Marttila’s methodology suggests a number of significant questions about attitudinal surveys in general that are of import to social scientists.

ADL/Marttila’s recent findings: twelve percent of Americans are “Most” or “Unquestionably” antisemitic. This number compares with seventeen percent in 2002. ADL/Marttila generally corroborated everything that we have known for many years, and most things that we have suspected, about attitudinal antisemitism. Marttila’s central investigative device consists of an eleven-item scale—the “Index of Antisemitic Beliefs”—made up of questions designed to detect antisemitism. Six or more “Yes” answers make a person “most antisemitic”; two to five result in a rating of “middle”; one or two “Yes” answers: “not antisemitic.”

The survey results show a continuing pattern of decline, albeit a slow decline, along a range of antisemitic beliefs. The negative correlation, “education and other social/economic indicators up, antisemitism down,” holds for all groups in the society, including blacks. Age is a factor: Americans over 65 are twice as likely as those under 65 to fall into the “most antisemitic” category. Important data in ADL/Marttila were those linking antisemitism and racism. Individuals who are “most racist” are likely to be “most antisemitic,” and vice versa.

Perhaps the most surprising finding in the ADL/Marttila survey was the refutation of conventional wisdom that the more contact a person has with Jews, the less antisemitic that person will be. It is not so, says Marttila. This finding requires further study.

One other fascinating finding of the Marttila polls is that criticism of Israel is no predictor for antisemitic attitudes. Indeed, many critics of Israel are well-educated and embrace tolerant, pluralistic attitudes.

The ADL/Marttila polls are valuable, even though they do not tell us that much that was new. Indeed, arguably, social scientist and Jewish “defense” agencies may wish to think about getting off the antisemitism-polling fix and to explore other areas. Political scientist Seymour Martin Lipset, to cite one example, would prefer that social scientists study philosemitism. Why do some people have an unusual affinity for—*like* or *love*—Jews? But with respect to data analysis and interpretation ADL/Marttila serves us well as a case study for data analysis. It is in this respect that there are four questions about the ADL/Marttila poll, questions that illumine issues about the study of antisemitism in general:

The first question has less to do with the study and everything to do with the way in which data on antisemitism are presented and interpreted. “Twenty percent of Americans are strongly antisemitic,” asserted an Anti-Defamation League press-release when it released the Marttila findings in 1992. Bad news or good news? Although 20 percent is hardly a trivial number—30 million antisemites out there is nothing to be laughed at—it would appear that the news was not all that bad. The first questions any social scientist asks about any such assertion are: “Compared to *when*, and compared to *what*?” The 20 percent reported was down from the 29 percent of the 1964 ADL/Berkeley Studies. Further, with respect to the “compared to what?” question, ample data exist from any number of sources that indicate that twenty percent—or more—of any group hates any other group. So: good news or bad?

Second, some of the questions in the index may not have been perceived by respondents as reflecting negatively on Jews; they indeed may not measure antisemitism. A classic example of this type of flaw in questioning is illustrated in the 1986 poll of evangelical Christians in America conducted by the Anti-Defamation League. At the height of what was known as the “Christianization of America,” the ADL asked the whether fundamentalists were more antisemitic than the general population. Was it antisemitism that informed their agenda? And—no great surprise—the ADL found that Fundamentalists factor out in levels of antisemitism about the same as everyone else, approximately 20 percent.

In the course of the survey, the ADL in effect asked the following question: “Are Jews tight with their money?” A significant percentage of the respondents answered, “Yes, Jews are tight with their money.” Antisemitism! But then, in a question that was brilliant in a post-facto way, the follow-up question was asked: “Is this good?” Answer: “Yes, this is a good trait; Jews are thrifty, etc.” Antisemitism? The lesson: a number of questions in the “Index of Antisemitic Beliefs” may not be measuring antisemitism, but some other beliefs or feelings that may indeed represent some anti-Jewish animus, or may in fact be reflective of positive attitudes toward Jews. Along the same line, attitudes that fairly

and reasonably might have been antisemitic in 1964 might not, fifty years later, be reflecting anti-Jewish animus. “Jews stick together”? And so what?

Third, and more serious, attitudes are much more nuanced than the three groupings: “most antisemitic,” “middle,” “not antisemitic.” There is a basic ambiguity in most responses that needs to be noted. A respondent who answered “yes” to six or seven (some of which questions may in fact *not* measure antisemitism, as we just noted) has been just fine on four or five. (And even some of these questions may *not* measure antisemitism, as we have noted.) Even among the “Most antisemitic,” therefore, there exist identifiable pro-Jewish attitudes. (Among the “Not antisemitic,” the reverse is true: they may very well hold anti-Jewish attitudes.) A more sophisticated conceptual scheme is clearly needed, one that takes into account these ambiguities.

Fourth, and most troubling: ADL/Marttila—indeed, attitudinal surveys in general—are leading Jews toward a new definition of antisemitism: attitudes toward Jews that *Jews* find distasteful; attitudes that Jews wish “they,” namely non-Jews, would not have; rather than the classic definition of antisemitism as expressed hostility toward Jews.

For example, the increase in numbers on the “Jewish-power” question is indeed troubling. But consider: Jews in America *are* a power group. Is it unreasonable for some people to ask whether Jews have too much power? The question is: how do individuals who hold such views *act* on those views? *The* fundamental question in antisemitism anywhere, at any time: what is the relationship between *attitude* and *behavior*?

There are, of course, inherent problems with any survey data. Respondents may be disingenuous: “I may *think* it; I can’t *say* it.” Or questions may be flawed, or not sufficiently probing, or without good follow-up. Recall the ADL questions of the Fundamentalists.

In sum: notwithstanding the problems with comparing the two large surveys owing to the many differences between them, some conclusions with respect to broad trends are called for. There is a steady, albeit slow, lessening of expressed negativity toward Jews, with a possible exception of the stereotypes of Jewish power. A smaller percentage of the population scores as antisemitic. There is a more widespread acceptance of positive statements about Jews. The dual-loyalty numbers may have remained more-or-less constant over the years, but other statistics, exhibiting positive attitudes, have evidenced dramatic change: in 1958, 61 percent of Americans said they would vote for a Jew for President; in 1987, 89 percent of Americans said they would so vote. The number in 2013 is well into the nineties.

We are living in an era in which, in the United States—in the Western world generally—the legitimacy of antisemitism has been repudiated. Unlike in

previous times—indeed not that long ago—it's not the *Jews* but *bigotry* against Jews that is the anomaly.

Further, cogent lessons ought to be learned about antisemitism from experiences in the public agenda. It is not what happened that often matters, but what did *not* happen. One way of measuring antisemitism is by looking at responses to “conflict” situations—situations that could tend to polarize society, with the expectation that antisemitism will increase. When the whole range of conflict situations over the past six decades are observed—from the Rosenbergs in the 1950s to the oil crises of 1973–74 and 1979 (remember the “Burn Jews, Not Oil” bumper stickers that nobody saw?), the Iran/Contra affair, with its Israeli connection; the conviction during the 1980s of Jewish public officials in New York and Maryland; the Ivan Boesky insider-trading case; the farm crisis in the mid-1980s; the *Intifada*; most dramatically, the Pollard spy case, invoking clearly the question of “dual loyalty”; and conflicts in the Middle East in the 1990s and 2000s—situations all that everyone confidently expected would trigger expressions of antisemitism. In fact, none of these resulted in an increase of antisemitic expression or attitude in the United States. The response to “conflict” situations is most instructive.

While the response over the years to conflict situations has been fairly standard, as not resulting in increased antisemitic expression, mention ought to be made of two events in the 1990s that suggest that some inhibiting factors may have been weakening somewhat. At his September 12, 1991, news conference then-President George Bush, referred to pro-Israel activists who had converged on Washington to press for loan guarantees, and characterized the Jewish grassroots advocacy as “powerful political forces.” Those comments were a direct response to a conflict situation, and were very troubling to many American Jews. Was it antisemitism? In my view, the answer is no. Was it on the margin, signifying the breakdown of a taboo against political antisemitism? Certainly.

Serious concern was expressed as well over the 26th August 1990 (and subsequent) remarks of columnist Patrick J. Buchanan: “There are only two groups that are beating the drums of war in the Middle East—the Israeli Defense Ministry and its ‘amen’ corner in the United States.” Buchanan’s “‘amen’-corner” remarks—characterized by *New York Times* columnist A.M. Rosenthal as a “blood libel”—was in direct response to a conflict situation, namely the then-developing Gulf Crisis, and were very troubling.

The context of Buchanan’s remarks, of course, was the journalist’s questionable history with respect to Jews, very different from that of George Bush, whose remark might be considered *sui generis*. In both his syndicated columns and on television, Buchanan had evidenced significant hostility to Israel and to many Jewish concerns over the years. He questioned the validity of continued



American support of the Jewish state, proclaimed the innocence of suspected Nazi war criminal John Demjanjuk, and supported the presence of the Carmelite convent at the Auschwitz/Birkenau death camp.

How is the gap between the *perception* of antisemitism by American Jews and the *reality* of antisemitism's decline? First, it is necessary to understand what Jews *are* saying when they say that antisemitism is a serious problem. On this question there are some data. A study conducted by Brandeis University's Perlmutter Institute for Jewish Advocacy revealed that, when asked about specific areas of "seriousness" of the antisemitism they were reporting, most respondents did not pinpoint economic, power, or political areas, but rather incidents of vandalism or Israel-related activity. Or they are saying "I heard from my neighbor that he heard on the radio . . ."

So what explains the perception gap between the Jewish grassroots and the data? At bottom, it is clear that much of the anxiety felt by many American Jews is obviously related to the historical experience of the Jews, particularly the Holocaust. History has made Jews unusually sensitive, and it is a sensitivity worth maintaining. This gut reaction—the "*kishka*" factor—is a response not to antisemitism but to a foreboding of latent antisemitism possibly turning into actual. We recall the classic one-liner: What's the definition of a Jewish telegram? "Start worrying. Letter follows." The 80 to 90 percent who are responding "Yes" to the question "Is antisemitism a serious problem?" are responding not to antisemitism, but to the Jewish telegram.

Earl Raab, who has articulated much of the vocabulary of the Jewish community-relations field, has written about this foreboding at length. Raab suggests that the foreboding felt by most Jews is that of an antisemitism that is latent among many in the society, requiring some radical social dislocation to cause its actual expression. This foreboding is useful. It keeps Jews on their toes, and it should be held on to. But Raab suggests that it will not help us much if we just see anti-Israel activity as the latest version of atavistic Jew-hatred. At best, the foreboding does lead to an understanding that the best fight against latent antisemitism is the fight to strengthen positive American self-interest attitudes toward Jews.

But there is more to the gap between the perception of antisemitism and the reality of Jewish security than just the foreboding of latent antisemitism. Social scientists should pay attention to their own numbers. Sociologist Steven M. Cohen has found that more than half of all American Jews continue to hold traditional negative stereotypes of non-Jews. Whatever the data on antisemitism's actual decline, these negative images resonate in the perception of an antisemitism re-emergent. And this dynamic reinforces itself: the

perception that non-Jews are hostile may very well lead Jews to avoid non-Jewish intimacies and associations. In turn, the absence of such contact sustains the negative image of the non-Jew and reinforces Jews' fear of non-Jews.

Further, the perception of antisemitism found among many American Jews may be a vestige of a time when antisemitism in America was very real and when every Jew was insecure vis-à-vis non-Jews. If these outmoded social and cultural perceptions of the non-Jew persist, it may be too soon to use the reactions of American Jews to questions about Jewish security as an accurate measure of the *true* state of Jewish security.

Further, there is the inevitable intrusion of issues from the public-affairs agenda into the consciousness of many American Jews. For example, consider the Christian "religious right" and the notion of America as a "Christian nation," a concern in the 1980s, as well as the related attack on the separation of church and state as a quick fix for the dearth of values in the "public square."—These potential threats to Jewish security suggest to some Jews a renewed wafting of antisemitic odors. In addition, the controversy over the sometimes strange assertions found in the writings of the Reverend Pat Robertson, leader of the Christian Coalition, portraying a worldwide conspiracy of international bankers, communists, and freemasons—code-words all for classic antisemitica—further suggests that there remains a reservoir of antisemitism that may have informed much of the activity of the "religious right." At the very least, the apocalyptic vision that underlies much of the support of the "religious right" for the State of Israel is in essence conversionary and not especially friendly to Jews. (Robertson expressed his "sincere regrets" for his statements. But whatever one makes of his apology, it is certainly true that Pat Robertson chose to fish in some very dirty waters.)

There are additional obvious influences on the perceptions of American Jews of antisemitism. Antisemitic activity in Europe has a psychological effect on Americans. American Jews also cannot discount the effects of traumas such as black-Jewish tensions in Crown Heights. Most important is the effect of intergroup tensions in general in the United States. The source of anxiety for most American Jews may not be antisemitism. It is the rise of intergroup conflict across the map. The relationship of intergroup tension to antisemitism in America is an area that requires significant study.

Finally, there is the contemporary phenomenon of Israelophobia and "Zionism Equals Racism." If there is indeed any such thing as a "New Antisemitism," it is "new" in the sense that it does not fit the pattern of ancient antisemitism, which was primarily *cultural* in nature. It also is not Christian antisemitism, which was *religious*. Nor is it the *racial* antisemitism of the 19th and 20th centuries.

So where does anti-Zionism and Israelophobia fit—if it does at all? And how do these fit into our definitional formulation? Is it “new”? The question, of course, goes to the nature of anti-Israel rhetoric and other expression. Is this antisemitism? Indeed, there is a vigorous debate that has developed around this question.

First, there is the question that goes to the core of our definitional dilemma: At what point does anti-Israel rhetoric become antisemitism—if ever? The “if ever” part is important, and we shall come back to it. How does the standard definition of antisemitism work with anti-Zionism? This is clearly a “threshold” question, and is therefore subjective. My threshold: criticism of the policies of the government of the State of Israel—indeed harsh criticism—is entirely legitimate. The Israeli polity is itself deeply divided over the peace process and, beyond this, over its relations today and tomorrow with the Palestinians. The point at which such attacks become antisemitism is the point at which the legitimacy of the Zionist enterprise or the State of Israel is questioned, because it is at that point that the legitimacy of Jewish *peoplehood* is questioned. This, tautologically, is antisemitism.

What about that crucial clause in the definition cited at the beginning of this chapter, namely “. . . that results from no *legitimate cause*” (emphasis added)? Public-affairs analyst Earl Raab indeed argues for the necessity of distinguishing Israelophobia, or “anti-Israelism,” from antisemitism. Let’s not confuse these, argues Raab. Anti-Israelism is a concerted prejudice against Israel, birthed in large measure by Leftist anti-globalist politics, but without a discernible hatred of Jews. Oppression and liberation, oppressors and oppressed—it’s another riff on the political rivalries that characterized much of ancient anti-Judaism. Is there a specifically anti-Jewish bias here? Perhaps what motivates the Israelophobes *is* antisemitism. Perhaps it is not. But to unfairly tar all critics of Israel with the brush of antisemitism is unfair, so the argument goes, and may be counterproductive, in that it is the first principle of community relations that counteraction of an activity should be premised on what is the motivating factor of that activity.

I note in this respect that one of the more important observations to be made about the flap some years ago over the late Tony Judt’s now-infamous *New York Review* article, in which Judt called for a bi-national state—effectively calling for Israel’s destruction—and the response to Judt in the pages of *The New Republic* and elsewhere, is that Judt does *not* come out of the academic “Left,” whence we expect his kind of analysis and rhetoric. Rather—as is clear from Judt’s many writings on and about Europe—he is a centrist historian. This is once again the danger: the “mainstreaming” of anti-Zionism and Israelophobia moving from its home in the Left to perches elsewhere.

Antisemitism is historically linked to the political contours of each era, and of each country during a given era. The physiognomy of European antisemitism in any given era is a function of the primary political challenge facing Europeans in that time and place. (This, by-the-by, is Hannah Arendt's unique insight in Volume I of *The Origins of Totalitarianism*.) These historical contexts include nationalism in the nineteenth century, racist antisemitism, Augustine's anti-Aristotelian Christianity, religious antisemitism, and so on.

As the primary political challenge for Europe today is that of moving beyond the nation-state—that is, the problem of European integration—a problem that is framed in the clash between nationalism and post-nationalism (with progressive or “good” opinion very much on the side of the latter), it comes as no surprise that Israel (and America) are reviled for acting like the nation-states they are. Israel, as the product of 19th-century European nationalism, acts as the ideology of nationalism suggests sovereign states do and should act: it is ready to employ the force of arms to defend the nation's interest. This behavior is what drives the Europeans crazy. It strikes their post-nationalist sensibilities (and it is important to note that the word “post” in its political and historical usage always means “contra”) as retrograde and racist. Israel squares off against the Arabs in the same benighted manner as the French used to against the Germans, and so on. Hence, European antisemitism, and—*a fortiori*—anti-Americanism as well.

One ought to add that Zionism, the darling of the Left 70 years ago, became successful—created a nation-state—precisely at a time when the nation-state fell out of fashion. It's one of the great ironies of history.

What follows is what is maintained as being the “new” international/political antisemitism. “What's new” are three things: First, the collective expression of antisemitism, with Israel as a focal point, rather than the individual animus of the past. This leads, of course, to the claim of distinguishing between anti-Israelism and antisemitism. Second, the center of gravity of antisemitism is now in the Islamic world. Finally, what is new is also very old: the “double-standard.” This refers to the assertion that Jews may not defend themselves as may any other people or person. If this be the case, then—by extension—the legitimacy of a Jewish historical particularism, a Jewish historical identity, is challenged. Deriving from this, of course, is the isolation of the State of Israel and the relegation of Israel to the status of “pariah state.”

So what's “new”? Nothing, really.

No standard evaluative criteria have yet emerged for determining what antisemitism is and what it is not. An important new caution is for analysts to think about the “no legitimate cause” provision. Any geo-political analysis

leads us to either (1) the same old hatreds; or (2) a set of political animosities expressed by the leftist intelligentsia in Europe that may not be antisemitism.

Having said this, the reality is that in the twenty-first century, whatever antisemitic manifestations there may be, there is no regime or government in Europe that has an agenda of the murder of Jews. Indeed, the only regimes today that *do* believe in an ideology and pursue a program of Jewish destruction are in the Arab world.

As a general proposition, the conditions for successful counteraction of antisemitism have never been better. The historical context in this regard is crucial. As noted earlier, the destiny of the Jews has, after many centuries, left behind the European legacy of “rights.” While antisemitism and other forms of bigotry can and do exist in an American pluralist society, the conditions of pluralism are necessary for successful counteraction of antisemitism.

It is useful to place contemporary counteraction of antisemitism in the context of responses to antisemitism in history. There were three historical models of Jewish responses to antisemitism.

First, in the “pre-modern” period, there was no concept of antisemitism as humanly-fashioned ideology or as political problem. Anti-Judaism was a reflection of God’s will and of Divine “Natural law,” and it was “natural” that Jews were hated by non-Jews. Period. Not only was there no point in trying to fight antisemitism, argued the Rabbinic leadership of the Talmudic era, but there was something impious about any such effort. The overwhelming Jewish belief was that inordinate Jewish suffering—all of the many calamities of Jewish history going back to the destruction of the Temples and even further back in history, and forward: the Crusades, the Inquisition and expulsions, and so on—were the consequence of sinfulness. This response—and response it was, not to be confused with the “quietism” that was the norm in the Modern period—was primarily theological and rooted in prayer, repentance, and awaiting Divine salvation.

Second, during the period of the European Enlightenment, non-Jewish hatred of Jews was identified by Jews as a social and political problem to be addressed strategically by the Jewish community. Unfortunately, however, even though the diagnosis of the causes and nature of antisemitism was radically different from that of the classical Rabbis—Divine Providence was no longer part of the equation—there was yet the tendency to “blame the victim.” Many in the Jewish leadership in Western Europe—particularly those who were influenced by Enlightenment thinking—were convinced that non-Jewish hatred of Jews was the consequence of the behavior, dress, etiquette, and language of Jews. The prevalent view was that once Jews ceased to stand out amongst non-Jews, the problem of antisemitism would wither and

ultimately disappear. This “quietist” approach expressed itself as well as Jewish dependence on “rights” being granted to Jews by sovereigns and parliaments in Europe.

The third historical response to antisemitism, in the late 19th and 20th centuries, emerged when it became clear that the first two responses were failures. In the late 19th century it was evident that neither a purely religious response to antisemitism, nor a quietist program of Jewish “improvement,” would alleviate Jew-hatred. On the contrary, antisemitism in Europe was growing in intensity, with new racialist ideologies and manifestations. A small group of Jewish political visionaries realized that the only solution to the deepening problem of European antisemitism was the removal of Jews from the lands in which antisemitism was rife and the creation of a Jewish state. This approach was proposed indeed by individuals who were mostly the products of an assimilationist approach to the problem. It was clear to these thinkers that antisemitism was an incurable spiritual disease of Europe, and that only the removal of the Jews themselves from the unhealthy and unnatural environment of Europe to their natural homeland could “cure” the hatred. The early Zionists were indeed convinced not so much that Israel would serve to protect Jews against the violent designs of their enemies, but that the very existence of a Jewish national homeland would dissolve antisemitism for once and all.

It is worth going into this level of detail on the history of the counteraction of antisemitism, because all contemporary Jewish approaches to counteraction (and for that matter, approaches to the counteraction of any prejudiced or racist activity) are informed by the premise that “blaming the victim” is not a legitimate approach to the problem. Moreover, contemporary counteraction is influenced by the Zionist insistence that antisemitism must be dealt with aggressively and decisively, using *political* means. In short in the contemporary era—especially since the Holocaust—there is a consensus amongst Jews that the victims of this most vile and ancient hatred need neither apologize for their existence nor emasculated themselves in response to antisemitism, but must take action—be that action political, legislative, or judicial—against it.

The means of counteraction of antisemitism are many. We identify the most visible and efficacious.

Popular amongst Jewish “defense” agencies has been the use of a variety of prejudice-reduction programs. Notable amongst these is the “World of Difference” program of the Anti-Defamation League, although there are limited data that such programs result in the diminution of attitudinal antisemitism amongst members of the broad population. The weight of the data suggest that the lessening of prejudice is a result of generational changes in social, economic, and educational status, rather than in the “conversion” of individual

bigots. The national “defense” agencies in the USA, which have invested significant resources in prejudice-reduction programs for half a century, have not paid attention to the data from their own studies. Having said this, prejudice-reduction programs are useful in that they demonstrate that populations that participate in the programs are committed to the diminution of prejudice.

Legislative and judicial remedies—“hate-crimes” laws, for example—likewise are questionable in terms of their efficacy at reducing antisemitism; it is not clear that they prevent expressions of antisemitic bias. Such legislation is nevertheless extremely important (assuming that the laws are crafted in a way that do not inhibit legitimate freedom of expression, and thereby pass constitutional muster) in that the laws send the message that the central institutions of power in the society—in this case, government—will not tolerate bigoted behavior.

The most efficacious counteraction of antisemitism, in the view of this author, is the improving of social and economic conditions. The data, without fail, assert that in any population, in any geographic area, at any time, in which the conditions of society are improved—primarily economic and educational conditions—bigotry and racism decrease.

Transcending all of these—and this goes, not to the question of *antisemitism*, but to *Jewish security*—is the enhancement of the kinds of constitutional protections taken for granted in the United States, and gaining currency in some other countries. In the USA, these protections are chiefly those embodied in the First Amendment to the United States Constitution, and most centrally the separation of church and state. For American Jews there is no surer guarantor of security than the strength of constitutional institutions. Any institutions in society that strengthen and thereby enhance pluralism act as a preventative to antisemitism.

Leon Wieseltier has written that the analysis of antisemitism must take place somewhere between the indifference and the hysterical. The biggest danger with respect to assessing antisemitism is an internal danger. The “cult of victimization” is not attractive and it is coarsening. It was never true that adversity was what held Jews together, that antisemitism was what kept Jews “Jewish.” This fallacy has a long history. In our tormented history, we Jews did not instill our torments at the heart of our identity. We were never reduced by our suffering. *Vitality, not morbidity, has been the Jewish characteristic. This has been the Jewish way.*

## My Assessment of American Antisemitism Today

*Leonard Dinnerstein*

In recent decades Jews have become the most successful, admired and respected religious group in America. They have attained a place in society and a level of security and success in the United States that would have been thought unimaginable in the middle of the twentieth century. They are comfortable as citizens. They are hired for jobs based on their qualifications rather than their faith. They can live almost anywhere that they can afford. They vacation where they will. Their children are educated at some of the finest schools in the United States. That does not mean, however, that antisemitism has disappeared—it has not.

Antisemitism is rarely a basis for discussion in most American venues and if not for Jewish organizations that zealously look for it and publicize every incident that comes to light, there would rarely be any media mention of antisemitism. Moreover, Jews, both as a group and as individuals, have power in the United States and never hesitate exercising it. On some issues Jews constitute a lobby that is respected in Washington and the various state capitals. Almost all American Jews, except for recent immigrants and those who are old enough to remember, or were victimized by, the Holocaust, are completely at home in America.

Jewish power exists because Jews, and several organizations that represent their interests, understand how to make use of First Amendment freedoms such as the rights to contact their representatives and to express both privately and publicly their opinions and beliefs. Moreover, Jews as a group have much influence in the United States because their organizations are well run and well financed, and people in government are aware of the huge percentage of them who vote and make financial contributions to both major American political parties. Moreover, some prominent Jews and organizations have the ear of people in Washington who could be helpful in obtaining their goals. Jews generally support liberal positions and their financial support goes mostly to the Democrats, but Republicans also fare well. For politicians Jews favor, and for causes that they champion, their support is immensely valuable; few national, state, or local politicians ignore Jewish concerns and remain in power past the next election. Moreover, Jews are not only heard but they are catered to as well.



At the present time the security of Israel is the major issue that binds most American Jews. In March, 2012 in Washington, at the major annual policy meeting American Israel Public Affairs Committee (AIPAC), both Republican and Democratic leaders, including Vice-President Joseph Biden and President Barack Obama spoke. The President reminded the almost 14,000 members in attendance, that “at every juncture—at every fork in the road—we have been there for Israel. Every single time.” This has not always been true but since the 1960s American support for Israel has been just about axiomatic. Polls show that most Americans join with legislators and executives in endorsing this position. As a writer for *The National Review* noted in 1995, “the happy fact is that antisemitism in America has dramatically declined in the last fifty years.”

Jewish groups are concerned with the welfare of American Jews, and to a lesser extent, others who suffer from economic deprivation and public displays of bigotry. Among the groups in the forefront of protecting Jewish interests and promoting congenial inter-group relations are the American Jewish Committee (AJC), the American Jewish Congress, and the Anti-Defamation League (ADL) of B'nai B'rith. In the past half century domestic issues regarding prejudice and discrimination based on race, religion, and ethnicity, have been brought to the attention of lawmakers who recognized the need to make the United States a less bigoted nation. The Civil Rights Act of 1964 is the prime example of the changes made. (Of course the Civil Rights movement of the 1950s–1960s also influenced passage of that act.) More careful measurement and analysis of American attitudes toward Jews is regularly recorded by the ADL which collects annual statistics on antisemitic activities in the United States and does a major in depth poll every few years which measures antisemitic attitudes of the general population. Since the early 1990s the results have been fairly similar.

About eleven percent of Americans polled by the ADL hold deeply antisemitic views. In general, and in public, Americans are tolerant of the Jews in their midst. The most well educated Caucasians have the fewest antisemitic attitudes. About one-third of non-Jewish Americans believe that Jews were responsible for the death of Christ, 30% suspect that Jews are more loyal to Israel than to the United States, and about 20% think Jews “have too much power” in this country. Alone, these ideas smack of bigotry but they do not necessarily mean the individuals expressing such thoughts are antisemitic. How often these ideas penetrate non-Jewish minds when they are not being polled is difficult to say.

Despite the fact of the acceptance of Jews, their status and security are always concerns of the leading Jewish organizations in the United States. As

a consequence there are many Jewish community and public relations groups reaching out and working together with other Americans for common goals. Most Jews just want to be accepted as individuals who have a different religion but who are like other Americans in all other ways: they are Republicans and Democrats, workers and home owners, and people who have independent opinions on a variety of topics that Americans concern themselves. They are, on average, wealthier and better educated than other Americans. They tend to be much more involved with cultural activities like museum going, literature, and classical music, and generally prefer occupations that require brains rather than brawn. Moreover, their financial contributions to charities, the commentaries in their periodicals, and their voting records suggest that they are much more involved than are other Americans in helping the downtrodden live better lives. Most Jews are Democrats. Most other Caucasians in the United States are Republicans. As a group, therefore, Jews are different from many other Americans but they have no cause to worry about it. Yet many Jews absolutely refuse to accept the fact that their status is secure and they are not part of a marginal group simply waiting for the next pogrom. As Jerome Chanes wrote in 2004: “the paradox [is] that as the number of antisemitic incidents declined over more than two decades, Jewish perception of antisemitism rose.”

Nonetheless, antisemitism still exists among a minority of Americans and to a greater extent among the two largest minority groups in the country: Hispanics and African Americans. ADL polls have shown that about one-third of the foreign born Hispanics, about twice the percentage of American born Hispanics, have strong antisemitic feelings. The roots of Hispanic attitudes are complex; those of African Americans less so. The distinguishing factor among foreign born Hispanics is the influence of Catholic religious teaching prevalent in Latin America which is not mitigated by other aspects of their various cultures. As a reporter for *The Chronicle of Higher Education* wrote in 2008: “to meditate on antisemitism in the Hispanic world, and particularly in Latin America, without invoking the victims of the Inquisition [mostly in 15th century Spain], is to decontextualize the phenomenon . . .”

African Americans, about 80% of whom are Baptists are also a strongly religious group and the church has a much more important role in their culture than it does in most Caucasian subcultures in this country. As Holocaust scholar Hubert G. Locke explained in 1992: “Educationally, socially, and culturally, the Black church continues to be an institution around which the movement activities of many Black Americans revolve as well as where many of their attitudes, values, and outlooks are shaped.” Below are the findings of recent ADL surveys for the two largest ethnic groups.

*Percent of antisemitism among Americans general population, African-Americans, Hispanics*

	Gen	AAM	Hispanic (us born/non-us born)
2005	14	36	19/35
2007	14	25	15/29
2009	12	28	18/35
2011	15	29	20/42
2013	12	–	14/36

The Anti-Defamation League of B'nai Brith (ADL) also keeps an annual record of antisemitic incidents throughout the United States which it labels, "Audits." No other group tests public attitudes toward religious groups as frequently as the ADL. An organization founded in 1913 to promote positive public images of Jews and to expose and denounce those who displayed bigoted attitudes, the ADL grew strongly in the 1930s and after World War II became one of the major American defense agencies. By the 1990s almost everyone in the United States who thought about the subject recognized that American antisemitism had declined considerably from its high point somewhere around 1944–1946. It was in 1979, however, that the ADL inaugurated and began publishing an annual list of antisemitic incidents in this country.

Aside from seeing whether the numbers and percentages of antisemitic events go up or down from year to year, few insights may be garnered from these figures. Without knowing context and details, the numbers of vandalisms, harassments, threats, assaults, and killings offer little in the way of understanding the antisemitic aspects of these incidents. Since there are over 309 million people in the United States, the statistics listed below cover the actions of only a fraction of 1% of the American population; and it cannot be ascertained whether each incident was done by a different person or whether some people engaged in more than one affront. Certainly, if one were to count only the antisemitic incidents reported, collectively they would assume 99+% of the population is not hostile to Jews. That conclusion would be absurd. There are many more Americans who possess negative sentiments toward Jews. The one thing that might be concluded from the audit numbers is that for the past decade, antisemitic incidents in the United States have declined from 1821 incidents in 2004 to 912 incidents in 2014.

Most of the incidents and events are little remembered however some have received national attention: outspoken criticism of Israel on university

campuses, Mel Gibson's 2003 movie, *The Passion of the Christ*, and two scholars' assessments of the impact of the Israel Lobby on American foreign policy decisions.

Although each of these items caused a great deal of concern, stress, and fears of the beginning of a "new antisemitism," within a year or two of their occurrences, they were barely remembered. Nonetheless, some actions create hysteria in parts of the Jewish world.

A review of some of the antisemitic incidents during the past fifteen years suggests that they have had little impact on how Americans view Jews but at the time of their occurrences they provoked much more anxiety than any of the activities warranted. For example, on several university campuses in the past decade or so, there have been public protests about Israel's handlings of Palestinian demands for its own homeland. Students have called for boycotts of Israeli goods, have denounced Israeli leaders, and have even physically attacked pro-Israel activists, while protesting Israeli policies toward Palestinians. At some universities rocks have been thrown at buildings that housed Jews, individuals have been called "Zionist pig" and worse, and on occasion the police have been called out to prevent physical brutality from escalating.

Protests calling for corporate divestment of investments in Israel have occurred at Princeton, Columbia, MIT, Howard and the Universities of California, Illinois, Michigan and Wisconsin, among others, but those are not the campuses where most of the violence against Jewish students occurred. At some schools, like the University of California-Irvine, Rutgers, and San Francisco state, there were much more intense physical and verbal attacks. During these various protests students, supporters of Israel, received assistance from security guards attempting to quell violence inaugurated by pro-Palestinians. No other administrative support came from these institutions which, when they issued statements at all, denounced all forms of antisemitism.

Calling for a Palestinian state or denouncing the policies of Israel towards Palestinians who are aggressively fighting to become independent, does not constitute antisemitism although there can be no doubt that antisemites do participate in these protests on American university campuses. But to equate anti-Zionism with antisemitism would be a mistake. Many Jewish students, as well as their elders, obviously not "self-hating Jews," have also called for reexamination of Israeli policies toward those wanting a separate Palestinian state. And, according to the 2002 ADL survey, only 3% of university students are antisemitic. This statistic is probably still accurate because there have been few, if any, college graduates who have aligned with antisemitic organizations once they graduated.

Another event that caused a great deal of concern within some Jewish circles was the release of Mel Gibson's film, *The Passion of the Christ* in 2003. The film depicts ancient Jews as arrogant, rich, cruel, hard-hearted, and instrumental in bringing on the Crucifixion. Many people at the ADL believed that the "film could fuel hatred, bigotry and antisemitism," but that was just a sign of apprehensiveness. As Jerome Chanes noted in the *American Jewish Yearbook* the following year, "there was no evidence that the film affected most people's attitudes toward Jews."

A third concern about an antisemitic revival resulted from the 2006 publication in the *London Review of Books*, of an article and later a book called *The Israel Lobby*. Written by two highly respected American political scientists, John Mearsheimer and Stephen Walt, the article basically argued that American administrations' policies towards Israel and other nations in the Middle East reflected the views of members of the "Israel Lobby" and were not necessarily in the best interests of the United States. The article received a great deal of notice because no other respectable scholars had argued that point before in public. It also generated attacks upon Mearsheimer and Walt as antisemites. Several Jewish critics publicly dismissed both the article and the authors as bigoted. The ADL denounced the essay as "a classical conspiratorial antisemitic analysis invoking the canards of Jewish power and Jewish control," while the late former New York mayor Edward I Koch, argued almost the same way by stating that the "underlying message of their paper appears to be no more than the old canard that Jews are disloyal and dangerous." Although Jewish groups do have power and do influence American policies towards Israel, they prefer that it not be discussed publicly. Despite their strong position in the United States many Jews still see themselves as an embattled group that will surely be victimized by Christians if it appears that Jews have "too much power." Most Americans generally support existing governmental policies in the Middle East, but in 2010 one college student noted something about his grandparents that is probably reflective of what tens of thousands of Jews think. They believe, he wrote, that "the whole world is out to get us [Jews] and the whole world is out to get Israel."

Ironically, the one American institution considered particularly antisemitic, has made the great efforts to recruit and please Jewish students. Unlike the 1930s, 1940s, and beyond, many colleges are now trying to recruit Jewish students and have already employed Jews as Presidents. Included among those seeking Jewish students are Vanderbilt, Allegheny College, and Franklin and Marshall, while Princeton, Yale, Harvard, the University of Michigan and the University of Cincinnati have already had Jewish presidents. Jewish studies and Yiddish language programs have been inaugurated in universities throughout the nation and several schools have installed kosher kitchens.

Younger adult Jews are no longer embarrassed that their parents speak with heavy accents, klezmer music has become popular, and new Yiddish theatres have begun. None of these things would have happened had antisemitism been on the rise in the United States. Jews under age forty are comfortable living as Americans and as Canadians who are Jewish. Period. They fortunately live in a world where antisemitism is not a daily factor in their own Jewish life. They do not live in a world where their own identity is maintained through a connection with the state of Israel.

The same may be said about the plague of antisemitism: *most American Jews don't see it, feel it, or fear it*. What the future may bring is impossible to know but what might be said about the climate of bigotry in the United States today is that antisemitism is too minor an issue to think about.

## Religion, Theology and American Antisemitism

*Steven Leonard Jacobs*

*People see what they want to see,  
hear what they want to hear,  
and remember what they want to remember; they are compelled by what  
appeals to them emotionally.  
Logic and reason have little power to change prejudices taught, often  
unconsciously, from birth.*

ROBERT MICHAEL<sup>1</sup>

The first manifestation of what the religious communities of Judaism and Christianity may label antisemitism, simply defined as “active hatred of the Jews and Judaism that manifests in behaviors,” makes its appearance in the second book of the Hebrew Bible (Exodus 1:8–10):

Then a new ruler, to whom Joseph meant nothing, came to power in Egypt. “Look,” he said to his people, “the Israelites have become far too numerous for us. Come, we must deal shrewdly with them or they will become even more numerous and, if war breaks out, will join our enemies, fight against us and leave the country.” (New International Version)

The second manifestation, in some ways paralleling the first, appears in the book of Esther (3:8–9):

Then Haman said to King Xerxes, “There is a certain people dispersed among the peoples in all the provinces of your kingdom who keep themselves separate. Their customs are different from those of all other people, and they do not obey the king’s laws; it is not in the king’s best interest to tolerate them. If it pleases the king, let a decree be issued to destroy them, and I will give ten thousand talents of silver to the king’s administrators for the royal treasury.”

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<sup>1</sup> Robert Michael, *A Concise History of American Antisemitism* (New York: Rowman and Littlefield, 2005).

Summarily, we may catalogue these “complaints” against the Jews. First, there are too many Israelites present with the possibility of too many more in the future. Second, they have questionable identities and loyalty. Third, they choose to segregate themselves from the rest of the population. Fourth, their customs are different from those of the majority. Fifth, they have disrespect for the laws of the nation-state.

Tragically, the contemporary relevance of first and second charges finds itself in the Nazi propaganda against the Jews of Germany prior to the Second World War. They Nazis claimed that there were too many Jews resident in Germany—when the reality was that Jews constituted only one-half of one percent or 500,000 persons of the total population. The Nazis further maintained the infamous charge of *Dolchstoßlegende*, that Germany’s defeat in the First World War was a “*stab in the back*” and directly attributable to the Jews who in reality were a “fifth column” aiding and abetting Germany’s enemies).

The third charge becomes both limitedly true and perversely prophetic. Jewish safety and survival mandated self-segregation. Yet, after the fall of Jerusalem in 70 CE (more on this below) and later, Jewish wandering primarily towards and through Western Europe found Jews resident in ghettos not of their own choosing and all-too-often, they found themselves at the very mercy of the lords and priests. The fourth charge, while a true recognition of Judaic difference, both ritually-ceremonially and morally-ethically, would become, in the eyes of the Jews’ enemies, rationale for a continuous history of antisemitic behaviors. Finally, the fifth charge was false and contrary to the later Judaic principle of *dina d’malchuta dina* (Aramaic, “the law of the land is the law”); yet this charge would be used repeatedly to question the Jews’ loyalty. In this sense, the fifth charge can be viewed in part as a variant on the second.

Were these two textual/historical examples not enough, we could also find too many examples within the New Testament to include here, which we may term both anti-Judaic and antisemitic.<sup>2</sup> These texts paint a portrait of first century Jews in collaboration with an unrepresentative Jewish Sadducean priestly leadership allied with the Romans; they were collectively portrayed as

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2 This distinction between “anti-Judaic” and “antisemitic” is important because the earliest followers of the dissident minority movement during the period of Roman oppression and its immediate aftermath were by and large Jews, and thus the earliest New Testament texts give evidence of an intra-Jewish debate wherein the minority paints a negative portrait of the majority in its attempt to assert its own bona fides. Hence anti-Judaic. However, the later generations of Christians were in the main gentiles (Hebrew, “*goiim*”) and, though they knew little if at all of the process of Jewish debate, they tended to accept at face value these same texts and would go on to use them against the original Jewish community. Hence antisemitic.



responsible for the death of the Christ. Examples from what I would characterize as the “litany of hate” in the Gospel of Matthew (23:13–33, with omissions) include:

“Woe to you, teachers of the law and Pharisees, you hypocrites! . . .”

“Woe to you, blind guides! . . .”

“You snakes! You brood of vipers! How will you escape being condemned to hell?”

(Variants on this theme are also found in the Gospels of Mark, Luke, and John.)<sup>3</sup> Such verses would be cited by generations of Christian preachers, initially Roman Catholic and later Protestant, to ostracize, condemn, harm, and massacre generations of Jews primarily on the European continent. Their scriptural attacks would be further buttressed by a particularly Christian reading of the destruction of the Temple by the Romans in 70 CE as proof of divine punishment for the Jews’ failure to accept the “truth” of the reality of the Christ as the one and only begotten son of God sent to redeem a sinful and evil humanity.<sup>4</sup> Such in microcosm, then, is the story of the Middle Eastern and European historical, Christian, religious and theological antisemitism. Post-Holocaust, however, a momentous sea change would occur with the passage of the Roman Catholic document *Nostra Aetate* (Latin, “In Our Time”) in 1965, which both “absolved” (?) the Jews for their involvement in the death of the Christ, and condemned antisemitism, racism, and other forms of prejudice as contrary to

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3 It is somewhat perversely ironic that the Pharisees or the liberals of the day would have been the very community or communities with whom Jesus himself would have been more comfortable even in debate, while the Sadducean leadership with whom Jesus would not have identified were far more conservative and would have viewed this lower middle-class teacher of humble origins as a threat to their own leadership as the high priest Caiaphas and his ilk, yet are almost absent from the various New Testament texts. Thus, those unknown editors who canonized these texts reveal their own ignorance of the structures of the organized Jewish community and its own diversity and paint “the Jews” (especially in the Book of John) with one sorry brush.

4 Early rabbinic texts, interestingly enough, fault the Jews themselves for the destruction of the Temple rather than the Romans who did the actual deeds. Talmudically, the destruction of the Temple was brought about by the sin of *sin’at hinom*, which we may somewhat liberally translate as “causeless and baseless hatred within the Jewish community.” [See Babylonian *Talmud Yoma*, 9b.]

the Church; the document equally condemned the use of seemingly flawed understandings of New Testament passages.

Yet these previous religious and theological underpinnings would not prove to be the case, by and large, with the story of the Jews who first came to America's shores beginning in 1654. While various manifestations of antisemitism would rear their ugly heads in ways similar to those found elsewhere—from charges of “overpopulation,” cultural differences with presumed (false) airs of superiority, self- and other-segregation, restrictions in employment, residence, and profession—and various preachers would rely on both Old and New Testament passages which with regard to the charge of deicide (“God-killers”), sustained antisemitic behaviors with the sanction/approval of the government would not and could not be sustained.

### **The American Jewish Story**

For the last two hundred plus years, the wall of separation between church and state, as it has come to be known, appears solidly built. This is true despite various lapses which continue to find their ways into America's courts, including prayers and scriptural readings in public schools, distributions of religious texts in those same schools, and displays of Christian nativity scenes and Ten Commandments on public property. Moreover, those preachers who continue to condemn Jews in response to literalist readings of biblical texts—the Reverend Fred Phelps and Westboro Baptist Church, for example—do not inspire group violence in the main or illegal behaviors to excess. Additionally, Jewish-Christian dialogue and now, slowly, Jewish-Christian-Muslim dialogue have flowered in the United States more than anywhere else in the world.

Still, while the American story is significantly different, it, too, now sees a resurgence of antisemitism which builds upon the ongoing Middle Eastern conflict. Such antisemitism, rooted in anti-Zionism, sometimes condemns all Jews, whether Zionists or not, for Israeli governmental and military policies and practices. And since the origins of Jewish claims to the “Holy Land” (i.e. Israel) lie within the Hebrew Bible/Old Testament, it is not uncommon to find such attacks against Jews, Judaism, Israel, Israelis, Zionists and Zionism (and even non-Zionists) wrapped in a quasi-theological language. Our understanding of all of this can be enhanced by an assessment of the history of antisemitism in the United States.

For purposes of this religio-historical analysis, then, we may divide the American Jewish story into the following periodization:

1. Beginnings to Nationhood (1654–1776)
2. Nationhood to Civil War (1776–1865)
3. Civil War to World War I (1865–1917)
4. World War I to World War II (1917–1945)
5. From WW II to the Present (1945–present)

### **Beginnings to Nationhood (1645–1776)**

Though the story of America's Jewish beginnings is relatively well-known and will be repeated here only in brief, it is well to keep in mind that the journey begins with the antisemitism of the European past and continues to the present day. After the expulsion of the Jews from Spain in 1492, some Sephardic Jews migrated successfully to the Netherlands which, while seemingly tolerant of others, was, at its base, part of the conservative Dutch Calvinist tradition. Others travelled to the New World of the Americas, in this case the Dutch colony of Recife in Brazil. Forced to leave Recife in 1654 after its takeover by the Portuguese, twenty-three Jewish individuals journeyed north to the seemingly safe port of New Amsterdam, then governed on behalf of the Dutch West India Company by Peter Stuyvesant. Initially denied landing rights and admittance, Stuyvesant was prevailed upon to write home for affirmation of his refusal. Much to his chagrin, so the story goes, he was upbraided for his refusal and the Sephardic Jews were admitted into the colony. He did not know that Dutch Jews were members of the Board of Directors of the Company! Attempting to seek his revenge, he refused the Jews the right to bear arms in defense of the colony, indicative of burgher rights and full participation as citizens. Here, too, he lost in a court case won by one Asser Levy.

Reflecting on these initial events, scholar Michael N. Dobkowski would write:

The situation of New Amsterdam's Jews is a good illustration of how religious animosity could lead to prejudice and economic restrictions. The twenty-three Jews who landed in the colony faced a series of restrictions that stemmed from the colony's general disapproval of other religious practices and the specific anti-Semitism harbored by Governor Peter Stuyvesant and the colony's church officials. Jews were denied even the most elementary economic and religious rights by the choleric governor and the Dutch West India Company. By the time the Dutch flag was lowered a decade later, the Jews had achieved the right to settle and own land, but it was not until the 1690s, under British rule, that they were

accorded the privilege of holding public worship and selling at retail. Fortunately, the problems Jews faced because of the attitude of Governor Stuyvesant were eventually overcome.<sup>5</sup>

While an inauspicious beginning, it is well to keep in mind the caveat of David Gerber regarding the American Jewish story:

Throughout much of American history anti-Semitism has been less pervasive than hatreds and hostilities growing out of racial prejudice and domination, intersectarian divisions among Protestants, Protestant-Catholic animosity, and various ethnic tensions. In short, Jews have been one target, and most of the time a relatively minor one, among many. In addition, this pluralistic patterning of social hostilities has made it all the more difficult for the enemies of the Jews to unite in common cause.<sup>6</sup>

One hundred years later, 1790, and relatively shortly after the American Revolution of 1776, the Jewish population had “swelled” to approximately 3,000 persons.<sup>7</sup> Rather than an overall assessment, each of the original thirteen colonies must be viewed separately regarding their own individual relationships to “their” Jews. Following Robert Michael’s (2005) *A Concise History of American Antisemitism*, we may summarize them (for ten colonies) as follows:

1. Connecticut: Founded in 1638–1639. Congregationalism state religion until 1818. Equality for all inhabitants including Jews not recognized until 1843.
2. Delaware: Refused Jews admission until taken over by Dutch in 1655.
3. Massachusetts: Chartered in 1629. Informal toleration of Jews, though repeated attempts at conversion.
4. Rhode Island: Jews invited to settle under the governorship of Roger Williams. . . . Jews did not become full citizens until 1842.
5. Virginia: Chartered in 1606. Jews officially excluded from the colony until after the American Revolution.

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5 Michael N. Dobkowski, *The Tarnished Dream: The Basis of American Anti-Semitism* (Westport, CT: Greenwood, 1979), 12.

6 David A. Gerber, ed., *Anti-Semitism in American History* (Urbana, IL: University of Illinois Press, 1986), 17.

7 *Ibid.*, 22. Frederick C. Jaher, however, disputes this and places this figure at 1,650. See his *A Scapegoat in the Wilderness: The Origins and Rise of Anti-Semitism in America* (Cambridge, MA: Harvard University Press, 1994), 9.

6. Pennsylvania: Welcomed to settle but barred from holding public office even after the Revolution.
7. South Carolina: Anglicanism official state religion as of 1704. Jews barred from office as of 1721, though by 1841 saw themselves as citizens of the state.
8. Georgia: Founded in 1732. Repeated story of anti-Jewish attitudes and behaviors.
9. New York: Became an English colony in 1664. As of 1777 Jews granted the right to hold public office.
10. Maryland: . . . Jews achieved full equality only as of 1826.<sup>8</sup>

This pattern of discrimination against Jews was repeated in the remaining three colonies—New Hampshire, New Jersey, and North Carolina—as well. Jews were neither wanted nor welcomed, first for decidedly not being Christians and second for continuing to carry the stains of the past, primary among which was supposed responsibility for the death of the Christ.

### Nationhood to the Civil War (1776–1865)

While a relatively insignificant part of the overall population, some Jews participated in the Revolutionary War. The most well-known of these people, perhaps, was Haym Solomon, the Sephardic New York banker and principal financier of Washington's Continental Army. Commenting on Jewish participation in both the Revolutionary War and the Civil War in a letter of concern to Jacob Schiff regarding the pogroms in Kishinev, Russia, in 1903, President Theodore Roosevelt wrote:

During the Revolutionary period they aided the cause of liberty by serving in the Continental army and by substantial contributions to the empty treasury of the infant republic. During the Civil War, thousands served in the armies and mingled their blood with the soil for which they fought.<sup>9</sup>

During the years between independence and the Civil War, Jewish population growth was steady, but not as significant as it would later become after the Civil War. Small Jewish communities flourished to a greater or lesser degree both in the North and the South, with social and economic integration.

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<sup>8</sup> Michael, *A Concise History of American Antisemitism*, 57–68.

<sup>9</sup> *Ibid.*, 128.

Political acceptance was rarer. All in all, progress was uneven and the relationship, as Robert Michael describes it, was ambivalent. The term “Christian” was not solely confined to a religious understanding in the new American context, but was also understood to mark one’s moral character as well. Thus, America characterized itself as a “Christian nation”—understood as Protestant—and all others (Roman Catholics, Jews, even Native Americans) were expected to maintain a less visible profile and accept their status as less than equal citizens.

While Jewish population figures for this period are extremely difficult to assess—partly because of name-changing and intermarriage—the following estimates by scholarly investigators appears reasonably accurate.

1825	6,000
1850	15,000
1848	30,000 <sup>10</sup>
1860	150,000 <sup>11</sup>

Thus, the Jewish population during this period dramatically increased in numbers. There remained difficult questions concerning assimilation and integration of a non-Protestant non-Christian population. Thus, in 1844, Daniel Webster (1782–1852) argued a case before the United States Supreme Court, *Vidal v. Gerard’s Executors* regarding the disposition of a will. Writing for the Court, Justice Joseph Story (1779–1845)<sup>12</sup> affirmed four fundamental “truths:”

- 1) Blasphemy against Christ or Christianity should be punished.
- 2) The truth of Christianity was a divine revelation.
- 3) The Christian religion is part of the common law.
- 4) Only the New Testament teaches the purest, clearest, and most perfect principles of morality.<sup>13</sup>

10 Barry Supple (1957), “A Business Elite: German-Jewish Financiers in Nineteenth Century New York,” *The Business History Review*, 31(2): 143–178.

11 Bertram W. Korn, *American Jewry and the Civil War* (Cleveland and Philadelphia: World Publishing Company/Jewish Publication Society of America, 1951), 1. Given this dramatic upsurge, we must assume that the overwhelming bulk of Jews were immigrants, paralleling other European populations who journeyed to these shores during and after the various crises which afflicted the European continent (e.g. the Irish “potato famine” of 1848).

12 A well-respected commentator on American jurisprudence, Story, already in 1833, had addressed the question of the separation of church and state at the Federal level and saw in the Bill of Rights protection against the imposition of religion on the nation-state as a whole, but the responsibility for specific decision-making left to the states themselves.

13 Robert Michael, *A Concise History of American Antisemitism*, 80.

While such a perspective was not understood to be overtly antisemitic at least by those who espoused and supported it, grounded as it was in religion and theology, it typified the majority's assessment of the nation.

More significant, perhaps, was the continuing negative portrayals of Jews in American religious and secular literature throughout and following this period, as Michael N. Dobkowski points out in his 1979 book, *The Tarnished Dream: The Basis of American Anti-Semitism*. Most prominently, Sunday school literature abounded with depictions of Jews as "Christ killers." Witness the following examples:

1. 1813, Sunday School Lessons by prominent American educator Elizabeth Peabody (1804–1894) spoke of the "conspiracy of the Jewish rulers against Jesus Christ."
2. 1846, Scripture Lessons for the Young (author unknown) spoke of the Jews as having nailed the Christ to the Cross and reviled him in doing so.
3. 1855, *The Prince of the House of David*; 1859, *The Pillar of Fire*; and 1860, *The Throne of David*, by Protestant Episcopal priest Joseph Holt Ingraham (1809–1860), a popular trilogy which sold over five million copies was written so that Jews would overcome their tragic past and come to accept the light of Christ (i.e. convert).
4. 1860, *A Pictorial Descriptive View and History of All Religions* by Congregationalist minister Charles A. Goodrich (1790–1862) depicted the Jews as evildoers.
5. 1861, *Judea in Her Desolations* by Hannah W. Richardson faulted the Jews for conspiring to kill the Christ.
6. 1868, *An Illustrated History of the Bible*, by J. Kitto repeatedly spoke of perverse Jews who murdered Christ.<sup>14</sup>

Thus, Jews remained a vulnerable minority during this period, a population whose very vulnerability was further fueled by a decidedly Christian historical reading of both the past and the present.

### Civil War to World War I (1865–1917)

The great American conflict known as the Civil War (1861–1865), which saw an increasingly divided nation-state threatened with being split apart, found an increasingly growing Jewish community in arms on both sides of the

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14 Michael N. Dobkowski, *The Tarnished Dream*, 14–15.

struggle. British historian Sir Martin Gilbert, the acclaimed biographer of Sir Winston Churchill, estimates the number of Jewish Union (Northern) soldiers at 6,000; the number of Confederate (Southern) soldiers at 1,200.<sup>15</sup>

The most prominent Southern Jew during the Civil War was Judah P. Benjamin who served under Confederate President Jefferson Davis as Attorney General, Secretary of War, and Secretary of State; he relocated to England after the War and later to France where he died. For his Hebrew College Master's Thesis revised as "Anti-Semitism in the American Civil War" *New Vilna Review*, Jack Kay of Eastern Michigan University notes

For his part, Benjamin was the subject of too many anti-Semitic attacks over the course of the war to list or attempt to qualify by degree of egregiousness. It is sufficient to note that he shouldered the blame for Confederate defeats on the battlefield during his tenure as Secretary of War and for its diplomatic disappointments while Secretary of State.<sup>16</sup>

The most well-known antisemitic incident of the Civil War, however, was General Ulysses S. Grant's General Order #11, dated 1862, which Marc Wortman calls "the worst official anti-Semitic act/incident in American history"<sup>17</sup> and Grant's own wife Julia called "that obnoxious order":<sup>18</sup>

1. The Jews, as a class violating every regulation of trade established by the Treasury Department and also department orders, are hereby expelled from the Department [of the Tennessee] within twenty-four hours from the receipt of this order.
2. Post commanders will see to it that all of this class of people be furnished passes and required to leave, and any one returning after such notification will be arrested and held in confinement until an opportunity occurs

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15 Martin Gilbert, *Atlas of Jewish History* (New York: Macmillan, 1976), 81. Also cited in Robert Michael, *A Concise History of American Antisemitism*, 88.

16 Jack Kay (2010), "Anti-Semitism in the American Civil War: Part II," [www.thenewvilna-review.com](http://www.thenewvilna-review.com) (September 15). See also Part I (September 7, 2010), and Part III (September 20, 2010). See also Daniel Brook (2012), "The Forgotten Confederate Jew," [www.tabletmag.com](http://www.tabletmag.com). Accessed 17 July 2012.

17 Marc Wortman (2012), "What Happened When General Grant Expelled Civil War Jews," [www.thedailybeast.com](http://www.thedailybeast.com). For a much more carefully nuanced and scholarly assessment of the entire incident, see Jonathan Sarna, *When General Grant Expelled the Jews* (New York: Nextbook/Schocken, 2012).

18 John Simon (1984), "That Obnoxious Order," *Civil War Times Illustrated*, 23(6): 13.



of sending them out as prisoners, unless furnished with permit from headquarters.

3. No passes will be given these people to visit headquarters for the purpose of making personal application of trade permits.

That same day, Grant sent the following to Christopher Wolcott, Assistant U.S. Secretary of War, explaining his reasoning:

Sir,

I have long since believed that in spite of all the vigilance that can be infused into Post Commanders, that the Specie regulations of the Treasury Dept. have been violated, and that mostly by Jews and other unprincipled traders. So well satisfied of this have I been at this that I instructed the Commanding Officer at Columbus [Kentucky] to refuse all permits to Jews to come south, and frequently have had them expelled from the Dept. [of the Tennessee]. But they come in with their Carpet sacks in spite of all that can be done to prevent it. The Jews seem to be a privileged class that can travel anywhere. They will land at any wood yard or landing on the river and make their way through the country. If not permitted to buy Cotton themselves they will act as agents for someone else who will be at a Military post, with a Treasury permit to receive Cotton and pay for it in Treasury notes which the Jew will buy up at an agreed rate, paying gold.

There is but one way that I know of to reach this case. That is for Government to buy all the Cotton at a fixed rate and send it to Cairo, St Louis, or some other point to be sold. Then all traders, they are a curse to the Army, might be expelled.

The Order itself was formally revoked one month later (17 December 1862–17 January 1863)—reluctantly by Grant at the behest of President Abraham Lincoln (1809–1865) after two meetings with representative members of the Jewish community of Paducah, Kentucky. However, it does reflect a popular mindset of Jews as economic exploiters and manipulators even in times of war. Grant, however, would later step up far more positively and disavow the Order itself. He argued that he signed it without reading it, though there were previous communications from him in which complained about such Jewish exploiters, specifically what he regarded as the illicit cotton trade.<sup>19</sup> Grant,

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<sup>19</sup> Jack Kay notes that “it seems clear that Grant thought that by getting rid of the Jews in his department he would be stopping or at least slowing the cotton trade that he and

later, would also appoint more Jews to high governmental positions than any of his predecessors, and become the first US President to attend a synagogue dedication (Adas Israel Congregation, Washington, DC) in 1874.

Still, as Jack Kay argues, diaries written on both sides of the Mason-Dixon Line provide insights into the general attitudes, mostly negative, towards Jews during the Civil War. He concludes:

A summary of these . . . diarists with regard to Jews can be simply stated: Whenever they thought to mention Jews in the general case, it was always in some negative fashion, be it mild or virulent. The conclusion to be drawn is that these people thought of Jews in what can only be described as anti-Semitic terms. Upon closer inspection, it is noticed that all of the Jews so characterized by these diarists are civilians, and most of them are involved in business. Gerald Linderman has noted that for many people of the time, military prowess was an Anglo-Saxon trait, while at the same time business people were viewed with disdain.<sup>20</sup>

Equally, Kay notes that such negative portrayals of Jews occurred on both sides, and that such portrayals were found in the leading publications of the day as well:

Most of the Civil War's anti-Semitic condemnations centered about the portrayal of Jews as greedy and unpatriotic business men, intent upon making a profit from the war. The invective was as virulent on both sides of the Mason Dixon Line. . . .

Throughout the years of the Civil War, *Vanity Fair*, the *New York Illustrated News*, *Phunny Phellow*, *Harpers Weekly*, *Frank Leslie's Budget of Fun*, *Frank Leslie's Illustrated Newspaper*, *Yankee Notions*, and several others, published numerous cartoons and poems that were openly anti-Semitic. The illustrations were rife with stereotypical Jewish features, while the captions and poems referred to Israelites, Chatham Street [New

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20 several of his subordinates, especially his close confidant [William Tecumseh] Sherman (1820–1891) so despised." He also concludes, all thing considered, that "there can be no question that Grant made the decision and wrote the order, and did so in as deliberate and methodical a manner as he did anything else as a military commander." Jack Kay (2010), "Anti-Semitism in the American Civil War: Part 111," [www.thenewvilnareview.com](http://www.thenewvilnareview.com). Jack Kay (2010), "Anti-Semitism in the American Civil War: Part 11," [www.thenewvilnareview.com](http://www.thenewvilnareview.com). See also Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York: The Free Press, 1987), 287–288.

York], and often using German-Jewish accented spelling. These Jews were not only portrayed as the worst example of shoddy contractors, but also as draft dodgers, Confederate spies, and wholly unsupportive of the war effort.<sup>21</sup>

What we see, then, throughout this period are European antisemitic tropes come to America, both North and South: Jews as outsiders and/or foreigners despite places of birth but most especially those born elsewhere, Jews as non-Christians, Jews as disloyal non-citizens or questionable citizens, Jews as possessing an uncanny business acumen and thus economically exploiting and manipulating others. All of these tropes—oft-times without specifically expressing such—take us back to Biblical texts.

After the Civil War, the American Jewish community would continue to grow and forge ahead in the dual direction of both assimilation and integration. Religiously, ten years after the conclusion of this War Between the States, 1875, Cincinnati, OH, would become the seat of an important event: the founding of the Hebrew Union College (ordaining its first class in 1882) under the vision of Rabbi Isaac Mayer Wise (1819–1900) who would also found both the Union of American Hebrew Congregations (1873, and now called the Union for Reform Judaism), and the Central Conference of American Rabbis (1889). Himself an immigrant from Bohemia, Wise's understanding of a liberalized version of the Jewish religious tradition was coupled with an unsuccessful attempt to unite all of American Jewry into one community. In the creation of his three institutions, however, he would establish the normative organizational pattern of all religious streams of American Jewry. The Reform Movement in Judaism, in addition, would go on to pioneering efforts in interfaith Jewish-Christian relations, and its rabbis and laypeople would find themselves invested in and involved in the various social movements which continue to be part of the American fabric today (e.g. Civil Rights for African-Americans, and now Hispanic-Americans, the Viet Nam War, anti-poverty and homeless coalitions, and various forms of continuing non-discrimination activities against women, gays, and others).

Yet, despite these advances, all was not well. In 1877, for example, Jewish banker Joseph Seligman, who had turned down Grant's offer to serve as Secretary of the Treasury, was denied entry together with his family at the Grand Union Hotel in Saratoga, NY, by its owner Judge Henry Hilton who

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21 Ibid.

was said to have remarked “I don’t like Jews as a general thing, and don’t care whether they like me or not.”<sup>22</sup>

According to Robert Michael, “the period between the Civil War and the end of the century saw the development of a strong Christian revivalist movement and a concomitant growth in antisemitism”<sup>23</sup> This understanding led to a renewed understanding of America as a “Christian nation,” and thus, by extension, excluding Jews and others from access to the corridors of power, education, and economic and social mobility. (Roman Catholics, too, though far larger in numbers, continued to face overt and public discrimination in these same arenas.) Michael cites the case of Supreme Court Justice David Brewer whose influential 1905 book was entitled *The United States: A Christian Nation* (Philadelphia: John C. Winston). For many, this issue of either the “Christian” founding of the United States or its “Christian” direction still remains unresolved.<sup>24</sup>

The real issue, however, was that of immigration. By the turn of the 20th century, America’s Jews now numbered more than 1,000,000. In 1891, the US Congress had already passed the Immigration Act designed to limit the number of Jews coming from Czarist Russia.<sup>25</sup> While significant European antisemitic events continued to be covered in the American press—(e.g. the Damascus Affair in Syria [1840], the Mortara Affair in Italy [1858] and the Dreyfus Affair in France [1894–1906])—none resulted in anti-Jewish riots or violence to any appreciable degree. Yet Jews remained in the minds of many as outsiders.

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22 Stephen Birmingham, *“Our Crowd:” The Great Jewish Families of New York* (Syracuse: Syracuse University Press, 1967), 142–145.

23 Robert Michael, *A Concise History of American Antisemitism*, 94.

24 For example, in June, 2012, the overseeing commission of Alabama Public Television fired its Director, Alan Pizzato, and three members resigned “amid the possible addition of Christian-themed historical shows” to the public airwaves. Those advocating for this change want to use the DVDs of David Barton (b. 1954) of WallBuilders of Aledo, TX, a conservative evangelical ministry. Barton’s reading of American history has been seriously challenged in both religious and academic circles. Report in *The Birmingham News*, 16 June, 24 June, and 20 July 2012.

25 This practice of governmentally obstructing immigration into a country of immigrants would have its most tragic consequences during the Second World War. See, for example, Steven Leonard Jacobs (2010), “Breckinridge Long and Coming to America,” *Journal for the Study of Antisemitism*, 2(1): 115–132.

### World War I to World War II (1917–1945)

During the initial period of the First World War (1914–1918), Jews would confront the second major antisemitic incident in American history: the false conviction and illegal lynching of Leo Frank for the murder of Mary Phagan in Atlanta, GA. The case itself would become something of an international cause célèbre reminiscent in the minds of some of the false conviction and sentencing of French Army Captain Alfred Dreyfus (1859–1935) on charges of espionage and treason resulting in a twelve-year ordeal (1894–1906) before his ultimate vindication and reinstatement. While Southern prejudices against Northerners (Frank was from New York) and upper-class businessmen and industrialists (a holdover from the Civil War) was in evidence during the trial and its aftermath, Robert Michael takes pains to point out that American historian John Higham would comment in his (1984) book *Send These to Me: Immigrants in Urban America* that “religious images of the Jew as corrupter and despoiler of the innocent” were equally very much in evidence.<sup>26</sup>

World War I, however, would find Jews enlisting in record numbers and suffering disproportionate casualties. And while antisemitism was apparent both at home and in the military itself, the numbers do reflect a positive integration of Jews in the United States. Indeed, as the American Jewish Committee Office of War Records, World War I reports:

In all, about 250,000 Jewish soldiers served in the United States military during World War I, 40,000 of whom volunteered. About 3,500 Jews were killed in action or died of wounds. Jews, who made up 3 per cent of the United States population, contributed 5% to the entire death roll of the U.S. Army. The number of Jews wounded was estimated at 12,000.<sup>27</sup>

Culturally, however, as Robert Michael notes, America’s literary establishment was rife with antisemitic assessments of its Jewish population: “. . . the work of most major American writers contains anti-Jewish material based on

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26 John Higham, *Send These to Me: Immigrants in Urban America* (Baltimore: The Johns Hopkins University Press, 1984), 173; Robert Michael, *A Concise History of American Antisemitism*, 102.

27 Twenty-one boxes of these records are housed in the American Jewish Historical Society at the Center for Jewish History, New York, NY. The above quotation is taken from the online summary prepared in 1995 by Brian Ferber and Elana Horowitz. [Note: The author’s own grandfather, Samuel Buchler (d. 1929) served in the Allied Expeditionary Force (AEF) in France during the conflict.]

traditional Christian stereotypes. He then goes on to provide examples in the writings of such literary icons as William Cullen Bryant (1794–1878), Henry Wadsworth Longfellow (1807–1882), James Russell Lowell (1819–1891), Emily Dickinson (1830–1886), Ralph Waldo Emerson (1803–1882), Herman Melville (1819–1891), Ambrose Bierce (1842–1913), Mark Twain (nee Samuel Langhorne Clemens, 1835–1910), William Dean Howells (1837–1920), Stephen Crane (1871–1900), Henry James (1843–1916), John Hay (1838–1905), Henry Adams (1838–1918), John Greenleaf Whittier (1807–1892), Walt Whitman (1819–1892), and Oliver Wendell Holmes, Sr. (1809–1894).<sup>28</sup>

Of more pointedly relevant importance during this same period were four Christian clergy whose antisemitic messages reached large numbers of the American populace prior to and early into the Second World War: Father Charles Coughlin (Catholic 1891–1979), William Dudley Pelley (Methodist [non-ordained] and spiritualist, 1890–1965), Gerald L.K. Smith (Disciples of Christ, 1898–1976), and Gerald B. Winrod (Baptist, 1900–1957).<sup>29</sup> Their extreme American nationalism and their extreme isolationist positions even while flirting with Nazism were coupled with a conservative Christianity which equally reflected historically antisemitic tropes of the Jews as Christ-killers, money-changers and speculators, Communist fellow-travelers with world domination

28 Robert Michael, "The Jews in Literature," *A Concise History of American Antisemitism*, 105–118. In this context, an important text is that of Nancy Harrowitz, ed., *Tainted Greatness: Antisemitism and Cultural Heroes* (Philadelphia: Temple University Press, 1994). Her contributors address the antisemitic component in the work of Martin Luther (Germany, 1483–1546), Gerhard Kittel (Germany, 1888–1948), Mircea Eliade (Romania, 1907–1986), Cesare Lombroso (Italy, 1835–1909), Richard Wagner (Germany, 1813–1883), Martin Heidegger (Germany, 1889–1976), Ezra Pound (United States, 1885–1972), Paul De Man (France, 1919–1983), and Jean Genet (France, 1910–1986). The preponderance of those addressed, coming as they do out of a German national and cultural environment, would initially seem to support Daniel Jonah Goldhagen's controversial idea of an "eliminationist antisemitism" as somehow embedded deep within the German psyche (*Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. New York: Alfred A. Knopf, 1996).

29 With the exception of Winrod about whom no book-length study has yet appeared, the others are all subjects of intense analysis. See for example Scott Beekman, *William Dudley Pelley: A Life in Right-Wing Extremism and the Occult* (Syracuse: Syracuse University Press, 2005); Glen Jeansonne, *Gerald L.K. Smith: Minister of Hate* (New Haven and London: Yale University Press, 1988); Sheldon Marcus, *Father Coughlin: The Tumultuous Life of the Priest of the Little Flower* (Boston: Little, Brown, and Company, 1972); Donald Warren, *Radio Priest: Charles Coughlin the Father of Hate Radio* (New York and London: The Free Press, 1996). As for Winrod, the only substantive text is the Master's Thesis of Larry B. Sullivan, Associate Professor of History at Manhattan Christian College, KS, entitled simply "Gerald B. Winrod" (Fort Hays State University, KS, 1967).

designs. With the exception of Coughlin who founded the National Union for Social Justice (1934), “Christian” was very much front and center in the organizations founded by the others: “Christian Patriots” and “Christian Party” (Pelley, 1933 and 1936); “Christian Nationalist Party” (Smith, 1948); “Defenders of the Christian Faith” (Winrod, 1925).

As World War II approached and America’s involvement in the great cataclysm of the 20th century increased, their collective voices grew louder and their attacks on Jews stronger. Ironically, however, once the United States entered the War as a result of the Japanese attack on Pearl Harbor on December 7, 1941, their seeming collective influence waned considerably, and by war’s end and America’s success, they were viewed as sorry figures best left alone and to their own devices. Coughlin would ultimately be censured by his bishop and spent his final years doing priestly ministry and little else. Pelley would semi-retire and spend his final years fending off charges of securities fraud. Smith would retire to Eureka Springs, AR, where he would raise funds for a 1,500 foot statue on Magnetic Mountain known as the “Christ of the Ozarks” (where both he and his wife would be buried adjacent to it), and would inspire an annual Passion Play of the death of the Christ based on that of the antisemitic one performed every decade in Oberammergau, Germany.<sup>30</sup> Winrod would spend his final years in relative obscurity in Wichita, KS. Their efforts drew large audiences at rallies, on the airwaves, and for their publications.<sup>31</sup> However, none

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30 On this very dramatic presentation of the Christ’s death, performed since the 1600’s, and its intensely antisemitic portrayal of the villainous Jews, see James Shapiro, *Oberammergau: The Troubling Story of the World’s Most Famous Passion Play* (New York: Vintage Books, 2001); and Helena Waddy, *Oberammergau in the Nazi Era: The Fate of a Catholic Village in Hitler’s Germany* (Oxford and New York: Oxford University Press, 2010).

31 At some point, the works of these antisemites addressed the supposed veracity of the notorious antisemitic forgery—about which there is a large volume of literature—known as *The Protocols of the (Learned) Elders of Zion*. See, for example, Hadassa Ben-Itto, *The Lie That Wouldn’t Die: The Protocols of the Elders of Zion* (London and Portland: Vallentine Mitchell, 2005); Stephen Eric Bonner, *A Rumor About the Jews: Reflections on Antisemitism and the Protocols of the Learned Elders of Zion* (New York: St. Martin’s Press, 2000); Susan S. Cohen, ed., *“The Protocols of the Sages of Zion:” A Selected Bibliography* (Jerusalem: Hebrew University, 2006); Cesare G. De Michelis, *The Non-Existent Manuscript: A Study of the Protocols of the Sages of Zion* (Lincoln and London: The University of Nebraska Press, 2004. Translated by Richard Newhouse.); Will Eisner, *The Plot: The Secret Story of the Protocols of the Elders of Zion* (New York: W.W. Norton and Company, 2005); Alex Grobman, *License to Murder: The Enduring Legacy of the Protocols of the Elders of Zion* (Noble: Balfour Books, 2011); Steven L. Jacobs and Mark Weitzman, *Dismantling the Big Lie: The Protocols of the Elders of Zion* (Jersey City: Ktav Publishing House, 2003); Richard Landes and Steven T. Katz, eds., *The Paranoid Apocalypse: A Hundred Year Retrospective*

ever resulted in significant violence to Jews or synagogue desecrations to any appreciable degree.

Finally, one cannot leave the pre-World War II period without reference to the rise of the reborn Ku Klux Klan in 1915, in the aftermath of the Leo Frank case, primarily in the American South. Relatively small and vulnerable Jewish communities attempted by and large to keep a low profile to avoid physical attacks and synagogue desecrations by an organization which saw itself as defending a “Christian way of life” from Jews, Blacks, and Roman Catholics as well as foreigners and outsiders of all stripes.

Equally notorious was the publication in the Dearborn [MI] *Independent*, owned and sustained by automobile magnate Henry Ford, of a multi-part series entitled “*The International Jew*,” an extensive running commentary on *The Protocols of the Elders of Zion*. Ford was no friend of the Jews but would later apologize for pragmatic reasons, to avoid a lawsuit and potential business losses. It must not be forgotten that Ford, growing up in the suburban Detroit (Greenfield Township, MI), very much saw himself as a conservative “Christian gentleman” who accepted the negative portrayal of Jews as presented in the New Testament.<sup>32</sup>

### From WW II to the Present (1945–)

American historian Solomon Grayzel estimated that approximately 500,000–550,000 Jews served in the various branches of the armed forces, 11,000 of whom were killed in action. Three received the Medal of Honor, 157 received the Distinguished Service Medal, more than 1,600 received the Silver Star, and more than 52,000 were awarded other medals (e.g. Purple Hearts, etc.).<sup>33</sup> As

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*on The Protocols of the Elders of Zion* (New York and London: New York University Press, 2012); Benjamin W. Segel, *A Lie and A Libel: The History of the Protocols of the Elders of Zion* (Lincoln and London: University of Nebraska Press, 1926/1995. Translated by Richard S. Levy); Esther Webman, ed., *The Global Impact of The Protocols of the Elders of Zion: A Century-Old Myth* (London and New York: Routledge, 2011).

32 See, for example, Neil Baldwin, *Henry Ford and the Jews: The Mass Production of Hate* (New York: Public Affairs, 2001); Albert Lee, *Henry Ford and the Jews* (New York: Stein and Day, 1980); Victoria Sacker Woeste, *Henry Ford's War on Jews and the Legal Battle Against Hate Speech* (Stanford: Stanford University Press, 2012).

33 Solomon Grayzel, *A History of the Jews: From the Babylonian Exile to the Present* (Philadelphia: The Jewish Publication Society, 1968), 786.



was the case surrounding the First World War, various kinds of incidents of antisemitism occurred both inside and outside of the military.<sup>34</sup>

As the revelations of what the Nazis were doing to the Jews of the various European nation-states they conquered became known, it became readily apparent that the American Jewish community was reluctant to make its concerns known dramatically and publicly. There were two exceptions. Orthodox rabbis marched on Washington on October 6, 1943 to protest Nazi treatment of Jews. Earlier, on March 27, 1933, there was a rally in Madison Square Garden, NY, advocating a boycott of German goods. Once the United States entered the war in 1941, however, Jewish fears of isolationist antisemitism coupled with a desire to avoid labeling the conflict a “Jewish war,” and a somewhat reluctant agreement with then-President Franklin Delano Roosevelt that the best way to help bring the “Jewish catastrophe” to a swift conclusion was to end the war. This orientation lessened Jewish public protest.

A second increasingly obvious understanding was the reluctance of the allies to come to the aid of the Jewish dispersed and grant refugee status to those whose lives were threatened by the Nazis. Breckinridge Long (1881–1958), Under Secretary of State responsible for Visas and a personal friend of the President, successfully created the bottleneck which found 80% of all available slots left vacant.<sup>35</sup>

After the defeat of the Nazis in 1945 and the increasing awareness of what happened to the Jews during the Holocaust/Shoah, as well as the re-founding of the State of Israel in 1948, antisemitism in the United States, while not entirely erased, began a downward spiral which continues to the present day—despite momentary glitches. Even the so-called “War on Terror” as proclaimed by

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34 The author’s own father, Ralph Albert Jacobs (1921–1981) related one such incident in which he was involved in a physical confrontation with a fellow soldier: In a stateside mess hall prior to going overseas, one of his compatriots remarked that “Hitler had the right idea and should kill as many Jews as he could.” A refugee from Germany who lost both his parents, he could not abide the comment which resulted in both soldiers landing punches on the other. My father was hauled before the Commanding Officer (CO), told him what had happened, was given a verbal dressing down, but nothing more, and returned to his base assignment the same day.

35 See Arthur Morse, *While Six Million Died: A Chronicle of American Apathy* (New York: Overlook Press, 1998); David Wyman, *The Abandonment of the Jews: America and the Holocaust 1933–1945* (New York: New Press, 2007); Steven Leonard Jacobs (2010), “Breckinridge Long and Coming to America,” *Journal for the Study of Antisemitism*, 2(1): 115–132. Of personal note, the author’s own grandparents—Ella and Leo Jacob—were among those denied visas to the United States, were incarcerated and ultimately murdered by the Nazis in late 1941 or early 1942.

then-President George Bush which has resulted in the Iraq and Afghanistan incursions has not resulted in any appreciable increase in antisemitism—this, too, despite the erroneous claim of some that the former was engineered in US government circles by Jewish neo-conservatives.<sup>36</sup> The defense agency the Anti-Defamation League, New York, continues to report a downward spiral of recorded antisemitic incidents annually.<sup>37</sup>

All would, therefore, appear well on the “religious antisemitic front.” Yet the ongoing Israeli-Arab/Muslim conflict in the Middle East appears to be the latest battleground in the antisemitic wars. At their conferences, the United Methodist Church and the Presbyterian Church in the United States, for example, consider labeling the State of Israel as apartheid similar to South Africa and calling for economic divestment from companies doing business with Israel. They take these steps and others in part because both have constituencies in Arab countries and are genuinely and legitimately concerned about their present and future fate. Moreover, they have consistently passed resolutions condemning antisemitism as inimical to the very idea of Christianity. To the present moment, Jewish and Israeli advocacy organizations in the United States (e.g. American Jewish Committee, Anti-Defamation League, and others) in conversation with church leaderships have thus far successfully countered the passage of most—but not all—such resolutions. Anti-Israel resolutions that have not passed may yet resurface until the conflict is resolved.<sup>38</sup>

On balance, however, the American Jewish community, numbering somewhere in the realm of 6,000,000 children, women, and men, appears more at home and freer from the dangers of overt and active antisemitism than anywhere else in the world, including the State of Israel. One significant factor that must always be taken into consideration in this context is the earlier-mentioned hardy wall of separation between church and state as a hallmark

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36 This most egregious claim was put forth by John J. Mearsheimer and Stephen M. Walt in their highly-specious and faultily-argued text *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus, and Giroux, 2007), as well as others of that ilk.

37 For their reports, see [www.adl.org](http://www.adl.org).

38 In this context, too, it must also be acknowledged that various evangelical Christian communities support the state of Israel commensurate with their reading of both the Hebrew Bible and the New Testament (e.g. Genesis 12:3: “I will bless those who bless you and those who curse you will I curse.”). However, the theological future welcoming of Jews into acceptance of the Christ remains conflictual. One such example would be conservative Pastor John Hagee of Cornerstone Church, San Antonio, TX, founding leader of Christians United for Israel (CUFI), an organization of political and financial support for the State of Israel, and which holds massive conferences and brings untold numbers of Christians to the “Holy Land.”

of the distinctiveness of this relatively new country and grand experiment we continue to call the United States of America. And while the past—most especially the differences from the European past—is no guarantor of safety in either the present or the future, it is not wholly unreasonable to suggest that antisemitism, especially religious and theological antisemitism, will continue to diminish especially as the Jewish population becomes less and less a significant factor in America's overall growth.

## The Growth of Anti-Israeli Sentiment in the American Intellectual Community: Some Cautionary Tales

*Asaf Romirowsky\**

### Doomed To Repeat the Past

Harry Truman once said that the only new history is the history that we have forgotten. This is especially true of the Palestinians, whose history has been forgotten by many. When the 1948 war between Israelis and Arabs is bathed in the color of a Palestinian “nakba” (catastrophe), few remember that the United Nations in November 1947 by a 33–12 vote adopted Resolution 181 that called for the creation of a Jewish state and a Palestinian state. The 650,000 Jews in British Palestine declared independence in May 1948 and won their battle for statehood. The United States and the Soviet Union immediately recognized Israel, followed by leading European countries. In 1949, Israel—by an even larger 37–12 vote—was admitted to the UN General Assembly, and in 1950 Muslim Turkey and largely Hindu India recognized Israel. Today 160 states recognize Israel. By contrast, the Palestinians were the only people who ever turned down statehood. They joined with five Arab states to try to destroy the new Jewish state. Why did they do this? Lacking a strong national consciousness, they followed the Arab League. As the Jews lacked an army, tanks, airplanes or cadre of professional officers, had a vulnerable 9-mile waist and no history of martial valor, this seemed to be a safe bet. The victories of the Arab forces from December 1947 to March 1948, the numerous British bases handed over to Arab forces as the British evacuated Palestine, British weapons sold to Jordan and Iraq and professional British military leadership of the Jordanian Legion reinforced these notions. Too, 1.2 million Palestinian Arabs greatly outnumbered 650,000 Jews. The Arabs also knew that most experts (including Field Marshal Bernard Montgomery) believed that Arab victory was inevitable. Arab rejectionism, long a part of Palestinian identity before 1948, was reinforced by the refugee camps after the defeat in 1948. During the fall of

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\* Portions of this chapter were previously published and are reprinted here with permission, co-authored with Jonathan Adelman.

1949 an American Friends Service Committee (AFSC) staffer reported a large sign in a refugee camp that read: "1. Send us back home. 2. Compensate us. 3. Maintain us until we are refreshed." This is the epitome of Palestinianism at large. From 1948 to 1967, during Egyptian rule of Gaza and Jordanian rule of the West Bank and East Jerusalem, there was no serious Arab effort to create a Palestinian state. Except for Jordan, the Palestinians were denied citizenship, discriminated against by Arab states and often maltreated in the refugee camps. After the Israeli victory in the Six-Day War, up to 150,000 Palestinians in the occupied territories crossed the border to work and traveled freely in Israel. This ended with the first intifada (1987–1991) and second intifada (2000–2005). By 2005 the Israelis withdrew from Gaza, which two years later came under the control of radical Hamas.

The Arab world, seeing Palestinians as potentially disruptive of their political order, has done little for the Palestinians. Egypt and Jordan, which signed peace treaties with Israel in 1979 and 1994 respectively, saw national concerns trumping political concerns. Most aid for the Palestinians has come from the European Union and the United States, not the Arab states.

And what about the Palestinians who remained in Israel after 1948? During the first period of Israeli rule (1948–1965), the Palestinians were not treated well under military rule. Freed from military rule in 1965, there remains significant job discrimination and a condescending Israeli attitude. But there has also been significant progress. The 156,000 Israeli Palestinians of 1948 have grown to 1.6 million people. The average Palestinian, who had two years of education in 1948, today has 11 years of education. Fully 12% of Israeli university students are Palestinians. Israeli Palestinians are Israeli citizens with passports, access to Israeli hospitals, schools, social welfare and courts. Palestinian life expectancy of 79 years is almost 10 years higher than life expectancy in the Arab world while Palestinian income per capita (\$15,000/capita) is 50% higher than in the Arab world. There are a dozen Palestinians in the 120-seat Knesset (Israeli parliament), several in the Israeli foreign service and one on the Israeli Supreme Court. Progress has been slow but real. Polls show that most Israeli Palestinians, like East Jerusalem Palestinians, would stay in Israel rather than move to a Palestinian state once created. The reality, both good and bad, turns out to be much more complex than the simple picture often posited as the history of the Palestinians.

### Biased Scholars and the Study of Israel

The eminent doyen of Middle East Studies Bernard Lewis noted that the success of Edward Said's book, *Orientalism*, was in being able to transform a

term that had always referred to an area of academic specialty focusing on societies and cultures of the Middle East, North Africa and Asia into an expression of political abuse.<sup>1</sup> As Lewis prophesied, shortly after its publication, Said's *Orientalism* began changing the face of Middle East studies across North America for the worse, most especially in the way many Middle East scholars began teaching the Arab-Israeli conflict purely through a pro-Palestinian lens. Today, the environment is worse than ever.<sup>2</sup>

An open and true debate on Israeli society and Israel's quest for peace would be marked by true intellectual balance between the speakers. It would be understood that there is no fitting use of terrorism, or any acceptable notion of eliminating a living, breathing state like Israel. But balance in debates now means bringing in Israeli faculty members who advocate for a pro-Palestinian position—and they are meant to argue the Israeli side of the issue!

Some Israeli academics have built their reputations on scholarship that is critical of Israel and Israel's existence. These are the academics who are given center stage by the Association for Jewish Studies and Middle East studies centers, which frequently host them for conferences or provide visiting professorships. This gives the chosen Israeli scholars the visibility they seek while allowing their hosts to claim balance in presenting an "Israeli point of view."

Given the extent and saturation of this type of "scholarship," which has even begun to trickle down to our high schools, Philadelphia has begun two new initiatives in an attempt to create a systemic change in the way we teach about Israel. The first is a newly formed partnership between the Jewish Federation of Greater Philadelphia and the Center for Israel Education, directed by Professor Kenneth Stein of Emory University, a leading scholar in the field. The gist of the partnership is a three-year project where Stein's CIE will work with the Federation and its community partners—namely Gratz College, ACAJE and the synagogues throughout the city—to help improve the way we teach and talk about Israel, in addition to bolstering how we infuse Jewish education with material about Israel. The growing distance between American Jewry and Israel, especially among members of the younger generation, underscores the need to fill this void and show the importance of making "Jewish" and "Israel" go hand in hand.

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1 Edward Said, *Orientalism* (New York: Vintage, 1979).

2 Bernard Lewis, "Other People's History," *American Scholar* vol. 59, no. 3 (1990), 397.

### The American Studies Association BDS Resolution

The American Studies Association (ASA) adoption of a BDS resolution in December 2013 garnered a significant backlash from over 250 American university presidents and academic umbrella organizations announcing their rejection of the ASA boycott resolution. Additionally, more than 130 lawmakers in the House of Representatives signed a bipartisan letter condemning the ASA's "blatant disregard for academic freedom."<sup>3</sup> New York State assemblymen have proposed a measure that would forbid state funding to academic institutions that "support boycotts, resolutions or any similar actions that are discriminatory and limit academic opportunities." These measures indicate a strong political consensus in opposition to the ASA and the idea of boycotts, even if their ultimate disposition is uncertain.

Shortly after passing the resolution, the ASA bemoaned what it labeled a "campaign of intimidation against the ASA" and blamed the "Israel Lobby" for orchestrating the negative reactions. Despite the criticism the ASA received since they voted on their BDS policy, not to mention the lack of critical self-examination by individuals who pride themselves on true inquiry as to why support the boycott of Israeli scholars and institutions, the ASA added insult to injury with their fund raiser entitled the American Studies Middle East Initiative Fund. According to their website, "The ASA International Initiative has represented the Association's desire for greater interaction with international scholars. The Association's decision to endorse a Palestinian-led boycott of Israeli academic institutions underscores in particular the need for a deeper engagement with the constitutive history of US policies and practices not only in Israel/Palestine but also across the entire region, including Iraq and Syria. This Fund will defray the cost of travel for scholars across the Middle East to attend our Annual conference, as their participation is invaluable to our understanding of the US and the region." To summarize, the ASA seeks "deeper engagement" across the Middle East but advocates boycotting Israel and Israeli scholars. The ASA sees the need to examine "constitutive history" but has effectively removed Israel from the Middle East and Middle Eastern history.

The stated aims of the BDS movement are nothing short of the dissolution of Israel and its replacement with a bi-national, majority Palestinian entity. That the BDS movement and its supporters, endorsed by the ASA, continue to embrace to a platform to single out Israel as absolutely the worst society on earth is distressing and is nothing less than a "ready-made conclusion" of the

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3 See Council Resolution on Boycott of Israeli Academic Institutions, December 4, 2013, American Studies Association website.

extreme sort. On the positive side, some in the ASA's own membership, such as the Eastern American Studies Association (EASA) and its California counterpart, have rejected the general call for boycott within the ASA. Members of the ASA will continue to stand up against the polemicists in the organization. One has to wonder what kind of outcry would have erupted from the ASA and their Middle East Initiative Fund had a small minority of their membership called for Palestinians to be boycotted on the basis of their racist, homophobic and misogynist society, or Syria, because of its murderous totalitarianism, or Turkey for its century-long repression of Kurds and unacknowledged extermination of Armenians. The outrage would have been immense and entirely proper. The EASA got it right when they made it clear that "above all, EASA is an inclusive organization, open to scholars from all over the world. For this reason, the Eastern American Studies Association will not comply with and does not support the American Studies Association's Council Resolution on Boycott of Israeli Academic Institutions" endorsing "a boycott of Israeli academic institutions." Before the ASA starts creating funds under the guise of "constitutive history," it should look inward and demand the kind of inclusiveness it supposedly calls for.

### **Token Jews and the Hiring Practices of Middle East Studies Departments**

Israeli-Palestinian conflict long ago spilled over into America's education departments of Middle East studies. In an attempt to appear balanced in the face of charges of anti-Israel biases, some departments or programs of Middle East studies have added Israeli scholars to their ranks—a move that at first glance appears welcome. Yet many of these Israeli academics have built their reputation on a scholarship that is harshly critical not only of Israeli policy, but of Israel's very existence. Anti-Israel scholars who hail from Israel are cited favorably by the entire range of Israel's critics. These range from pro-Palestinian groups like the Committee to Stop Demolition of Houses in Palestine, the Committee to Stop Torture and Breaking the Silence to Jewish anti-Zionist groups like the American Council for Judaism. They also include neo-Nazis and Islamists. The international standing of such scholars received a boost in the mid-1980s with the rise of the so-called "new historians" in Israeli universities. These scholars sought to debunk what they claim is a distorted "Zionist narrative" in Israeli historiography. In practice, they twisted the history of Israel's rebirth by dismissing the efforts of Arab states to destroy the newborn Jewish state as a Zionist myth, and claiming that Israel is built on ethnic cleansing



and brutality toward the Palestinians. Given this hostility to Israel's very existence, Middle East studies departments in the United States are tempted to hire anti-Israeli Israelis. They inoculate the employer against charges of anti-Semitism while seemingly legitimizing their claims of ideological balance gained through presenting an Israeli viewpoint. All this is achieved without changing the radical, anti-Israel, Arabist prejudices of their departments.

This problem is noted by leading Middle East historian Efraim Karsh, who in his book *Fabricating Israeli History* observes that propaganda in the field of Middle East studies has become the accepted norm.<sup>4</sup> In other disciplines, this would have created a serious crisis of credibility. Yet, Mr. Karsh notes, this is not so in contemporary Middle East studies. For such is the politicization of this field that the new historiography's partisanship has been its entry ticket into the Arabist club and its attendant access to academic journals, respected publishing houses and the mass media. Today, these "new historians" teach at many North American and European universities. In practice, it ensures that students are taught an ahistorical, one-sided interpretation of the Arab-Israeli conflict. Some recent examples illustrate the problem: Ilan Pappé, formally of Haifa University and now with the University of Exeter in England, was one of the driving forces behind the academic boycott movement against Israeli academics that began in the United Kingdom. Mr. Pappé believes that Zionism is a genocidal, racist movement. Here he describes the founding years of the Jewish state: "As resistance to colonialism strengthened, the Zionist leadership became convinced that only through a total expulsion of the Palestinians would they be able to create a state of their own. From its early inception and up to the 1930s, Zionist thinkers propagated the need to ethnically cleanse the indigenous population of Palestine if the dream of a Jewish state were to come true." Neve Gordon of Ben-Gurion University of the Negev was a visiting professor at the University of Michigan this academic year. Mr. Gordon believes that Israel is not a democracy and that Israel controls the Palestinian population in the occupied territories without giving them political rights. Accordingly, the notion that the occupation is provisional or temporary should be considered an illusion concealing the reality on the ground. Oren Yiftachel, a geography professor at Ben-Gurion University of the Negev and a Diller Visiting Professor at the University of California at Berkeley, states that: "The failed Oslo process, the violent intifada and—most acutely—Israel's renewed aggression and brutality toward the Palestinians in the occupied territories, have cast a dark shadow over the joint future of the state's Palestinian and Jewish citizens." He also says that actual existence of an Israeli state (and hence citizenship) can

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4 Efraim Karsh, *Fabricating Israeli History* (New York: Frank Cass, 2000) xix.

be viewed as an illusion, and that Israel has ruptured, by its own actions, the geography of statehood and maintained a caste-like system of ethnic-religious-class stratification.

Sanford and Helen Diller endowed Mr. Yiftachel's position at Berkeley. Helen Diller admits that she was motivated by the pro-Palestinian activism on campus: With the protesting and this and that, we need to get a real strong Jewish studies program in there, she said, expressing the hope that it will be enlightening to have a visiting professor and that it would calm down the situation on campus. Her comments, though well intentioned, illustrate the core mis-assumption that the presence of an Israeli scholar guarantees ideological balance in a department. Sanford Diller has noted the risks involved in trusting the university to fulfill his and his wife's wishes, and stated that it was never their foundation's intent to supply a platform at Berkeley for someone of Mr. Yiftachel's views, to which he and his wife are strongly in disagreement.

In Middle East studies, politicized writing and teaching have displaced scholarship, and academic freedom has been redefined as the liberty to dispense with academic standards. Hiring token Israeli Jews who share these views eliminates debate while providing the illusion of balance.

### **Self-Defeating Aspects of the American Jewish Community**

More and more, we hear from faculty and students about the need to have an "open tent" or a "big tent," of ideas and opinions specifically, when it comes to the Arab-Israeli conflict. While the nature of public discourse demands expressing a multitude of ideas and opinions, the kind of openness espoused by this big tent idea is in fact myopic and limiting in its own narrow scope. The notion is sold as a non-binding position, when in reality those that sell it are simply uncomfortable or unwilling to take a firm position. The big tent thus gives the impression of openness, but actually only caters to left-of-center views.

The genesis of this in the American Jewish community lies in our need to be open and pluralistic, which is generally a good thing but can become self-destructive. While the Diaspora Jewish community is hardly monolithic when it comes to Israel, Israelis or Israeli policies, mainstream Jewish groups and organizations since 1948 have adopted the line of "supporting the democratically elected government of Israel—Left, Right or Center—and ensure the safety and security of its citizens." Of course not blindly, but under the belief that a strong, united front benefits the Jewish community at large.

This is the line organizations such as Federations, AIPAC, AJC, ADL and others have adopted to show bi-partisan support for the democratically elected

government in Israel. Yet, we are seeing today how this policy has been interpreted as a so-called right-of-center agenda. That is, support for Israel is perceived as a right-wing agenda.

Those who make these claims have gone to extreme measures, even to a point of adopting the Palestinian narrative, as if to say that if we (Jews) will become more Palestinian than the Palestinians, peace in the Middle East would come about. Thus, the extreme Jewish Voice for Peace (JVP) has made J Street seem relatively moderate. As Isaac Deutscher formulated in his “non-Jewish Jew” regarding the State of Israel, “on a deeper, historical level the Jewish tragedy finds in Israel a dismal sequel. Israel’s leaders exploit in self-justification, and over-exploit Auschwitz and Treblinka; but their actions mock the real meaning of the Jewish tragedy.” This has become the foundation for the adaptation and revisionism of the Arab-Israeli conflict among the Jewish Left, who feel the need to put aside their Jewishness to underscore their pluralism and openness.

Of late, these very issues were challenged by Hillel at Swarthmore College, where the students attempted to question Hillel’s own stance on the Arab-Israeli conflict. Hillel’s newly-appointed international president and CEO Eric Fingerhut held his ground and made some red lines clear to Swarthmore, stating: “Your resolution [Swarthmore] further includes the statement: ‘All are welcome to walk through our doors and speak with our name and under our roof, be they Zionist, anti-Zionist, post-Zionist, or non-Zionist.’ This is simply not the case. Let me be very clear—‘anti-Zionists’ will not be permitted to speak using the Hillel name or under the Hillel roof, under any circumstances. Hillel recognizes, of course, that ‘organizations, groups or speakers that as a matter of policy or practice’ violate these guidelines may well be welcomed on campus, according to the policies of the particular college or university. The Hillel on campus, however, may not partner with or host such groups or speakers. This is entirely within our discretion as an organization, and we have clearly stated our intention to make these important decisions to protect our values and our critically important mission. Just as the university decides who will teach classes, and what organizations it will allow on campus, so Hillel will decide who will lead discussions in programs it sponsors and with whom it will partner.”

Consequently, Hillel was criticized for limiting the debate on Israel—as if debating Israel’s existence as a Jewish sovereign state fell within the realm of serious discourse. We have witnessed how the self-proclaimed “pro-Israel pro-peace” organization J Street has attempted to sell its agenda as the alternative to the “mainstream” and demand that the tent of the Jewish community stretch to include its views. The Jewish community for the most part opened

itself to J Street—at least, until an aggressively anti-Israel, pro-boycott agenda began demanding to be in the “big tent.”

Now we see the even more extreme anti-Israel so-called Jewish Voice for Peace demanding inclusion under the tent via its “Open Hillel” campaign. Where does it stop? Does the “big tent” allow those who wish to burn it down in, with flammable liquids and lit torches? The core of the problem regarding the “big tent” philosophy is that it has no red lines; everyone should be included, even at the expense of Jewish identity and survival of the Jewish state.

Israelis who live and breathe in Israel are hardly uniform in their views; however, even those in leftist circles believe that Israel has the right to exist as a state in some capacity, within the 1949 or post-1967 borders. As such, one can understand why Israelis do not fully understand what is happening in the Diaspora with regard to these matters, as they have never faced the challenge of debating Israel’s legitimacy in the environment we find on North American college campuses and many Jewish leftwing circles. This is not to say that diversity of opinion and academic freedom should not be exercised. The difference is that there needs to be differentiation between criticism and delegitimization, between open discussion and self-inflicted annihilation.

Many, in their naiveté, have no grasp of how they fuel the anti-Israel groups on college campuses, groups like Jews for Justice in Palestine, the Muslim Studies Association and others who use this message to validate their own agendas. What is even more problematic are those groups within the Jewish community who believe that this kind of “discussion” will further peace between Israelis and Palestinians.

Finally, making a case for Israel becomes increasingly more difficult when Israelis and Jews decide to adopt a Palestinian agenda that detracts from the real issue behind the conflict: Mutual recognition of one another. Above all, mainstream Jewish groups have a responsibility to their stakeholders to establish clear lines that they will uphold while affording their constituents a wide range of opinions that fall within the realm of legitimate debate and public discourse.

### **What Type of Zionism is Acceptable?**

Among the most pernicious consequences of the Boycott, Divestment, and Sanction (BDS) movement has been the wedge driven between Israel and liberal Americans, including liberal American Jews. The relentless misappropriation of human rights and anti-racist discourse, the slanderous talk of Israeli “ethnic

cleansing” and “genocide,” and the bitter, *ad hominem* attacks against Israelis, their international supporters, and the peace process itself have taken a severe toll on American civil discourse. It is therefore especially dismaying to see the new call by leading American Jewish figures of the academic left, most prominently Michael Walzer of Princeton University, Todd Gitlin of Columbia University, and Alan Wolfe of Boston University, for sanctions against right-wing Israeli politicians whom they deem “annexationist.” These academics, 14 in all, are members of the “Scholars for Israel and Palestine,” a subgroup of the leftist pro-Israel, anti-BDS organization called “The Third Narrative.” They state that these views are their own, not The Third Narrative’s as a whole. In their declaration, these intellectuals calls for the U.S. and European Union to implement “personal sanctions” on “a cluster of Israeli political leaders and public figures who lead efforts to insure permanent Israeli occupation of the West Bank and to annex all or parts of it.” These sanctions, namely asset seizures and visa restrictions, are aimed specifically at Naftali Bennett, Uri Ariel, Moshe Feiglin, and Ze’ev Hever, who “promote these unjust, unlawful, and destructive policies in their most extreme and dangerous form.” Specifically, “These four explicitly support policies of permanent occupation and unilateral annexation. They reject efforts to negotiate peace and actively sabotage U.S.-led efforts to promote them. They advocate and implement unilateral actions designed to preclude a negotiated peace. They are therefore legitimate targets for personal sanctions by the U.S. and the EU.”

The call for annexing the West Bank is controversial, above all in Israel. The settlement enterprise as a whole is also contentious. But nowhere in its call for sanctions does the Third Narrative distinguish between settlement blocs, supported by the vast majority of Israelis, and territory deeper within the West Bank. What about Israeli politicians who advocate retaining some settlements and not others? Are they to be sanctioned as well? The Third Narrative does not specify the borders of what it regards as acceptable versus unacceptable Israel.

This BDS-style call for official censure is, above all, an attempt to criminalize ideas. One may find the idea of an Israeli one-state solution unworkable, ill-advised, or even reprehensible, but to sanction its advocates rather than debate them openly is hardly liberal or tolerant. The Third Narrative’s call is evidence that it regards the issue of annexation as above debate and above politics; they are unwilling to trust in Israel’s deeply flawed democracy and demand, as so many have done before, that Americans and Europeans intervene. Need it be said that American Jewish intellectual opprobrium is unlikely to influence the Israeli electorate positively? Quite the opposite will result. But

perhaps real political traction is not what is sought here, so much as moralistic posturing.

The call is also dramatically one-sided; no parallel call to sanction Palestinian politicians who advocate a one-state solution has been heard, from this group of intellectuals or anyone else. Indeed, a list of Palestinian politicians who reject the existence of Israel and who wish to “annex” it would include most of the Palestinian Authority and the PLO, all of Hamas, and, if polls are to be believed, most of Palestinian civil society. And if such a call to ostracize Palestinian annexationists were to be raised by, say, American Jewish intellectuals, the din would be immense. They would be accused of censorship, criminalization, and a slew of other evils both immediately and vociferously. Asset seizures were not proposed as a remedy even for the vast siphoning-off of foreign aid by Yassir Arafat and his successors, yet these intellectuals demand such measures be used against Israeli politicians, merely because they dared to suggest something unlikeable.

Nor have we heard calls to ostracize or otherwise sanction Palestinian advocates who incite to homicide or celebrate the murder of Israelis, or those who glorify the “martyrdom” of Palestinian murderers. This list, too, encompasses virtually every member of the Palestinian elite. Such activities are arguably more destructive to peace, and life, than Israeli calls to annex the West Bank or to limit Palestinian sovereignty.

But the unwillingness to look seriously at Palestinian politics and discourse is one of the fatal flaws of the Western liberal view, and the American Jewish intellectual view, on the Arab-Israeli conflict. But a significant portion of the Israeli electorate has disenthralled itself, through close examination and bad experience, of the view that they are the only moral agents, indeed, the only actors at all, in what is self-evidently a multi-sided affair. What sort of Israeli policies flow from this conclusion—that Palestinians are unwilling if not unable to make serious compromises, much less coexist peacefully—is a question still unanswered. At the very least, condemning those who have reached that conclusion, however unpalatable one finds it, shuts down democratic discussion.

At another level, the American Jews demanding sanctions on Israeli politicians are blind to the strategic goal of the BDS movement whose methods they imitate: to eliminate Israel by stages. By adopting these tactics, they validate the larger movement’s methods, if not its goals. By endorsing sanctions, they create the implication if not the expectation that ever-increasing sanctions on Israel might be justified—and thus, by extension, that if Israel becomes unsatisfactory enough, its very legitimacy and existence may be questioned. Of

course, this is precisely the goal of the BDS movement, and one for which no supporters of Israel—as Third Narrative claims to be—, however appalled by its policies or politicians they may be, should provide cover.

Though conceived by Palestinians, the Western BDS movement is an unholy alliance of far left organizations and foundations (like the U.S. Campaign to End the Israeli Occupation, the U.S. Campaign for the Academic and Cultural Boycott of Israel, the WESPAC Foundation, and the American Friends Service Committee, among many others), and Muslim Brotherhood backed Islamists, notably Students for Justice in Palestine and its supporting organization, American Muslims for Palestine. These latter organizations grew out of the network of Muslim Brotherhood organizations in America, above all CAIR, the Islamic Society of North America, and the North American Islamic Trust. The Islamist view on the Arab-Israeli conflict is uncompromising.

Convincing Jews that the path to higher morality is to anathematize other Jews has been one of the BDS movement's signal successes. This project has been made easier by the cadre of Quislings, notably Jewish Voice for Peace, a full partner to the Islamists, who have played on Jewish sensitivity to "social justice" and Jewish guilt to call for Israel's demise through sanctions and, eventually, the Palestinian "right of return."

But arguably the unstated object of the BDS movement has been to mobilize American Muslims' solidarity regarding the Arab Israeli conflict in order to bring them into the Islamist fold. There is a growing emphasis on "anti-normalization" from Students for Justice in Palestine and its supporting organization, which demand that no Muslim or Arab engage in any way with poisonous Israelis or even Jews, lest the cause of restoring a wholly Muslim Palestine be compromised. Even interfaith dialogues have been criticized.

This demand for ideological purity takes the exclusion of Jews to entirely new levels. It effectively puts Hamas's view that Palestine is sacred Muslim territory above debate in America, and mandates that true Muslims, American Muslims especially, support that view unswervingly. Inculcating this religious viewpoint among college students and American Muslims is a part of the Islamist BDS strategy.

Now, American Jewish intellectuals have placed other Jews in the same category, of people who cannot be debated or remain unpunished for their views. Moreover, the Jewish double standard still applies—Jewish organizations like Hillel must include anti-Israel voices or be deemed intolerant or racist. Jewish intellectuals must engage in dialogues with BDS representatives or other Palestinian advocates who demand the ethnic cleansing of Israel, lest they be called cowards, and in the process be subjected to insults. And now, leading American Jewish intellectuals have adopted the rhetoric and methods of BDS,

to be applied to Jews only. Perhaps the next step is to follow the Palestinian lead again and call for certain Israelis to be charged in international courts. If nothing else this would demonstrate fealty to the secular religion of “international law.”

The Third Narrative splinter group has declared that Bennett and other Israeli “annexationists” must be effectively excluded from civil discourse and civil society, at least among Jews. The divide between American Jews and Israeli Jews has thus been enlarged. So the American Jewish intellectuals of the Third Narrative group have given their tacit blessing to the tactics of the racist and eliminationist Students for Justice in Palestine, American Muslims for Palestine, and the Muslim Brotherhood. But at least these liberal American Jews may now feel safe inside the cocoon of their sanctimony. Perhaps that is the real goal.<sup>5</sup>

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5 Portions of this chapter were previously published and are reprinted here with permission, co-authored with Alex Joffe.



## The Modern Antisemitism–Israel Model (MASIM): Empirical Studies of North American Antisemitism

*Florette Cohen-Abady, Daniel Kaplin, Lee Jussim and Rachel Rubinstein*

Antisemitism is perhaps the most enduring form of religious or ethnic prejudice in human history. No single, well-defined reason can explain its strength in the past or present. At times hatred of Jews has derived from territorial concerns, social group rivalries, superstition, legend and fantasy. As we shall see, the reasons antisemites offer as justification for their enmity are far-reaching, illogical and contradictory.<sup>1</sup>

This chapter defines antisemitism, taking care to differentiate it in the present day form from principled opposition to the state of Israel. Next, the chapter reviews major polls addressing antisemitism in recent years as well as various contemporary reports of antisemitism and opposition to Israel. Finally, the chapter applies the Modern Antisemitism-Israel Model (MASIM) in order to investigate the discrepancy between levels of antisemitism observed in United States and Canada and those observed in much of the rest of the world.

The term, “antisemitism” was coined in 1879 by German antisemitic Wilhelm Marr in order to provide a more intellectually acceptable alternative to the crude, blunt and religiously-based “hatred of Jews.” Marr and other late-nineteenth-century antisemites sought a term that lent legitimacy to their belief that the Jews needed to be opposed because of their so-called racial characteristics. Nowadays, few social scientists see much explanatory value in the concept of a Semitic grouping of peoples, although they still speak of Semitic languages. In common parlance, “antisemitism” continues to be used to describe Jew-hatred of all varieties. Some Arab nationalists spuriously argue that the term antisemitism cannot apply to Arabs although both groups share a common Semitic ethnicity. We will employ the well-established term antisemitism referring it solely to prejudice against Jews.<sup>2</sup>

1 Robert S. Wistrich, *The Longest Hatred* (New York: Schocken, 1991).

2 As new forms of antisemitism emerge, so do definitional problems. For the latest skirmish in the ongoing semantic and political war, see Kenneth L. Marcus, *The Definition of Antisemitism* (New York: Oxford University Press, 2015).

The justifications for Jew-hatred shift radically from era to era and from location to location.<sup>3</sup> Jews have at times experienced a double-bind: “damned if they do and damned if they don’t.”<sup>4</sup> They have been criticized for being aloof, and for trying to assimilate. Jews have been condemned for being radical Communists, and for being avaricious capitalists. Fascists in Nazi Germany and 1980s Argentina accused their nations’ Jews of having hidden loyalties to socialist regimes, the Soviet Union, on the other hand, regularly persecuted its Jews for harboring secret sympathies for the capitalist West.<sup>5</sup> Jews have been chastised as corrupt cosmopolitans and as insular traditionalists, as heretical free-thinkers and as mystical obscurantists.<sup>6</sup> They are portrayed as being weak, ineffectual, and effete, but also plotting, tyrannical, and seeking global domination.<sup>7</sup>

Jews have been seen as inherently evil throughout much of history in many parts of the world—the hate defying logic or explanation with periodic rises to mass killing and genocide. From the time the Romans expelled most Jews from Israel in 135 CE until the formation of Israel in 1948, Jews experienced expulsions, forced conversions, property confiscations, pogroms, humiliations, and mass executions across dozens of countries.<sup>8</sup>

In recent decades, antisemitism has been joined by disturbing and overt expressions of hostility towards Israel that go beyond mere opposition to specific Israeli policies. The frequency of attacks on Jews in Europe seems to vary based on the presence and intensity of fighting in Gaza.<sup>9</sup> Muslim clerics and Islamic heads of state regularly call for the killing Jews and destroying the Jewish state.<sup>10</sup> Hamas and Iranian leaders have called for the elimination of Israel;

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3 Bernard Lewis, “The New Antisemitism.” *The American Scholar*, 75 (2006): 25.

4 Robert K. Merton, “The Self-Fulfilling Prophecy.” *Antioch Review*, (1948): 193.

5 Paul Johnson *A History of the Jews* (New York: Harper & Row, 1987).

6 Wolfgang Frindte, S. Wettig, and D. Wammetsberger “Old and New Anti-Semitic attitudes in the context of Authoritarianism and Social Dominance Orientation Two Studies in Germany.” *Peace and Conflict* 11, (2005): 239.

7 Steven K. Baum *Antisemitism Explained*. (Lanham MD: UPA, 2012).

8 Robert S. Wistrich *Antisemitism: The Longest Hate* (New York: Schocken, 1991).

9 Tel Aviv University’s Kantor Center documents the pattern of increased anti-Semitic attack with Israeli military incursions. See *Antisemitism Worldwide 2014*, European Jewish Congress, <http://mfa.gov.il/mfa/foreignpolicy/antisemitism/documents/kantorreportantisemitism2014.pdf> (accessed 1 June 2015).

10 *Speech by Prime Minister Mahathir Mohamad*, October 16, 2003, ADL web site, [http://archive.adl.org/anti\\_semitism/malaysian.html#.VX7-L\\_IVhuA](http://archive.adl.org/anti_semitism/malaysian.html#.VX7-L_IVhuA) (accessed 12 June 2015).

this reflects well-established principles in the Hamas Charter.<sup>11</sup> Perception of economic tensions has been linked to hostility of Israel, suggesting that this perception provides an “emotional trigger for the scapegoating of Jews.”<sup>12</sup>

Opposition to Israel may reflect antisemitism, at least in correlational studies.<sup>13</sup> Yet one cannot infer antisemitism from all opposition to Israel. One can oppose or condemn particular Israeli actions on the basis of moral principles that one applies to all groups equally. If one does so—or even attempts in good faith to do so—then one is not an antisemitic. On the other hand, if one is antisemitic, it seems likely that one would tend to oppose, criticize, and attempt to erode support for Israel. Opposition to Israel, whatever its motivation, may be disguised in the language of rights, liberation, oppression, etc. And legitimate criticism of Israel may also on occasion invoke such language. Thus, in practice, it often is difficult to distinguish moral opposition to Israeli actions and policies from antisemitism masquerading as moral concern for victims of oppression. How, then, can antisemitism that has little connection to Israel, antisemitism resulting from Israel, and opposition to Israel that has nothing to do with antisemitism be distinguished?<sup>14</sup>

The answer to this question may have political implications, but it also involves fundamental psychological issues. All prejudices, including anti-semitism are, after all, social and psychological phenomena. And social psychologists have spent decades attempting both to understand the nature of prejudice, and to distinguish honest and fair views of minority groups or individuals from views steeped in prejudice. Therefore, the next sections draw heavily on the social psychological principles and findings.

### Polls, News Reports and Incident Data

Blatant antisemitism is easily recognizable. Physical attacks on persons and property, verbal slurs, and discrimination reveal obvious prejudice. Although

11 Faydra L. Shapiro “Taming Tehran: Evangelical Christians and the Iranian threat to Israel.” *Studies in Religion*, 39, (2010): 363.

12 Amy Lee *Modern Antisemitism and the Economy: An examination of Jewish stereotypes through financial transgressions* (Honors Thesis). College of Staten Island, New York, New York, 2013.

13 See, for example, Steven K. Baum, “Christian and Muslim antisemitism,” *Journal Contemporary Religion*, 24, (2009): 137; Edward Kaplan and Charles Small “Anti-Israel Sentiment Predicts Antisemitism in Europe.” *Journal of Conflict Resolution*, 50, (2006): 548.

14 Rusi Jaspal *Antisemitism and Anti-Zionism* (Burlington VT: Ashgate, 2014).

it is well known that Jews have long been subject to such forms of discrimination, what may be less well-known is that Jews continue to be victimized by relatively high levels of blatant antisemitism in much of the world.

In most parts of the democratic West, Jews enjoy the religious and political freedoms and equality granted other citizens. Nonetheless, evidence over the last fifteen years or so suggests that antisemitism is not only alive and “well,” but that it is experiencing resurgence even in parts of North America. For example, rates of antisemitic incidents in nearby Canada have jumped from approximately 300 at the turn of the millennium to 829 antisemitic incidents in 2005. Two years later, the annual number of incidents jumped to 1,042 and two years later to 1,264. Since that time the annual antisemitic incident rates are hovering at or about 1,300.<sup>15</sup>

By contrast, there has been a recent downward trend (or at least fluctuation) in the number of antisemitic events in the United States. In 2005, there were 1,757 documented antisemitic incidents. The figures were 1,460 for 2007, 1,211 for 2009, and 1,080 for 2011, dropping to the low 900’s by 2015.<sup>16</sup>

The Anti-Defamation League also administers polls that examine attitudes toward, and beliefs about, Jews in the United States. The polls include an eleven-item antisemitism index of respondents who agreed with 6 or more stereotyped versions of Jews of the 11 items. By 2007, 15% of Americans were classified as antisemitic. In 2009, the rate of antisemitism in the United States was 12%. In the 2011 ADL poll, findings indicated that 15% of Americans were antisemitic. The current rates of antisemitism in Canada are similar to those in the United States ranging between 12–13%.<sup>17</sup>

Cultural or ethnic differences occur within North American samples. French Canadians report more unfavorable opinions than English Canadians (2007: 7% vs. 23%) though Catholics generally evince greater antisemitism. Of greater concern were the earlier ADL polls showing elevated antisemitism rates for African-Americans, rates that did not decline with more education, and for Hispanic-American immigrants.

Respondents have agreed with stereotypes at approximately the same rate in many polls. This is also the case regarding the stereotype of dual loyalties,

15 B'nai Brith Canada *Annual Audit of Antisemitic Incidents*, <http://bnaibrith.ca/wp-content/uploads/2014/04/Audit-2013-English.pdf> (accessed 1 June 2015).

16 See *ADL Audit*, Anti-Defamation League, <http://la.adl.org/2015/03/30/adl-audit-antisemitic-incidents-up-in-california-and-across-u-s/> (accessed 12 June 2015). Links are available to prior audits.

17 See *ADL Audit and Annual Audit of Antisemitic Incidents B'nai Brith Canada*.

that Jews are more loyal to Jewish than to national interests, e.g., those of the United States.<sup>18</sup>

Since 1964, the ADL polls have found that about 30% of Americans believe this stereotype. In addition, the percentage of respondents who agreed with each of the stereotypes was about constant across the 2007, 2009, and 2011 polls. One characteristic of these findings was that many people in the United States who were classified as antisemitic agreed with the stereotypes that Jews hold too much financial and other power in the United States. For example, in 2011, 78% of these respondents answered, “probably true,” to the statement that “Jews have too much power in the business world,” in contrast to 20% of all Americans. In addition, the 2007 and 2009 polls found that more men than women were antisemitic, people who were 65 or older were more likely to be antisemitic than were younger Americans, and less education was associated with more antisemitism.<sup>19</sup>

The European Union Agency for Fundamental Rights/FRA reviewed antisemitic incidents in 27 European countries. For example, in 2011 a local Flemish newspaper published an article with antisemitic content, referring to the “yiddos of Belgium.” The article compared Jews and Israelis to Nazis. Related Polls by Human Rights First and Pew all paint the same picture of intolerance.<sup>20</sup>

France is seething with Muslim hatred to the point where the 500,000 citizens are leaving. French antisemitic incidents occur almost daily and are comparatively the most violent. In 2001, there were 219 antisemitic actions and threats reported in France. Incidents have more than doubled in 2005, 2007, 2008, and 2010, tripled in 2003 and 2006, and quadrupled in 2002, 2004, and 2009. These range from the Muslim perpetrated arson at Paris HaTorah Jewish school in Paris in November 2003 to the looting pogroms in the Summer of 2014 to Charlie Hebdo—Kosher Market assassinations in January 2015. It is not limited to France, In Turkey, synagogues were bombed; in Belgium the Jewish Gan Hai day-care center was ransacked, and visiting Israelis killed in a museum; in Russia, a grenade was thrown at a synagogue. In Austria, a Jew was beaten

18 Robert J. Brym, William Shaffir & Morton Weinfeld, *The Jews in Canada* (Don Mills, Ontario: Oxford University Press, 2010).

19 American Attitudes toward Jews in America, Anti-Defamation League, October 2009, [http://archive.adl.org/anti\\_semitism/poll\\_as\\_2009/anti-semitism%20poll%202009.pdf](http://archive.adl.org/anti_semitism/poll_as_2009/anti-semitism%20poll%202009.pdf) (accessed 12 June 2015).

20 EU Agency for Fundamental Rights, *Anti-Semitism*, [http://fra.europa.eu/sites/default/files/fra\\_uploads/811-Antisemitism\\_Update\\_2010.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/811-Antisemitism_Update_2010.pdf) (accessed 12 June 2015). The PBS documentary *Antisemitism in the 21st Century: The Resurgence* provides an excellent primer for understanding modern antisemitism.

with his abuser shouting, “Hitler should have finished the Jews off; Israelis are child-murderers. Antisemites justify their acts through making no distinction between military—civilian, Middle-East-West and Jews—Israelis.”

The 2009 ADL poll found that 15% of respondents in seven European countries agreed with all four of the following statements: Jews are more loyal to Israel than to this country; Jews have too much power in the business world; Jews have too much power in international financial markets; Jews still talk too much about what happened to them in the Holocaust with 32% endorsement of 3 items. By 2012, 14% of respondents in ten European countries agreed with all of the statements, and 31% agreed with three of the statements. When ADLs massive telephone survey of 53,100 people in one hundred nations were completed, an estimated 26% Global 100 had backed six of eleven negative beliefs about Jews.

- have too much business—financial power
- have too much global affairs power
- have too much media power
- have too much control power
- care only about Jews
- think they are better than others
- talk about the Holocaust too much
- are more loyal to Israel,
- they are hated because of their behavior.<sup>21</sup>

Prevailing economic tension is always involved in antisemitic surges. In studies that examine the rate of antisemitic responses to statements about financial blame—e.g., “Jews have too much power in the international financial markets”—results were similar to overall rates of antisemitism, while rates of antisemitic responses to other items, e.g., “Jews still talk too much about what happened to them in the Holocaust,” were higher than rates of antisemitic responses to items related to Jews’ financial influence and to overall rates of antisemitism.

Methodology may factor into different findings for different settings. In the North American surveys, stereotype agreement on six out of eleven items constitutes antisemitism; in Europe, respondents were labeled antisemitic after agreeing with three out of four stereotypes. It is possible that the greater proportion of antisemitic stereotypes that had to be agreed with on the European

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<sup>21</sup> ADL *Global 100 Index*, Anti-Defamation League, <http://global100.adl.org/public/ADL-Global-100-Executive-Summary.pdf> (accessed 1 June 2015).

survey for the respondent to be classified as antisemitic had the potential to require that the participant be more strongly antisemitic, for them to meet the threshold for antisemitism in Europe (75%), than in the United States (55%). Alternatively, the fact that respondents had to agree with a greater number of antisemitic stereotypes on the survey that was used in the United States (six items) for them to be classified as antisemitic may have made it less likely that respondents in the United States would be categorized as antisemitic relative to the European survey (3 items). This ambiguity decreases the ability to compare of the results of the European surveys and those of the surveys conducted in the United States.

The situation in the Middle East is altogether different, where the lack of antisemitism is unique. The results of a 2009 poll of residents of Middle Eastern countries indicated that 98% of Lebanese respondents, 97% of Jordanian respondents, 97% of respondents from the Palestinian territories, 95% of Egyptian respondents, 78% of Pakistani respondents, 74% of Indonesian respondents, 73% of Turkish respondents, and 44% of Nigerian respondents held unfavorable opinions of Jews. One exception to this trend were Israeli Arabs, where 56% of respondents reported favorable opinions towards Jews compared with 35% who held unfavorable opinions towards Jews.<sup>22</sup>

Additionally, Middle Eastern newspapers regularly run antisemitic and anti-Israeli cartoons. Many of these cartoons are reminiscent of the pre-Holocaust era in central Europe. In many of them, Jews are frequently depicted as beasts and insects or as cannibalistic. Jews are depicted as seeking world domination: both Nazi-era and modern Arab cartoons show Jews and Israel, respectively, as an octopus whose tentacles are encircling the entire globe. Despite the fact that many of the Nazi-era cartoons were presented at the Nuremberg trials as evidence of the extent to which Nazi-propagandists inspired Jew-hatred among the citizenry, the blatantly antisemitic cartoons common to the modern Arab press have, so far, evoked neither protest, nor even much response, from Western journalists and intellectuals.

One rarely sees this type of blatant antisemitic rhetoric in the democratic West. Instead, we argue that one finds something far more subtle: attempts to stigmatize, censure, and sanction Israel for acts and policies that cause far less harm than those of other countries. For example, British academic unions have periodically voted or considered voting to boycott Israel; and both British and American churches have voted or considered votes to divest resources from Israel. Given the at least comparable, and often far greater suffering

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22 *Pew Global Attitudes and Trends 2009*, <http://www.pewglobal.org/2009/11/02/chapter-6-opinions-of-ethnicand-religious-minorities/> (accessed 1 June 2015).

and oppression perpetrated by regimes such as China, North Korea, Saudi Arabia, and Burma; the “occupations” in places such as Kashmir, Northern Ireland, and Tibet; and the vastly greater death perpetrated in conflicts occurring in Chechnya, the Congo, Sri Lanka, and Sudan than in the Arab-Israeli conflicts, the failure of these same unions and churches to advocate for similar sanctions against other, non-Jewish countries, at least raises the specter that the desire to punish Israel might spring from something other than sincere concern for human rights.

Even with its history as one of the least antisemitic countries in the world, American Jews are proportionately subject to more hate crimes than are other ethnic and religious minorities, including African-Americans, Latinos, and Muslims. This pattern is based on data collected by the FBI, the US Census, and a variety of private polling agencies. Jews are the only group victimized more than once for every ten thousand members of the population. African-Americans are proportionately the next most frequent target of hate crimes, subject to hate crimes at about half the rate of Jews in the United States.<sup>23</sup>

The above findings were consistent with the conclusions reached by the State Department’s “Contemporary Global Antisemitism”.

Over the last decade, U.S. embassies and consulates have reported an upsurge in antisemitism. Antisemitic crimes range from acts of violence, including terrorist attacks against Jews, to the desecration and destruction of Jewish property such as synagogues and cemeteries. Antisemitic rhetoric, conspiracy theories, and other propaganda circulate widely and rapidly by satellite television, radio, and the Internet. Classic antisemitic screeds, such as *The Protocols of the Learned Elders of Zion* and *Mein Kampf*, remain commonplace. Jews continue to be accused of blood libel, dual loyalty, and undue influence on government policy and the media, and the symbols and images associated with age-old forms of antisemitism endure. Antisemitism has proven to be an adaptive phenomenon. New forms of antisemitism have evolved. They often incorporate elements of traditional antisemitism. However, the distinguishing feature of the new antisemitism is criticism of Zionism or Israeli policy that—whether intentionally or unintentionally—Israel’s perceived faults to its Jewish character.<sup>24</sup>

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23 *Uniform Crime Reports: Hate Crimes*, Federal Bureau of Investigation, <http://www.fbi.gov/news/stories/2014/december/latest-hate-crimestatistics-report-released> (accessed 1 June 2015).

24 U.S. Department of State, *Contemporary Global Antisemitism*, <http://www.state.gov/documents/organization/102301.pdf> (accessed 1 June 2015).



Human Rights First's brochure had headings that were always foretelling. The section headings serve as a wake-up call to anyone who has interpreted Jewish economic success as a reason for complacency:

Extreme Violence—including incidents in Russia, France, and the United States; Everyday Harassment and Intimidation—violence and discrimination, a routine of often low-level threats and abuse, continues to be the norm for many European Jewish communities; Attacks on Jewish Institutions and Property—including incidents in Canada, the Ukraine, the United Kingdom, the United States and Austria.<sup>25</sup> Consistent with all the above Pew's 2015 poll documenting the apogee with rates of global antisemitism at a seven-year high.<sup>26</sup>

### Expanding Antisemitic Discourse

Antisemitism was also promoted throughout much of Europe through Internet and other media connected to Middle Eastern and other Muslim countries that promoted hatred of Jews as a part of a political message intended to delegitimize Israel. An example is Antisemitism as Public Policy, e.g., Iran's Holocaust denial conferences and Resurgent Antisemitism in Central and Eastern Europe.

One well-known statement by a major political leader is, of course, former Iranian President Ahmedinajad's genocidal call for Israel to be "wiped off the map." Lesser known are a variety of other events, statements, declarations, etc. that reflect a similar virulent and irrational hostility to things Jewish including, but not restricted to, the state of Israel. For example, a major Egyptian newspaper, Al-Ushbu, speculated that Israeli nuclear testing may have caused the 2004 tsunami that led to massive death and destruction in Indonesia, and conspiracy theories suggesting that Israel was responsible for the Sept 11, 2001 attacks abound in the Arab world.

If one believed, however, that such claims and rhetoric were restricted to Arab countries on the frontlines of the conflict with Israel, one would be woefully misinformed. For example, ranking with Ahmedinajad's statement is the speech by a former prime minister of Malaysia that included (among many other antisemitic statements) the following:

25 Human Rights First, <http://www.humanrightsfirst.org/resource/remarks-elisa-massimino-un-general-assembly-informal-session-anti-Semitic-violence> (accessed 1 June 2015).

26 Pew Research Center, *Latest Trends in Religious Restrictions and Hostilities*, <http://www.pewforum.org/2015/02/26/religious-hostilities/> (accessed 1 June 2015).

The Jews . . . invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have now gained control of the most powerful countries . . .<sup>27</sup>

In addition, supporters of Israel have long claimed that the United Nations subjects Israel to standards and scrutiny that it rarely applies to other countries. Of course, partisans often see the world as biased against them which raises the possibility that such complaints reflect the bias of those complaining rather than any real disproportion in the UN's treatment of Israel versus other countries. Therefore, we performed an archival study of UN records to examine whether the UN really does pay disproportionate attention to Israel.<sup>28</sup>

We needed to operationalize the terms "attention" and "disproportionate." Attention was relatively easy. The United Nations website has an easy search mechanism which anyone can use to locate all human rights documents pertaining to any member country. Therefore, we operationally defined "attention" quantitatively as the total number of UN documents on Israel for the period 1990–2007. Next, we needed to define "proportionate." How does one compare, e.g., Israel constructing a security fence that unjustifiably cuts through Palestinian homes and communities with Saudi Arabia's denial of women the right to vote or drive? How does one compare, e.g., the human rights violations that occurred during Israel's 2006 war with Lebanon to Russia's 2008 war with Georgia? The answers to these questions are not obvious, and reasonable people may disagree. Therefore, we opted to use as quantitative and objective a standard as possible: Number of civilian deaths inflicted as a result of war or government policy. Civilian death, especially when intentional, as it is in many conflicts, is the ultimate human rights violation. Furthermore, numbers of dead are quantitative, objective and readily comparable across countries, ethnicities, religions, and cultures. Although in some conflicts, the exact number of civilians killed may not be knowable, we purposely chose conflicts where estimates have converged within a fairly narrow range, and we generally took

27 *Speech by Prime Minister Mahathir Mohamad.* See, also, "Explanation of Jewish infiltration, their influence and plan for world domination," <https://www.youtube.com/watch?v=UGWJ7tVr470> (accessed 1 June 2015).

28 See UN Watch web page, [http://www.unwatch.org/site/c.bdKKISNqEmG/b.1277549/k.D7FE/U\\_Watch\\_Monitoring\\_the\\_UN\\_Promoting\\_Human\\_Rights.htm](http://www.unwatch.org/site/c.bdKKISNqEmG/b.1277549/k.D7FE/U_Watch_Monitoring_the_UN_Promoting_Human_Rights.htm) (accessed 12 June 2015). See, also, "UN to Review its Bookstore's Anti-semitic Selection after Complaint by UN Watch," <http://www.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1314451&ct=1666381> (accessed 12 June 2015).

the midpoint of those estimates. For comparison to Israel, we purposely chose a diverse group of conflicts occurring on five different continents, and conflicts with widely varying degrees of civilian death in order to obtain a broad view of the relationship between civilian death and UN scrutiny. The countries included Rwanda, North Korea, Sudan, Serbia, Colombia, and Israel.

Several results are quite striking. First, the civilian death toll in this period is, in absolute terms, the lowest for Israel—and the figure for Israel includes Israeli civilian deaths as well as Arab civilian deaths. Second, the UN scrutiny is actually highest in absolute terms; on average, across the five comparison countries; the UN produced about four documents for every 10,000 civilian deaths (726 documents for 1,639,000 deaths). For Israel, the ratio is about one document for every nine deaths (752 documents for 7100 deaths). Put differently, the UN produced more documents regarding Israel than for all five of the comparison countries combined. Also, the UN is about 239 times more likely to produce a document resulting from a civilian death involving Israel than it is to produce one for the other five countries we examined.<sup>29</sup>

These data, therefore, do not support the claim that supporters of Israel overstate or exaggerate the extent to which the UN disproportionately scrutinizes Israel. Instead, they support the claim that, in fact, the UN does indeed scrutinize the Israeli human rights situation far more than it does other countries. This data highlights one of the more subtle ways that antisemitism can manifest in Western, democratic countries.

Numerous real world events seem to reflect the uniquely hostile reactions people often have towards Israel. One disturbing example may be found in modern political cartoons in which Israel and Israelis are depicted as animals, insects, or cannibals. On their face, such cartoons seem to reflect the virulent type of loathing that often characterizes deep-seated bigotries. Vicious anti-Israel imagery appears in mainstream presses from a variety of countries. Many such cartoons have a haunting similarity in substance, style, and motif to Nazi-era cartoons depicting Jews in a manner widely recognized as reflecting the most virulent form of antisemitism. We are not claiming that the authors of the modern cartoons are Nazi-sympathizers. The vile nature of these cartoons, however, does suggest that antisemitic attitudes may run wide and deep, and they raise the possibility that these cartoons reflect more than mere opposition to Israel. Because we have not performed a full-scale international scientific survey of political cartoons, it is of course possible that other countries, cultures, or peoples are similarly depicted as widely and as frequently in such a

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29 Anne Bayefsky, "Anne Bayefsky Speaks at the UN about UN Antisemitism," <https://www.youtube.com/watch?v=DoZ4mAzXrTY> (accessed 12 June 2015).

revolting manner. Nonetheless, these real world examples are also consistent with our perspective suggesting that hostility to Israel may be expressed with such virulence that it is most likely powered, at least in part, by antisemitism.

When taken together—hate crimes in North America, rising international antisemitism, harsh and disproportionate bigoted rhetoric by some political leaders, churches and unions considering sanctioning Israel, and the UN's bizarre record of attention to Israel—these factors strongly suggest that, after lying mostly dormant for a few decades immediately after World War II, antisemitism is on the march once again. On the other hand, however, it is very difficult to pin down causality using real-world data. That is, perhaps things other than antisemitism caused some or all of the social phenomena discussed so far. For example, perhaps Jews report hate crimes more than do others. Perhaps issues of power, oil, and alliances, as much or more than antisemitism, underlie the UN's record on Israel. Although the real world is where the bigotry really counts, to gain more insights into the causal mechanisms underlying some of these phenomena, we have performed a series of experiments, which are discussed next.

### The Psychology of Antisemitism

Over the last several years, we have been engaged in a program of research based on the Modern Antisemitism-Israel Model (MASIM), formerly called the New Antisemitism-Israel Model. The MASIM combines elements of Terror Management Theory and modern prejudice theory to better understand antisemitism. Specifically, the present set of studies tested the hypothesis that uniquely human fears of death serve to perpetuate expressions of antisemitism and anti-Israeli sentiment.<sup>30</sup>

According to Terror Management Theory, human beings, like all other animals, are driven to survive. However, because of their complex cognitive capabilities, specifically the ability to think abstractly and symbolically, culminating in explicit self-consciousness, humans are uniquely aware of the inevitability of death and the ever-present potential for lethal experiences. This awareness creates the potential for paralyzing terror. Terror is the emotional manifestation of the self-preservation instinct in an animal intelligent enough to know that it will someday die.

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30 Florette Cohen, Lee Jussim, Kent D. Harber and Gautam Bhasin, "Modern Antisemitism and Anti-Israeli Attitudes." *Journal of Personality and Social Psychology*, 97, (2009): 290.

Terror management theory posits that to 'manage' this potentially debilitating terror, humans created cultural worldviews: symbolic conceptions of reality shared by individuals in a group. Cultural worldviews minimize death anxiety by imbuing the world with order, meaning, and permanence. They provide a set of standards of valued behavior that, if satisfied, confers self-esteem and ultimately, death transcendence through symbolic and/or literal immortality. Thus, from the perspective of terror management theory, individuals manage their terror by maintaining faith in the cultural worldview and living up to the standards of value that are part of that worldview.

Though the cultural worldview is treated as absolute reality by those who subscribe to it, it is actually a fragile social construction requiring continual validation from others in order to be sustained, especially when confronted with reminders of mortality.<sup>31</sup>

This validation occurs mainly through the process of social consensus. Thus, the mere existence of people with similar worldviews bolsters the individual's faith in the validity of his or her own worldview, thereby increasing its effectiveness as an anxiety-buffer. Likewise, the mere existence of people with dissimilar worldviews threatens the individual's faith in his or her own worldview, thereby undermining its effectiveness as an anxiety-buffer. As such, people generally prefer ideas and people that conform to their worldviews and derogate ideas and people that deviate from them.<sup>32</sup>

To date, hundreds of experiments around the world have established the link between death fear and increasing punishment of those who transgress morally as well as those who criticize the national identity; there is also increasing positivity toward upholders and valuers of the worldview. Mortality reminders have induced a heightened tendency in participants to endorse false positive feedback, to demonstrate the self-serving attribution bias, and to extend extra effort in domains relevant to their self-worth.

Threats to participants' cultural belief systems, including their religion, have increased the accessibility of death-related cognitions on a word-completion task. These studies strongly suggest that investment in a cultural worldview, and obtaining a strong sense of self-esteem by meeting standards of value within that worldview, shelters people from death concerns; and, conversely,

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31 Jeff Greenberg, Tom Pyszczynski, and Sheldon Solomon, "The Causes and Consequences of a Need for Self esteem: A Terror Management Theory," in *Public Self and Private Self*, ed. Roy Baumeister (New York: Springer-Verlag, 1986). 189.

32 Jeff Greenberg, S. Sullivan and J. Arndt, "A Basic but Uniquely Human Motivation: Terror Management," in *Handbook of Motivation Science* eds. J.Y. Shah & W.L. Gardner (New York: Guilford Press, 2008), 114.

that mortality salience motivates people to bolster self-esteem and defend their worldviews.

Mortality salience effects are driven by heightened accessibility of death-related cognitions outside of focal awareness, which signals the potential for death-related anxiety.

Furthermore, these effects have been replicated using numerous different inductions designed to increase the accessibility of death-related thought, and those effects compared to a variety of aversive and non-aversive control conditions ranging from dental pain to social exclusion; suggesting convergent and discriminant validity for mortality salience effects.<sup>33</sup>

Terror management theory may be particularly useful for understanding antisemitism because outbreaks have often occurred following major social disruptions—military defeats, epidemic lethal disease, and massive economic deterioration. Either death, or some threat to people's most cherished beliefs, or both have become salient. Terror management theory suggests that, under such circumstances, many people will attempt to protect themselves by affirming their core values. Jews' survival, their financial success and their unique religious beliefs threaten the worldview of others. This threat can be parried by denigrating Jews.

The basis for predicting cultural hostility towards Jews, therefore, includes all the well-established reasons for outgroup hostility; there are also some unique reasons, over and above the usual laws of culturally determined behavior. Outgroups might not share the same attitudes and beliefs as ingroups. They compete for resources and are perceived as more different from ingroups than they really are. Also, outgroups are often seen as less deserving of trust than are ingroups. Much research over decades attests to these processes. Generic outgroup hostility begins to explain why Jews are potentially threatening.<sup>34</sup>

In support of this view, Greenberg et al. demonstrated that, consistent with terror management theory predictions, when Christians thought about their

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33 H. McGregor, J.D. Lieberman, Jeff Greenberg, Sheldon Solomon, Jamie Arndt, L. Simon, Tom Pyszczynski, "Terror Management and Aggression: Evidence that Mortality Salience Motivates Aggression against Worldview Threatening Others," *Journal of Personality and Social Psychology*, 74, (1998): 590.

34 Marilynn Brewer "Ingroup Bias in the Minimal Intergroup Situation: A Cognitive Motivational Analysis," *Psychological Bulletin*, 86, (1979): 307; Henri Tajfel "Cognitive Aspects of Prejudice," *Journal of Social Issues*, 25 (1969): 79; Milton Rokeach, "Prejudice, Concreteness of Thinking, and Reification of Thinking," *Journal of Abnormal & Social Psychology*, 46, (1951): 83.

own death (mortality salience) their trait ratings of fellow Christians became more positive and their trait ratings of Jews became more negative.<sup>35</sup>

Across all measures, the Christian was rated more positively than the Jew only in the mortality salient condition. Similarly, mortality salience led American college students to increase their agreement with the statement that “the Holocaust in Nazi Germany was God’s punishment for the Jews”.<sup>36</sup>

Additionally, subtle reminders of death have been shown to generate physical aggression toward those who threaten cultural worldviews.<sup>37</sup>

After a mortality salience or control induction, liberal or conservative college students were given an opportunity to administer a quantity of their choosing of very hot salsa to a student who wrote an essay condemning either liberals or conservatives, and who claimed to dislike spicy foods. Hot sauce administration in this study was used as a direct measure of physical aggression. Results indicated no differences in hot sauce allocation for similar and dissimilar others in the control condition; however, following mortality salience, participants administered twice the amount of hot sauce to different others than they did to similar others.

Such defensive reactions to mortality salience are not limited to non-Jews. Studies conducted by researchers at Bar Ilan University three months before the Israeli pullout from the Gaza Strip and the Northern West Bank examined whether reminders of death would lead right-wing Israeli Jews to endorse violent resistance against the disengagement plan. Reminders and invocations of death led to greater support for violent resistance, particularly among participants high in denial. It would appear that when the threat of death is manifest, people are often prone to violent defenses. From a terror management theory perspective, the straightforward explanation for antisemitism is simple—when focused on their own mortality and in need of the protections that their worldviews provide, non-Jews may become more hostile towards Jews; this is because Jews represent a challenge to their worldviews by being outgroup members.<sup>38</sup>

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35 Jeff Greenberg, Tom Pyszczynski, Sheldon Solomon, Abram Roseblatt, Mitchell Veeder, Shari Kirland, and Deborah Lyon, “Evidence for Terror Management Theory: II. The Effects of Mortality Salience on Reactions to Those Who Threaten or Bolster the Cultural Worldview,” *Journal of Personality and Social Psychology*, 58 (1990): 308.

36 Greenberg, Sullivan and Arndt, “A Basic but Uniquely Human Motivation,” 114.

37 Cohen et al., “Modern Antisemitism and Anti-Israeli Attitudes,” 290.

38 Gilad Hirschberger and Tsachi Ein-Dor, “Defenders of a Lost Cause: Terror Management and Violent Resistance to the Disengagement Plan,” *Personality and Social Psychology Bulletin* 32, (2006): 761.

The tenor of most terror management theory research suggests that reminders of death will increase prejudice and hostility toward different others. However, although blatant forms of antisemitism do exist, prejudice in general is often stigmatized. As such, people may often try to deny or hide their prejudices. Although a person may appear friendly and tolerant, hostility may be lurking not far from the surface. The terms “modern” or “symbolic” racism were developed because people stopped saying, “Blacks are despicable and should not be allowed in our schools or restaurants.” Instead, they simply opposed government policies to promote racial equality, and they opposed candidates supporting those policies.<sup>39</sup>

Just as some people veil their racism and anti-Black prejudice (e.g., by opposing busing and affirmative action), people may similarly veil their antisemitism by opposing Jews’ national aspirations. If one is a racist, opposing affirmative action is a safe way to express it; if one is an antisemitic, opposing Israel is a safe way to express it. That is, even when criticisms of Israel do stem from antisemitism (and not all do), one can rhetorically attempt to claim the “high road” by hiding behind: “I am not an antisemitic; I just oppose Israeli violence and oppression.”<sup>40</sup>

### The Modern Antisemitism-Israel Model (MASIM)

Cohen’s Modern Antisemitism-Israel Model (MASIM) combines key elements of terror management and modern prejudice theories. The model predicts that when mortality is salient, Jews may be more commonly perceived as threatening to one’s worldview because they are different than non-Jews in their beliefs and behaviors. This, in turn, leads to antisemitism which can manifest overtly in verbal slurs, defamation, or harm. Alternatively, because prejudice (antisemitism) is stigmatized, the manifestation may be covert through the application of double standards, demonization and delegitimization of Israel,

39 Donald R. Kinder and Tali Mendelberg, *Individuals Reconsidered: Principles and prejudice in contemporary American opinion* (Chicago: University of Chicago Press, 2000), 44; John B. McConahay, “Modern racism, Ambivalence, and the Modern Racism,” in *Prejudice, Discrimination, and Racism Scales*, eds John F. Dovidio and S.L. Gaertner (San Diego: Academic Press, 1986), 91; John B. McConahay and J.C. Hough, “Symbolic racism,” *Journal of Social Issues*, 32, (1976): 23.

40 Wolfgang Frindte, D. Wammetsberger, and S. Wettig, “A New Type of Anti-Semitism in Germany. Is reconciliation possible?” in *Democratization, Europeanization, and Globalization Trends*, eds, Russell Farnen, Henk Dekker, Christ’l de Landtsheer, Heinz Sünker, Daniel B German (Frankfurt am Main: Peter Lang, 2005), 277.



the Jewish state. As such, those who harbor antisemitic attitudes may show increased hostility to Israel. The model predicts that mortality salience leads to increased antisemitism, and that increased antisemitism leads to decreased support for Israel. In addition, however, data suggests that hostility to Israel can feed back to increase antisemitism. Thus, the model also predicts that antisemitism may partially mediate effects of mortality salience on attitudes towards Israel.

Such mediation, however, is predicted to be only partial because the model also predicts that mortality salience can increase opposition to Israel for reasons having nothing to do with antisemitism, that is, via a different path. This is because Israel, as a combatant for over sixty years, may be regarded as perpetrating human rights violations. Mortality salience activates world-view defenses, and worldviews typically include moral codes. For these reasons, mortality fears lead to more punitive attitudes towards those committing moral transgressions. Mortality salience, therefore, may decrease support for Israel due to heightened moral sensibilities, rather than to the arousal of latent antisemitism.

The model also posits that a reverse causal path exists. Although concern for human rights violations may lead to reduced support for Israel for reasons having nothing to do with antisemitism, it may then actually trigger an increase in antisemitic prejudices via yet another path.<sup>41</sup> Three experiments conducted by Cohen et.al. demonstrated that:

- participants expressed significantly greater levels of antisemitism and lower levels of pro-Israeli sentiment, when reminded of their mortality and when told that they would be caught in the act of lying;
- antisemitism partially mediated the effects of mortality salience crossed with bogus pipeline manipulation on opposition to Israel;
- mortality salience increased the perceived size of Israel, but not that of other countries, and;
- mortality salience increased opposition to Israeli oppression more than it increased opposition to Russian or Indian oppression.<sup>42</sup>

The first study included 151 participants from a Rutgers University psychology class (99 females, 52 males; 9 African-American, 30 Asian-American, 18 Latino, 77 White, 26 “other”; 96 Christian, 3 Muslim, 2 Buddhist, 19 Hindu, 28 “other” all of whom were given extra credit for their participation. A mortality salience

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<sup>41</sup> Ibid., 277.

<sup>42</sup> Cohen et al., “Modern Antisemitism and Anti-Israeli Attitudes,” 290.

(MS) manipulation was crossed with a “prejudice obvious/bogus pipeline” manipulation. In the MS condition, participants responded to two open-ended questions relating to their own mortality, which read as follows: “Please describe the emotions (in writing) that the thought of your own death arouses in you.” And, “Write down as specifically as you can, what you think will happen to you physically when you die.”

Exam salience (control) participants responded to parallel questions regarding taking an upcoming exam, as follows: “Please describe the emotions that the thought of your next important exam arouses in you.” And, “Write down as specifically as you can, what you think will happen to you physically as you take your next important exam and when it’s over.” Exam salience provided an apt control condition among college students because, as demonstrated in previous terror management theory studies, exams are an unpleasant as well as anxiety-provoking yet non-lethal event.

The instructions provided to participants in the Prejudice Obvious condition explicitly stated on the cover page that prejudice towards various groups was being measured. The Bogus Pipeline Condition led participants to believe that any deception on their part (“lying to appear unprejudiced”) would be detected by sophisticated methods developed by psychologists.

Three questionnaires were used to assess blatant expressions of antisemitism, anti-Israeli sentiment and anti-Palestinian sentiment. The antisemitism (A-S) scale was a revised version of Levinson and Sanford’s original measure modified to sample anti-Jewish attitudes with 23 contemporary, and less blatant, attitude items such as, “Jews still think of themselves as God’s Chosen People,” “Jews are more willing than others to use shady practices to get what they want,” and “Jews are just as honest as other businesspeople” (reverse coded). The attitudes towards Israel scale consisted of 10 questions assessing participants’ levels of pro-Israeli sentiment such as, “I strongly support the Israeli cause”. The attitudes towards the Palestinians scale consisted of 10 questions assessing participants’ levels of pro-Palestinian sentiment. Most items were highly similar to the Attitudes towards Israel scale items, such as “The Palestinians have been oppressed by Israelis for decades,” “I strongly support the Palestinian cause, and “The Palestinians deserve a homeland.” Questions for each scale were scored on a five-point Likert scale. Responses were combined and averaged to create a composite score for each of the three scales.<sup>43</sup>

Results revealed that antisemitism was negatively correlated with support for Israel ( $r = -.42$ ), and that mortality salience significantly increased

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43 Daniel J. Levinson and R. Nevitt Sanford, “A Scale for the Measurement of Antisemitism,” *Journal of Psychology* 17, (1944): 339.

self-reported antisemitism but only in the bogus pipeline condition. Mortality salience had no effect on support for Palestinians ( $p > .1$ ). One implication of this pattern was that people recognize that hostility to Israel stems from antisemitism. If not, why the need to hide it?

The second study employed 161 participants from a Rutgers introductory psychology class (99 female, 62 male; 8 African-American, 34 Asian-American, 15 Latino, 81 White, 23 “other”; 98 Christian, 13 Hindu, 7 Muslim, 1 Buddhist, 39 “other”), and tested the prediction that mortality salience would increase a subtle measure of antisemitism. Prior research had shown that fear and prejudice leads people to overestimate the size and power of minority groups.<sup>44</sup>

More recent evidence showed that a Gallup poll found that after the US and Pakistan, Israel was named the greatest threat to world peace, alongside Afghanistan, Iran, North Korea.<sup>45</sup>

Therefore, we investigated determinants of the perceived size of Israel and six other countries. Following a reminder of death or of an important exam, people were given seven maps and asked to estimate the size of Israel and each of these six other countries. As predicted, mortality salience significantly increased the perceived size of Israel, but had no significant effect on the perceived size of any other country.

The third study was designed to rule out some alternative explanations that remained after the earlier research, namely that mortality salience increased hostility towards Israel because it provokes hostility to any nation perceived as committing obvious human rights violations, and that prejudice against Jews has something to do with the fact that the principal experimenter was Jewish, the study was done in a Jewish professor’s lab, and the research obviously assessed feelings about Jews.

In order to increase the generalizability of this research, this study did not examine college students. Rather, an Indian research assistant surveyed 235 patients—and those accompanying them; average age 45; 155 female, 80 male; 6 African-American, 6 Asian American, 19 Latino, 196 White, 8 “other”; 200 Christian, 3 Muslim, 4 Buddhist, 26 “other” of a local non-Jewish Indian

44 Sheldon Solomon and Jeff Greenberg, *The Worm at the Core* (New York: Random House, 2015).

45 See “Happy new year? The world’s getting slowly more cheerful,” BBC NEWS December 30, 2013, <http://www.bbc.com/news/world-25496299> (accessed 1 June 2015). Gallup International Association surveyed 66,000+ people across 65 nations and found 24% of all respondents say the United States “. . . is the greatest threat to peace in the world today followed by Pakistan (8%); China (6%); and at 5% At 5% all are tied for third place—Afghanistan, Iran, North Korea, Israel.

physician, while they were in a waiting area of her two offices. Participants were randomly assigned to either a mortality salience or an aversive pain control induction condition and were asked to recommend punishments of Russia, India or Israel for (identical) human rights violations. Mortality salience increased willingness to punish Israeli moral transgressions more than it increased willingness to punish Russian or Indian transgressions. Furthermore, despite the fact that an Indian ran the study in an Indian doctor's office and assessed attitudes towards India, post hoc analyses showed that mortality salience had no effect on India. Taken together, these studies provided preliminary empirical support of the model.

Based on the finding of Cohen, it seems likely that hostility towards Jews and Israel in response to reminders of death will often be expressed in subtle and indirect ways that are plausibly interpretable as something other than prejudice.<sup>46</sup>

One way to unveil modern antisemitism has come to be known as the “3D” test—double standards, demonization, and delegitimization.<sup>47</sup> The results of the Cohen et al. study showed that mortality salience increases the application of double standards to Israel by showing it increases support for punishing Israeli transgressions more than those of other countries.

Three follow-up studies tested the model by examining demonization and delegitimization. Demonization is the classification of a person or group as evil, thereby justifying or legitimizing either verbal slurs or physical violence. Once demonized, the individual or group is denied humane behavior and human respect. Types of demonization include dehumanization, (e.g., depiction of the group as savages, insects, beasts, or monsters), negative trait characterization (e.g., aggressors, idiots, lazy); out-casting (e.g. violators of social norms, murderers or terrorists) and use of rejected political labels such as Nazis, communists, socialists.

Throughout history, demonization has been used by groups and nations as a tool of exploitation and to justify aggression. For example, the perpetrators of genocide often created a political atmosphere supportive of mass murder by demonizing their intended victims.<sup>48</sup>

The 2009 Cohen studies specifically examined whether mortality salience increased support for demonizing Israel. Borrowing from Bar-Tal's definition, delegitimization is the denial of some entity's right to exist because that entity

46 Cohen et al., “Modern Antisemitism and Anti-Israeli Attitudes,” 290.

47 Nathan Sharansky “3D Test of Antisemitism: Demonization, Double Standards, Delegitimization.” *Jewish Political Studies Review*, 16, (2004): 3.

48 Steven K Baum, *The Psychology of Genocide* (New York: Cambridge University Press, 2008).

is inherently immoral. Delegitimized groups are seen as transgressors of basic human norms or values, and are therefore characterized as bad and ultimately evil. Demonization is often used in the service of delegitimization—if “they” are merely beasts or insects, or if “their” behavior is sufficiently revolting or immoral, then “they” do not deserve the right to exist. Mortality salience was examined with regard to delegitimization.<sup>49</sup>

In the first study, a mortality salience (MS) manipulation was again crossed with a “bogus pipeline” manipulation. Study 1 replicated Cohen et al.’s findings using 171 college participants (86 females; 85 males; 15 African-American, 48 Asian-American, 14 Latino, 77 White, 16 “other”; 100 Christian, 20 Hindu, 12 Muslim, 7 Buddhist, 32 “other”): mortality salience increased explicit forms of antisemitism, but only when participants believed they would be detected if they misrepresented their responses.<sup>50</sup>

As a direct measure of delegitimization, participants answered four questions on a 7-point Likert scale assessing the degree to which people believed that Israel should cease to exist. Questions included: “How much do you believe Israel to be a threat to world peace?” “Israel has been accused of violations against humanity. Given the severity of Israel’s transgressions how strongly do you believe they should lose their status as a United Nations member?” “How strongly do you believe that the world would be a better place if Israel ceased to exist?” and “How strongly do you believe that it is in the United States best interest to ensure that Israel continues to exist?”

Mortality salience increased support for delegitimizing Israel, an effect that occurred regardless of whether there was also a bogus pipeline. Consistent with the hypothesis, those who were more antisemitic also demonstrated higher levels of delegitimization towards Israel, [ $r(147) = -.42, p < .001$ ]. The strength of this correlation is worth noting in its own right. It places the relationship between antisemitism and levels of delegitimization toward Israel among the largest 25% of effects found in social psychology and are nearly double the average effect size obtained in work on social cognition, attitudes, and intergroup relations and is consistent with recent findings obtained in several European countries in which antisemitism and anti-Israeli attitudes have been shown to be related.<sup>51</sup>

49 Daniel Bar-Tal, “Delegitimization: The Extreme Case of Stereotyping and Prejudice,” in *Stereotyping and Prejudice: Changing Conceptions*, ed. Daniel Bar-Tal (New York: Springer Verlag, 1990). Study one replicated Cohen et al.’s 2009 study one.

50 Cohen et al., “Modern Antisemitism and Anti-Israeli Attitudes,” 290.

51 *ADL Audit of Anti-Semitic Incidents 2008–2013*, Anti-Defamation League, <http://www.adl.org/press-center/press-releases/antisemitismusa/adl-audit-anti-semitic-incidents-2013.html> (accessed 1 June 2015).

Cohen speculated that the bogus pipeline was not needed to reveal delegitimization of Israel in this study because such delegitimization is not readily recognized as blatant antisemitism. The second study tested the model through the hypothesis that expressions of hostility towards Israel will be magnified by a mortality salience induction even in the absence of bogus pipeline conditions. Therefore, demonization of Israel was assessed through obtaining participants' impressions of two political cartoons. Political cartoons typically use visual metaphors and caricatures to draw attention to important social and political issues with a humorous or emotional picture.

Political cartoonists in the Arab media sometimes depict non-Arab countries and their leaders as exterminators of the Muslim world. And in a Western media outlet, a popular British cartoon that depicts former Prime Minister Ariel Sharon eating babies is a form of demonization. This cartoon draws heavily on the medieval Jewish blood libels in which Jews were accused of murdering non-Jewish children in order to use their blood to prepare Passover matzos. There are many other examples of modern political cartoons portraying Israel and Israelis as Nazis, animals, insects, or cannibals.<sup>52</sup>

While it is possible that other countries, cultures, or peoples are similarly depicted as widely and as frequently in such a revolting manner, these real world examples are also consistent with the perspective suggesting that hostility to Israel may be expressed with such virulence that it is most likely powered, at least in part, by antisemitism. Thus, one purpose of this study was to assess whether mortality salience increases support for the anti-Israeli political cartoons more than for those of another country. The third study therefore tested the hypothesis that expressions of hostility towards the Jewish state would be magnified by a mortality salience induction even in the absence of bogus pipeline conditions.

One-hundred and fifty-two Rutgers University students (97 females, 54 males; 10 African-American, 26 (non-Chinese) Asian-American; 17 Latino, 82 White, 12 "other"; 104 Christian, 12 Hindu, 5 Muslim, 1 (non-Chinese) Buddhist, 29 "other") assessed a subtle expression of antisemitism and anti-Israel sentiment and opposition to Israel in the form of demonization. Participants first read a short vignette discussing either Israeli brutality towards Palestinians or Chinese brutality towards a group of monks. Vignettes read as follows:

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52 Joel Kotek, *Cartoons and Extremism* (Portland: Vallentine Mitchell, 2009); Salo Aisenberg *Hate Mail* (Philadelphia: Jewish Publication Society, 2013); Jerome J. Forman, *Graphic History of Antisemitism* (Atglen: Schiffer, 2014).

Violence against Palestinians/Tibetan by Israeli/Chinese security forces is not new; it has accompanied the occupation for many years. Recently, however, a significant increase in the number of beatings and instances of abuse has occurred, in part because of increased friction between Palestinians/Tibetan and Israeli/Chinese security forces. According to many testimonies given to human rights organizations, the security forces use violence, at times gross violence against Palestinians/Tibetans unnecessarily and without justification.

Participants were then shown impressions of two offensive political cartoons depicting the Israeli leader eating Palestinian babies (See Figure 12) and a Jew atop the world with a bleeding Arab surrendering beneath (See Figure 13). Two parallel cartoons of the Chinese leader eating Tibetan babies (See Figure 12) and a Chinese man atop the world with a bleeding Tibetan surrendering beneath served as the control conditions. Participants were asked to indicate on a scale of 1–5 how “justified” they thought each cartoon was. Results showed that mortality salience in conjunction with a bogus pipeline manipulation increased perceived justification for offensive political cartoons of Israel but not China for both the Leadership cartoon and the World cartoon. That the bogus pipeline was needed to reveal this effect suggests that, in fact, a cartoon of Ariel Sharon eating babies is a relatively obvious assessment of antisemitism.

Cohen examined the possibility that Jews may be uniquely threatening to people’s worldviews. In her third study, participants completed scales assessing explicit antisemitic attitudes and prejudicial attitudes towards Blacks and Asians.

Two hundred and ninety-eight Rutgers University students (138 females, 160 males; 12 African-American, 145 Asian-American, 25 Latino, 90 White, 26 “other”; 175 Christian, 49 Hindu, 19 Muslim, 11 Buddhist, 44 “other”) participated in two (Mortality Salience: Death v. Exam) crossed with two (Bogus pipeline: camouflage vs. bogus pipeline) experimental designs.

Questions included:

- Jewish businessmen are so shrewd that other people do not have a fair chance at competition;
- Over the past few years, the government and news media have given more attention to African-Americans than they deserve;
- In order to get ahead of others, Asian Americans can be overly competitive.

Mortality salience increased antisemitism scores, but not prejudice scores towards Blacks or Asians This result contrasts with some previous terror

management theory studies which have shown that mortality salience increases derogation of many out-groups.<sup>53</sup>

To our knowledge, however, prior research on terror management theory and prejudice has only examined attitudes towards a single group at a time. If, as the MASIM predicts, Jews are more threatening than other ethnicities, then, derogating them is more a priority. It would seem that Jews constitute the most threatening cultural threat for the subjects studied and thus derogation of Jews was enough to assuage death concerns.

The notion of Jews as threat is shared by many others, with ongoing calls for antisemitism to be recognized as a unique form of prejudice. Not surprising to Anne Bayefsky, UN Watch, and other United Nations (UN) monitors who have identified the unbalanced, abusive voting record sanctioning all things Israeli, is the following. When the declaration equating racism with antisemitism was put to a UN vote in January 2015, it did not pass. The UN failure to pass and lack of media coverage is telling.<sup>54</sup>

## Conclusion

As noted above, antisemitism has occurred for several millennia for many different and sometimes contradictory reasons. After the Romans destroyed the second temple, many Jews found refuge by migrating to different geographical regions throughout Europe, Asia, Northern Africa, and so forth. At times, Jews were received. More often than not, they faced discrimination, persecution, and death.

With the creation of the State of Israel in 1948, a new form of antisemitism became possible. As highlighted above, Israel is sanctioned and scrutinized by the United Nations at disproportionately greater rates than any other country and this, in our view, signifies subtle antisemitism. Moreover, the anti-Israel

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53 Solomon and Greenberg *The Worm at the Core*; Brian L. Burke, Andy Martens, and Erik H. Faucher, "Two Decades of Terror Management Theory: A Meta-Analysis of Mortality Salience Research," *Personality and Social Psychology Review* 14, no. 2, (2010): 155.

54 Anne Bayefsky's "How the UN Mixes Antisemitism, the Holocaust and Israeli War Crimes." Jewish Center for Public Affairs #605, Feb 5, 2015, <http://jcpa.org/article/un-mixes-anti-semitism-holocaust/> (12 June 2015). See, also, Bernard-Henri Levy, *Keynote Speech*, at United Nations General Assembly Meeting on the Rise of Anti-Semitism, January 22, 2015, <http://webtv.un.org/watch/bernard-henri-levy-keynote-speech-at-the-general-assembly-meeting-on-the-rise-of-antisemitism/4005232588001> (12 June 2015); Robert S. Wistrich "Waging War on Judeophobes Old and New," *Haaretz*, August 1, 2003, <http://www.haaretz.com/waging-war-on-judeophobes-old-and-new-1.95897> (accessed 1 June 2015).



political cartoons presented in Arab and Western newspapers highlight this newer form of antisemitism. More specifically, criticism of Israel is sometimes used to exhibit antisemitic attitudes in a form that is less obviously reprehensible.

This statement has been supported both on theoretical and empirical bases. The MASIM model has shown a bi-directional relationship between anti-semitism and anti-Israel views. That is to say, individuals who possess traditional antisemitic attitudes frequently report anti-Israel views. Additionally, anti-Israel views can develop into traditional antisemitic attitudes. These prejudices increase significantly when faced with or thinking of one's own death also referred to as mortality salience. Bigotry and intolerance cannot be permitted to exist against any culture, race, ethnic, or religious group.

This chapter highlights the more traditional, modern, subtle, and overt forms of antisemitism. While it is disconcerting to note that antisemitism continues to exist in the 21st century, it is essential to understand the various ways it manifests because awareness is the first step towards promoting a more inclusive environment. In closing, our hope is to fulfill ideas attributed to Rev Martin Luther King, Jr.: "Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that."<sup>55</sup>

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55 Some controversy has arisen about whether Martin Luther King was the originator of several quotes, including this one. See, for example, Megan McArdle, "Anatomy of a Fake Quote," *Atlantic*, May 3, 2011, <http://www.theatlantic.com/national/archive/2011/05/anatomy-of-a-fake-quotation/238257/> (accessed 1 June 2015).

**PART 2**

*Canada, Mexico and the Caribbean*





## Antisemitism in Mexico and Latin America: Recurrences and Changes

*Judit Bokser Liwerant and Yael Siman*

Latin America's recent resurgence of antisemitism stems from a complex combination of geopolitical shifts and trends. An examination of such changing patterns reveals several of the less obvious social and political forces, and permits enhanced conceptualization of Mexico and Latin American antisemitism—its development, transmission and staying power. It is the intention of the authors to provide such analysis.<sup>1</sup>

Serious concern is often voiced about the strong emphasis given to antisemitism as a permanent characteristic of Latin America. While the focus on antisemitism in Latin America may not be surprising given its historical legacy and foundational experience e.g., Inquisition; the conquest/nationalism binomial, this chapter shows that simplistic and reductionist approaches to the region should be avoided, and instead replaced by more nuanced interpretations showcasing differences in time, place and forms of expression. An understanding of the different conditions that favor antisemitism as well as its manifestations emerges as a *sine qua non* when accounting for its extent—potential or actual. Particular attention is placed on its historical socio-political expressions and on its symbolic representations—in the conventional media and, more recently, in the social networks—and the ways it is produced and reproduced discursively.<sup>2</sup>

While we witness a greater conceptual awareness of the complexity of antisemitism, we still need more clarity when analyzing related contemporary expressions of prejudice, exclusion and, specifically, anti-Zionism (in its heterogeneous composition); critiques of Israel; and even anti-Israelism. Antisemitism, anti-Zionism and anti-Israelism are singular yet overlapping phenomena at the meaning-making level. Criticism of Israel, for example, is

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1 For an earlier version of this chapter, see Judit Bokser Liwerant, "Approaching Recurrences and Changes of Anti-Semitism in Latin America: the Case of Mexico," <http://juditbokserliwerant-unam.mx/capli/cap33.pdf> (accessed 1 June 2015).

2 Martin Reisigl and Ruth Wodak, *Discourse and Discrimination: Rhetorics of Racism and Antisemitism* (New York: Routledge, 2001).

not necessarily antisemitic in essence or motivation. However, both overlap if prejudiced rhetoric or images borrowed from old myths and old/new stereotypes, such as the blood libel or conspiracy theories are used.<sup>3</sup>

A discursive tool may be the use of double standards when making judgments regarding Israel's policies towards the Palestinians. Tools may also include the representation of Israel's policies as evil, racist or genocidal. Such approaches lead to the demonization and delegitimation of Israel with significant, even dangerous, implications.

Antisemitism, historically, has been nourished by religious beliefs, myths, socio-economic motives, xenophobic sentiments and certainly racism. In our time, racism is not exclusively associated with so-called biological inferiority; veiled attitudes culturally channel attacks against national, ethnic and religious groups, preferably minorities, thereby isolating, excluding and segregating them. Such attitudes allegedly support cultural difference. However, their underlying assumptions point to fixed and naturalized traits that are largely attributed to social groups and confined to a pseudo-psychological culturalism.

Interactions between historically recurrent and emerging new forms of antisemitism find expression in complex conceptual elaborations. Thus, it has been argued that a "new antisemitism" stems from the Left, the Right, and radical Islam and tends as a rule to converge on its opposition to the existence of Israel as a Jewish State.<sup>4</sup> This new expression is nourished by convergent interests of otherwise opposed political actors that run from the Left i.e., strong adherents to the Palestinian cause, to the Right i.e., nationalists who view the Jew as the eternal foreigner, and Islamic religious fundamentalists i.e., Muslims who immigrated to Europe carrying their hatred of Israel and of the Jews.<sup>5</sup> The new antisemitism of the Left presents a number of parallel tracks that symbolically converge to include both Jews and Israel and therefore, the terms Jew, Zionist and Israel are increasingly interchangeable in contemporary discourse at the global level.<sup>6</sup>

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3 Robert Chazan, *Medieval Stereotypes and Modern Antisemitism* (Berkeley: University of California Press, 1997).

4 Bernard Lewis, *Semites and Anti-Semites* (New York: Norton, 1986); Pierre-André Taguieff, *Rising from the Muck* (Chicago: Ivan R. Dee, 2008).

5 Jack R. Fischel, "What's New About the New Anti-Semitism?" *Virginia Quarterly Review* 81, (2005): 225.

6 Ben Cohen, "The Persistence of Anti-Semitism on the British Left," *Jewish Political Studies Review* 16 (Fall 2004): 3; Samuel Edelman, "Antisemitism and the New/Old Left" in *Not Your Father's Antisemitism*, ed. Michael Berenbaum (St. Paul: Paragon House, 2008); Daniel J. Goldhagen, *The Devil That Never Dies* (New York: Little, Brown, 2013); Alvin Rosenfeld, *Resurgent Anti-Semitism: Global Perspectives* (Bloomington: Indiana University Press, 2013).

While classical antisemitism involved discrimination against the personhood of Jews, the new antisemitism involves discrimination against the statehood of Jews. Both assault the core of Jewish self-definition. This line of thought underscores antisemitism's uniqueness in that classical antisemitism denies Jews the right to live as equals in society and the new antisemitism denies Jews the right to live as equals in the family of nations. Some proponents of the concept of new antisemitism argue that criticism of Israel and Zionism is most often disproportionate in degree and unique in kind when compared to attitudes toward other foci of conflict worldwide.<sup>7</sup>

In the current debate, some observers downplay the significance of the new antisemitism, or, for that matter, antisemitism altogether. They posit that: 1) those people of goodwill who support the Palestinians resent being wrongly accused of antisemitism; 2) supporters of the Jewish state exploit the stigma of antisemitism to silence legitimate criticism of Israel's policy; 3) accusations of antisemitism based on anti-Israel opinions lack credibility; and 4) a "reasonably informed" person thinks that Israel shares the largest part of responsibility for the Israeli-Palestinian conflict.<sup>8</sup>

Other perspectives point to new sources of antisemitism. Pierre André Taguieff contends that antisemitism is no longer based on racism and nationalism but, paradoxically, on anti-racism and anti-nationalism. It equals Zionism and racism; resorts to Holocaust denial; borrows a Third-World discourse, and the slogans of anti-imperialism, anti-colonialism, anti-Americanism, and anti-globalization; and disseminates the myth of the intrinsically "good Palestinian"—today's innocent victim *par excellence*. Thus, while Jews may not suffer discrimination, they are often victims of stigma, threats, physical

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7 Irwin Cotler, *New Anti-Jewishness: Sounding the Alarm* (Jerusalem: Jewish People Policy Planning Institute, 2002); Lawrence N. Powell, *Troubled Memory: Anne Levy, the Holocaust, and David Duke's Louisiana* (Chapel Hill: University of North Carolina Press, 2000).

8 Brian Klug, Robert S. Wistrich, "Correspondence between Prof. Robert Wistrich and Brian Klug: When is Opposition to Israel and Its Policies Anti-Semitic?" (Jerusalem: SICSA—Hebrew University, 2006), <http://sicsa.huji.ac.il/klug.html> (accessed 1 June 2015); Earl Raab "Antisemitism, Anti-Israelism, Anti-Americanism" *Judaism*, 51 (2002): 387; Steven Zipperstein, "Historical Reflections of Contemporary Antisemitism" in *Contemporary Antisemitism: Canada and the World*, eds Derek J. Penslar et al. (Toronto: University of Toronto Press, 2005). For an extended review of the diverse approaches to anti-Semitism and its expressions cfr. Eliezer Ben Rafael, *Confronting Allosemitism in Europe. The Case of Belgium Jews* (forthcoming); for comparative and global analyses ingrained in new anti-Semitism approach, Alvin Rosenfeld (ed), *Resurgent Antisemitism: Global Perspectives*, 2013; on past and current expressions, Michael Berenbaum, *Not Your Father's Antisemitism. Hatred of the Jews in the 21st Century*, 2008.

violence and even the media, which endorses radical anti-Zionism. On its part, judeophobia or neo-judeophobia results in anti-Jewish violence incited by radical Islamists. It becomes a cultural given on a public scene mechanically and unanimously supportive of the Palestinian cause, and transcends the boundaries between Left and extreme Left. Its anti-Israelism, coupled with anti-Americanism, permeates all parts of Right-wing opinion. Judeophobia accuses the Jews of being “too community,” too religious, and nationalist, as well as too cosmopolitan. The defense of Palestinians as victims of Zionism is the ideological core mode of legitimation for contemporary anti-Jewish violence. This awakens old accusations of “ritual murder,” aka the blood libel.<sup>9</sup>

For his part French sociologist Michel Wieviorka emphasizes the multiple sources of antisemitism: far-right and far-left circles, given milieus in the Muslim population, youngsters of disadvantaged educational contexts or the spin-offs of the Middle-East conflict, and the sympathy awakened by the Palestinian cause among educated strata. Nevertheless, Wieviorka views in antisemitism only one aspect of many others of a general societal malaise, and not a major crisis in its own right.<sup>10</sup>

In a new era that poses unprecedented challenges—both conceptual and policy oriented—scholars such as University of London sociologist David Hirsh take a different stance by asking if criticism of Israel is necessarily anti-semitic. In his view, the difficult argument for some “critics of Israel” to deal with is that criticism of Israel is often expressed by using rhetoric or images that resonate as antisemitism: holding Israel to higher standards than other states, and for no good reason; articulating conspiracy theories; using demonizing analogies; casting Jews in the role of oppressors; formulating criticism in such a way as to pick a fight with the vast majority of Jews; using the word criticism but meaning discriminatory practices against Israelis or against Jews.

Hirsh adds that the recurrence of antisemitism does not mean witnessing the same phenomenon, but one that may bring old elements while acquiring new expressions, responding to different logics and framed by distinct individuals and groups. In this sense, one problem with the “Hydra” explanation<sup>11</sup> is

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9 Taguieff, *Rising from the Muck*.

10 Michel Wieviorka, *The Lure of Anti-Semitism* (Boston: Brill, 2007).

11 Hirsh refers to the view of antisemitism as a many-headed “hydra” or sea monster, always lurking under the surface of the water while putting up different heads in different places and times. That is, this ahistorical model conceives different expressions of antisemitism as an ever present underlying phenomenon, an ever-present fact of human history. Thus, the difference between a time or a place where it is visible and one where it is not is purely contingent. David Hirsh, *Anti-Zionism and Antisemitism. Cosmopolitan Reflections*,

that while each form of anti-Judaism draws on and replicates older forms, “they are also hugely different phenomena. They arise and they become widespread in radically different times and places. They have different manifestations, are employed by different social forces, they make use of different narratives.” Such differences are as striking as the commonalities, among the Spanish Inquisition, Christian antisemitism in nineteenth century Poland, the socialist one in Germany at the time of August Bebel, Right wing anti-Bolshevism, Nazi racist genocidal antisemitism, understated and gentlemanly English exclusion, contemporary anti-imperialist anti-Zionism and Jihadi antisemitism. Anti-Zionism is indeed defined as a form of antisemitism because it denies the right of Jewish self-determination while defending self-determination for all other nations.<sup>12</sup>

In this sense, an academic boycott of Israel is antisemitic because it aims to punish Israeli academics by applying standards that are different from those applied to academics elsewhere. Even if antisemitism does not motivate that boycott, it is nevertheless antisemitic in effect. Some circles, which consider themselves as Left, act upon their belief that Israel is a unique evil. As a result of their activism, these ideas permeate the mainstream discourse and are no longer marginalized. The ideological novelty is that hatred of Jews is now expressed in the language of the “fight against racism” or “human rights.” Racism also takes a new form as anti-Islamophobia.

Jews have always been a target of special attention and feelings, in so many different circumstances. Addressing this issue, Zygmunt Bauman incorporates the notion of *allosemitism*, which implies the notion that Jews’ plights in society are radically different from any other social entity and require special concepts to be described and analyzed.<sup>13</sup> Jewishness may attract hate or love, but always feelings that are extreme and intense. The object indicated by *allosemitism* is “unfamiliar” or “strange” in its essence: it does not comply with the general order of things, nor does it fit into any other category or phenomena. Furthermore, the attitude toward its object is extra-temporal and extra-spatial: it consists of a permanent interrogation resulting, each time, from the

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Working Paper. Institute for the Study of Global Antisemitism and Policy (New York: ISGAP, 2007).

12 David Matas, *Aftershock* (Toronto: Dundurn Press, 2005).

13 Zygmunt Bauman, “Allosemitism: Premodern, Modern, Postmodern,” in *Modernity, Culture and ‘the Jew’*, eds. Bryan Cheyette and Laura Marcus (Cambridge: Polity, 1998), 143; Leonardo Senkman “Anti-Zionist Discourse of the Left in Latin America: An Assessment,” in eds. Eliezer Ben-Rafael, Judit Bokser Liwerant, and Yosef Gorny, *Reconsidering Israel—Diaspora Relations* (Boston: Brill, 2012), 22.



interplay of continuous historical developments and actual circumstances. In Bauman's view, modern antisemitism or hate of Jews targets "Jewishness" rather than Judaism. For the antisemite, whatever they do, Jews possess their own inimitable *Volkseigentümlichkeit* a.k.a. people peculiarities. It is in this sense that one may effectively speak of Jews as a "special species."

The permanent foreignness of the Other—the Jew as the historical Other—converts it into a threat to the identity and integrity of the majority society. Facing social, political and cultural transformations that recover old patterns of rejection while expressing new forms, exclusion is based on diversity, and not necessarily on race. In the introduction to the anthology *Theories of Race and Racism*, editors Les Back and John Solomos remind us that a highly reliable prediction of the 20th century, albeit dramatic, was formulated by the civil rights activist and NAACP co-founder W.E.B. Du Bois in 1903, when he characterized the problem of the 20th century as the line of color that would run across race relations worldwide. Perhaps with that in mind, Stuart Hall would claim almost a century later that the "capacity to live with difference is the main challenge of the 21st century" insofar as contemporary societies experience the increasing diversity of subjects, social experiences and cultural identities in a continuous process of change.<sup>14</sup> Contrasting both characterizations reveals the changing meanings given to the concept of race *vis-à-vis* the concepts of ethnicity and culture, as well as the historical transformations of reality: while for Du Bois the line of color was part of his quotidian environment, based on institutional patterns of racial domination, in our time, racism takes new dimensions, as well as a different content and meaning.<sup>15</sup>

The complex interaction between historic recurrences and changes, as well as between different referents of collective belonging—culture, ethnicity, language, religion, and history—are expressed in antisemitism in singular modes. Antisemitism precedes and surpasses racism. Its racial formulations were preceded by cultural and religious modalities. Additionally, religious, racial and cultural factors frequently have coexisted with social, economic and political motivations.

Today's Latin American antisemitism is marked by diverse sources and strands. Mutually reinforcing antisemitic (and later anti-colonial and anti-imperialist) meanings get transferred, and reinforce each other through a historical and now trans-regional and trans-national cultural/ideological code

14 Les Back and John Solomos, *Theories of Race and Racism: A Reader* (London: Routledge, 2009).

15 Stuart Hall, *Race, the Floating Signifier*, Media Education Foundation, 1997, [https://www.mediaed.org/assets/products/407/transcript\\_407.pdf](https://www.mediaed.org/assets/products/407/transcript_407.pdf) (accessed 5 June 2015).

that characterizes wide sectors of intellectuals, public figures and the media.<sup>16</sup> Thus, antisemitism has become a transnational phenomenon that in some instances gets expressed through criticism of Israel as the embodiment of collective Jewry. Anti-Zionism connects people across countries, regions and continents, operating through the political agenda of social movements at the local, regional and global levels.

Already in the 1960s and 1970s, anti-Zionist discourse served in the United States and Western Europe as a cultural code among the “New Left” that suggested belonging to the camp of anti-imperialism, anticolonialism and a new sort of anticapitalism. In North and South America, anti-Zionist charges—with their frequent anti-Jewish twists—initially were not an independent issue among the prevalent political and social views of the Left, but instead a code for more important matters other than the Israel-Palestine conflict. The cultural contours of this code displayed its struggle against the overall set of values and norms typical of the imperialist West, such as authoritarianism, paternalism, machismo (male pride) and the legacy of colonialist conceit *vis-à-vis* the Third World.

Nevertheless, as Shulamit Volkov points out, following many years of an unsettled Israel-Palestine conflict, today’s opposition to Israel can hardly be regarded only as a code for some other evil. Together with a more open antisemitism by right-wing xenophobic groups, but not only by them, the subculture of the Left, even of the center-Left, cannot be seen in its position towards Israel as a side-issue, ripe to serve as a cultural code.<sup>17</sup> Increased hostility towards Israel is globally coordinated, transcending the national boundaries of countries and standing at the center of the New Left’s anti-imperialist and anti-globalization discourse. It is a “transnational ideological package” that symbolizes the struggle against globalization and US hegemony.<sup>18</sup>

Given the historic pattern of recurrence and change, the non-linearity of the interactions and mutual influences between antisemitism and anti-Zionism add complexity to it. In this sense, even radical voices point to the danger that anti-Zionism—which does not necessarily begin as antisemitism but emanates from criticism of human rights abuses by the State of Israel—may “normalize”

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16 Judit Bokser Liwerant, *El Movimiento Nacional Judío. El Sionismo en México 1922–1947* (México City: UNAM, 1991).

17 Shulamit Volkov, “Readjusting Cultural Codes: Reflections on Antisemitism and Anti-Zionism,” in *Antisemitism and Anti-Zionism in Historical Perspective—Convergence and Differences*, ed. Jeffrey Herf (New York: Routledge, 2007), 39.

18 Leonardo Senkman, “Anti-Zionist Discourse.”

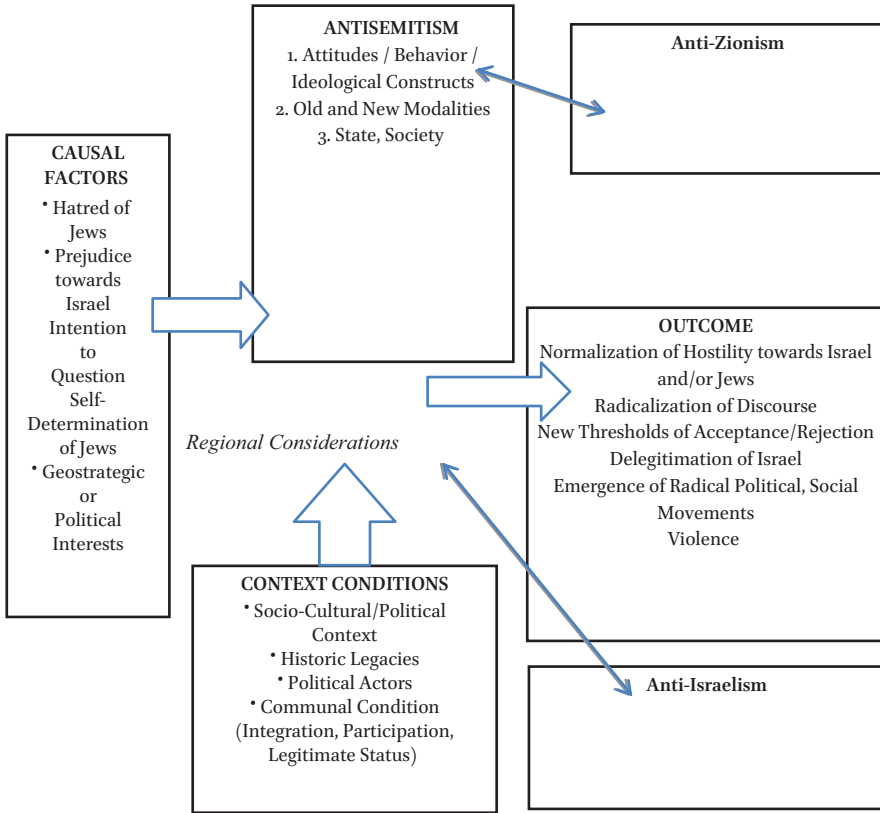
hostility towards Israel and the Jews, thereby setting new thresholds of what becomes understandable, acceptable and even legitimate.

The impact of new technologies which allow for the instantaneous, massive and largely anonymous circulation of anti-Zionist and anti-Israel arguments transcending national borders challenge local particularities. As will be analyzed, similar to other regions, in Latin America, antisemitism, anti-Zionism, critiques of Israel and anti-Israelism are singular phenomena that have historically overlapped. This can be seen in the political discourse that has accompanied particular local or international governmental positions, in the press and the social networks. Anti-Zionism and antisemitism are global phenomena, and yet anchored in diverse local realities. We are thus compelled to avoid abstract universalisms that could dilute the specificity of space, actors and societies. Within Latin America, Mexico stands out with its singularity but not in isolation from other countries in the region or the rest of the world.

It is our contention that analyses of contemporary antisemitism need to account for multiple connections between particular actors, ideas and symbols through national, regional and global circuits and levels. A multi-dimensional perspective, which does not view the borders of the Nation-State or even the region as the only referents, contributes to robust explanations of its structural manifestations and modes of expression, historical and cultural legacies, and subjectivity.

The chart below shows that antisemitism, anti-Zionism and anti-Israelism are particular, but overlapping phenomena; they also reinforce each other. Among the causal factors that may drive their overlapping are hatred of Jews, prejudice towards Israel, the rejection of the self-determination of Jews, as well as geostrategic or political interests. Possible outcomes include normalization of hostility towards Israel and/or Jews, radicalization of discourse, new thresholds of acceptance/rejection, delegitimation of Israel, the emergence of radical political and social movements viz., including transnational ones, and violence both symbolic and physical. These outcomes become particularly acute in our times given the transnationalization of prejudice a.k.a. de-territorialization, the globalization of hatred, the prevalence of new technologies, and the reconfiguration of social arrangements leading to new convergences between seemingly different and even opposing actors. Legitimate criticism of Israel is largely based on human rights violations and different from the former in both its causality of origin—ethical, universal, cosmopolitan—and outcome—public pressure, international accountability.

This chapter analyzes the manifestations of antisemitism in Mexico throughout the 20th Century and the first decade of the 21st Century. It focuses on three historic moments:



1) the 1920s–1940s, with the arrival of Jewish immigration, when Otherness was socially represented as foreignness amid an immigration debate that resulted in restrictive policies towards Jewish immigration and Jewish refugees; 2) the 1970s–1990s, when antisemitism changed in response to developments in the Third World block and the internationalization of the Middle East conflict, and 3) the beginning of the 21st century, characterized by democratization, pluralism, the widening of the public sphere, the transition from the printed press to the Internet-social networks, and the resulting radicalization of discursive antisemitism.

By examining the different historic moments we trace the local roots and routes of antisemitism within a wide spectrum of interconnected processes— at the local, regional and global levels. The in-depth analysis of Mexico as our case study also shows that complex phenomena need to be situated in the particular socio-cultural and political context in which they develop (nationally, regionally and globally), and approached through multi-causal explanations.

## Regional Considerations

Antisemitism's impact on the social representation of the Other is both subjective (stereotypes, myths, attitudes, among others) and behavioral (actions, practices, institutional arrangements). These two interacting but also autonomous levels are particularly relevant in countries that had difficulty dealing with their inner cultural diversity but recently underwent profound transformations resulting in the legitimate expression of difference in the public sphere.

If we trace back anti-Jewish prejudice in Latin America, we find that it has historically been veiled and structural, diffuse and latent. Contemporary processes of social and political change such as democratization in multicultural settings still exhibit contradictory dynamics. Therefore, the particular history and evolution of prejudice need to be contextualized largely in light of the regional and the national political culture.

Latin America has historically been one idea and a region with different realities. When the renowned French historian Fernand Braudel was asked to dedicate an issue of his review *Les Annales* to Latin America, he titled it “*A travers les Ameriques Latines*,” in the plural, emphasizing the diverse nature of its countries and cultures. The region's economic and political diversity, with deep historic roots, may be best understood today in terms of the ethno-cultural make-up of its populations. In Euro-America (with countries such as Argentina or Uruguay), where mass immigration changed the socio-ethnic profile of the population, multi-ethnic societies were built with a *de facto* tolerance towards minorities, counterbalancing the primordial, territorial, and religiously homogeneous profile that the State aspired to achieve. In Indo-America—i.e., Mexico, Peru or Ecuador—the original ethnic composition of the population enhanced the unified and homogeneous national profile.<sup>19</sup> Countries such as Mexico rooted their conception of national identity on an ethnic-religious cultural model—*mestizaje*—based on fusion, assimilation and the merging of Spanish-Catholic and indigenous populations. As a resource for identity-building and national integration, this model became a central criterion for evaluating the full incorporation of minorities.

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19 Shmuel N. Eisenstadt, “The Construction of Collective Identities in Latin America Beyond the European Nation State Model,” in *Constructing Collective Identities and Shaping Public Spheres*, eds. Luis Roniger and Mario Sznajder (Brighton: Sussex Academic Press, 1988), 245; Haim Avni, “Presentación de las Comunidades Judías de América Latina” in *Encuentro y alteridad: vida y cultura judía en América Latina*, eds. Judit Bokser Liwerant and Alicia Gojman de Backal (Mexico City: Fondo de Cultura Económica, 1999), 15.

Cultural specificity influenced the various ways in which Modernity developed. However, modern institutions were also central in granting citizenship, pluralism and democracy. Insofar as the public sphere and civil society became constitutive pillars of modern forms of collective life, and Modernity's legacy was seen as a world of values and institutions that generated the capacity of social criticism and democratic integration, the region had to cope with incomplete achievements and enormous challenge.<sup>20</sup> In the modern West, Latin Americans were the first group of citizens to fail at reconciling social equality with cultural differences, thereby resulting in a public life that is socio-ethnically fissured.<sup>21</sup> In turn, many values and institutional arrangements were cultural hybrids. Thus, while religion was structurally embedded in social life, the internalization of Catholicism also implied its conversion into a civic culture. Civic Catholicism opened the possibility of creating new meanings and codes thus advancing secularization in the public sphere. However, it simultaneously set its own limits. Together with the central place of the Catholic Church, European corporate traditions led to difficulties when dealing with religious and ethnical diversity, thereby projecting encounters with Otherness as contradicting realities of social diversity and homogeneous narratives.<sup>22</sup>

A *de facto* collective coexistence allowed the development of Jewish life, including the definition of its communal contours and borders in light of complex dynamics between social integration and group autonomy. In the region, Jews were often seen as unwanted others, as a source of risk to national identity. However, they never had to fight for Emancipation.<sup>23</sup> The struggle for religious tolerance was also conceived and presented as necessary in order to attract European immigration waves. Strengthening society as a means to achieve national development, progress and modernization required capital, abilities, and talent that were sought among European populations. Immigrants were therefore seen as necessary, both in their human and material capacities.

Nevertheless, the prevailing ideal image of national society led to the definition of selective immigration policies towards different groups. In light of such immigration policies and laws, the Jews were assigned an identity *vis-à-vis* the national population, thereby reflecting the ideal conception of national societies, its pragmatic requirements, and the changing correlation

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20 Jeffrey Alexander, *The Civil Sphere* (Oxford: Oxford University Press, 2006).

21 Carlos A. Forment, *Democracy in Latin America: 1760–1900, 1* (Chicago: University of Chicago Press, 2003).

22 Judit Bokser Liwerant, ed., *Identities in an Era of Globalization and Multiculturalism: Latin America in the Jewish World* (Leiden: Brill, 2008).

23 Haim Avni, "Presentación," 15.

of political forces. While freedom and equality were granted, restrictions to immigration fostered ambivalences towards this minority. This has certainly been so in countries with limited immigration or restricted migration policies.

### Otherness and Immigration: Between Acceptance and Rejection

In Mexico, national thought defined the collective self-image and the conceptual margins of the Other. In the interplay between identity and Otherness, the externally assigned image, the social representation, and the identity ascription of the Jew *vis-à-vis* the national community has not been one-dimensional. Like all imagined communities, a nation is not merely an extended web of relationships between people; it also involves criteria of belonging including ethnicity. Historically there have been sequential attempts to define the public sphere based on a national/ethnic identity, which expresses the permanence of national narrative shaping social representations and imaginaries.

The real and symbolic meaning of the founding project of *mestizaje* expressed the nation's ethnic and political dimensions. While it called for an ethnic-socio-cultural encounter between the indigenous and the Hispanic-Christian components, its primordial features had limiting effects on the social construction of diversity. Thus, not every group and culture was a foundational layer of the nation, or perceived as such, while, at the same time, the Jewish collective sought integration into the nation without ethnic assimilation.

The construction of the Other/Foreign accompanied the intellectual *Criollo* who, on the one hand, in his quest for autonomy from Spain identified with the indigenous population, but on the other hand, remained reluctant to lose his ancestors' privileges.<sup>24</sup> The *Criollo* faced this dilemma through the successive reformulations of the national project until the Revolution. *Indigenismo* was articulated as a native claim and, thus, benefited from the new socio-ethnic category: the *mestizo*. At the same time, the latter became the rising political actor in the national scene. Paradoxically, its producer, the *Criollo*, was disqualified as a foreigner.

In the latter half of the 19th century, the complex relationship between liberalism and the political national project resulted from their divergent

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24 Francisco Bulnes, "La Personificación del Criollo," *Nexos*, September 2002, <http://www.nexos.com.mx/?p=10571> (accessed 1 June 2015); David Brading, *Mito y Profecía en la Historia de México* (Mexico City, Vuelta, 1988); Luis Villoro, *El Proceso Ideológico de la Revolución de Independencia* (Mexico: Secretaría de Educación Pública, Colección: Cien de México, 1986).

ideological and political premises. Liberalism sought to found the nation based on a rupture with its colonial and indigenous past and, therefore, the conceived “Other” acquired a new meaning. Yet, for reasons external to the domestic philosophical debates, Mexico did not become a country of immigration. Its structural social and economic profile could not compete with other immigrants’ destinations, both in the North of the continent and in the Southern Cone. Although Liberalism denounced fanaticism and the sequel of religious intolerance as a legacy of the Inquisition, the encouraged one to immigrate to Mexico was the Protestant European, not the Jew.<sup>25</sup>

Positivism subsequently enhanced existing difficulties to relate to the “Other.” The unfulfilled efforts of Porfirio Díaz’s regime to attract European immigration to Mexico reinforced socio-ethnic splits in the public sphere. The foreigner, however, continued to operate as a permanent referent in ambiguous ways. The criteria for being national remained selective, and the construction of a transnational identity was not yet seriously considered. For the intellectual elite, the *Científicos*, the perception of the Jew was highly problematic; the European debate surrounding the Dreyfus Affair was transplanted and reframed in a prejudiced way.<sup>26</sup>

The Mexican Revolution was preceded by the search for the Mexican collective identity as a requisite to build a new political and social order. From Justo Sierra to Molina Enríquez, from Antonio Caso to José Vasconcelos, the “We” was configured in terms of ethnicity and race. The *mestizo* became the emblematic protagonist of the national endeavor.

As national identity and culture were historically regarded as the main bases for unity, Jews—like other minorities in Mexico—developed their communal life without a corresponding visibility in the public sphere; thus they lack recognition as a legitimate collective component of the national chorus. Limited integration, together with autonomy to preserve cultural, religious and social particularities, further reflected and reinforced the Jewish community’s boundaries and its social differentiation from the majority society.

The events of the 1930s and processes developed during that decade had important consequences for the encounter between Mexico and the Jews. Revolutionary regimes consolidated in light of a complex dynamic of both

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25 Judit Bokser Liwerant, *El Movimiento Nacional Judío. El Sionismo en México*; Judit Bokser Liwerant, *El México de los años Treinta: Cardenismo, Inmigración Judía y Antisemitismo*, in *Xenofobias y Xenofilia en la Historia de México Siglos 18 y 19* ed Delia Salazar (Mexico: Dirección de Estudios Históricos, 2006), 379.

26 Claudio Lomnitz, *El Antisemitismo y la Ideología de la Revolución Mexicana* (Mexico: Fondo de Cultura Económica, 2010).



continuity and rupture. Identity building involved the national integration of diverse elements. If the Mexican revolution did not have a defined program or a unified ideology, the nationalism of the 1930s came to occupy a central role in discovering and creating an “authentic Mexican.” Nationalist programs engaged all aspects of life and thereby created a certain “mysticism” that enhanced Mexican nationalism.<sup>27</sup>

The focus on national identity among post-revolutionary Mexican regimes enhanced the importance of the ethnic dimension and had severe repercussions for the problematic binomial “national-foreign.” The concept of miscegenation/*mestizaje* set the parameters for national inclusion.

Mexico’s antisemitism at this time, especially that surrounding immigration policies, started during the previous decade and was not the sole possession of any particular political party or movement. The 1929 world crisis reinforced the importance of economic considerations in defining immigration policies. Protective policies of national workers were formulated and a related temporary prohibition imposed on the influx of foreign workers, a stance that became absolute after the Second National Migration Convention in 1931. The 1930 Law of Immigration aimed to regulate the selection of immigrants according to their possibilities of assimilation into the national population. Specifically, article 60 of such law stipulated:

The individual or collective immigration of healthy foreigners capacitated for work, who exhibit good behavior and pertain to races that are easily assimilated in our context, is considered to be of public benefit for both the species and the economic conditions of the country. The Ministry of Interior is hereby empowered to place this law into effect by whatever means he deems convenient, and also to remove those requirements of the Law when the Secretary considers certain immigrants to be both beneficial and of intention of permanent settling in the country.<sup>28</sup>

Regarding who was a suitable immigrant candidate, the Law of Immigration (June 1932), along with subsequent proposals, regulations and legislations reflected an ongoing search for the means to achieve homogeneous national integration. This search turned progressively problematic. During the

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<sup>27</sup> David A. Brading, *Mito y Profecía en la Historia de México*.

<sup>28</sup> Even if this law maintains a tendency to consider collective immigration necessary, it conferred on the Ministry of Interior (according to article 64) the right to restrict or select immigration according to its discretion. Law of Immigration, August 30, 1930, Official Diary of the Federation, Vol. LXI.

government of President Lázaro Cardenas, national and international political developments created additional problems. Prejudice was widely shared by different social sectors and antisemitic associations that aimed to curb Jewish immigration for economic, ethnic and social reasons. It was expressed in attitudes, stereotypes and prejudices, and projected into norms and practices with a strong impact on the immigration policies and the immigrant population residing in the country.<sup>29</sup>

A reactionary nationalism gained power in Mexico. Partly, this stemmed from national political developments, post-revolutionary nationalism, and a reaction to a progressive and popular *Cardenismo*. Through its various organizations and affiliations, the nationalist movement led to the consolidation of rightist sectors. Economic and racial motives were intertwined and gradually, the racial theme became dominant, especially amidst Right-wing groups. The Anti-Chinese and the Anti-Jewish National League, founded in 1930, and the Honorable Traders, Industrialists and Professionals lobbied the government to restrict the immigration of Jews.<sup>30</sup>

The League expressed the view that:

With the goal of definitively minimizing the cruel and damaging effects that foreign elements have imposed on the country, especially those regarding Jews and Asians: the first by destroying our commerce and almost all of our economic activities; the latter by destroying our race, our commerce, and our homes.<sup>31</sup>

For its part, the anti-Jewish League engaged in a “patriotic duty” to “support the imminent nationalist labor” that president Ortíz Rubio (1930–1932) set in motion.<sup>32</sup> This argument was then incorporated into the National Campaign

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29 Judit Bokser Liwerant, “Cárdenas y los Judíos. Entre el Exilio y la Inmigración,” in *Entre la Aceptación y el Rechazo, América Latina y los Refugiados Judíos del Nazismo*, ed. Abraham Milgram (Jerusalem: Yad Vashem, 2003), 248.

30 Judit Bokser Liwerant, “El México de los años Treinta: Cardenismo, Inmigración Judía y Antisemitismo,” in *Xenofobias y Xenofilia en la Historia de México Siglos 18 y 19*, ed. Delia Salazar (Mexico: Dirección de Estudios Históricos, 2006), 379; Alicia Gojman de Backal, *Camisas, Escudos y Desfiles Militares: los Dorados y el Antisemitismo en México, 1934–1940* (Mexico: Fondo de Cultura Económica, 2000).

31 Letters from the National Anti-Chinese and Anti-Jewish League to the President of the Republic, the Minister of Interior, and the Minister of Industry and Commerce, October 23, 1930, *A. G. N. Gob.*, 2–360 (29), 8105.

32 *Memorandum* of the Anti-Chinese and Anti-Jewish League to the President of the Republic, December 9, 1930, *A. G. N. Gob.*, 2–360 (29)-51.

of 1931. Therein, the consumption of national products and the displacement of Chinese and Jewish immigrants from the realm of commerce were presented as key to combating unemployment and overcoming the devastation of the economic crisis. Rafael Melgar, the president of the Revolutionary Block of the Deputy Council, presented the project of the Campaign, which was approved in mid-1931, and united the defense of the national economy with xenophobic and antisemitic measures. The latter manifested from the onset as an essentialist disqualification of the “pernicious, agitating, and subversive” character inherent to the foreigners.<sup>33</sup>

Other organizations that united businesspeople from different states within Mexico heralded nationalist objectives and mottos to rectify what was considered disloyal competition and the displacement of nationals. The press became an additional and complementary platform from which the Jewish presence in Mexico was de-legitimized.<sup>34</sup> Anti-Jewish attacks were largely justified on economic grounds. The expulsion of 250 Jewish merchants from the Lagunilla market in May of 1931 had a similar impact. The proclamation of the National Day of Commerce on June 1 of that same year, likewise a strike against foreign commerce, elevated the expressions to a particularly critical point. At this time, different commercial and industrial groups were also magnifying the Jewish national presence, calling it an invasion and countering it on the grounds of being ruinous for national economic development.<sup>35</sup>

While the expulsion of the Jewish merchants from the Lagunilla market encouraged the continuing activity and pressure exerted by the League, the greatest agitation emerged from specifically commercial and industrial organizations that based their arguments on the defense of the alleged national economic interest. The Nationalist Campaign and the subsequent mobilization of popular sentiment in defense of the nation accompanied the Federal Labor

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33 Letter by storekeepers of the state of Sinaloa to the Governor, June 30, 1931, *A.G.N. Dept. of Labor*, 2-360 (21)2; Letter by the Industrial Union of Workers of Durango to the Secretary of Governance, August 9, 1932, *A.G.N.* 2-360 (7)-8034. Vid. José Manuel López Victoria, *The National Campaign*, Mexico, Ed. Botas, 1965.

34 *Vid. A.G.N.*, 2-360(1)1. “No más Judíos Inmigrantes,” *El Nacional Revolucionario*, México, March 2, 1931; “El Mago de los Sueños Negros,” *ibid.*, May 8, 1931.

35 The president of the Federation of Small Business and Industrialists of the Republic disqualified the Jewish residents of Mexico for constituting a mafia that operated based on violence [toward] and bribery [of] the economy’s nationals, “La Ruinosa Invasión de Israelitas,” *El Nacional*, México, April 20, 1932; *Vid.* “El Peligro Israelita,” *Gráfico*, México, Nov. 9, 1932; “Campaña Antisemítica en Nuestro País,” *Excélsior*, México, Mayo 28, 1933; “Pídese la Expulsión de Todos los Judíos que no son Labriegos,” *La Prensa*, México, Nov. 21, 1933.

Law (August 1931) and precipitated antisemitic attitudes and practices in the country, ranging from spreading stereotypes to instigating acts of aggression.<sup>36</sup> These incidents took place across the country; their proclaimed defense of the national economy diluted or confused the general public opinion and the views of the Jewish community in the country.

Other Right and Left wing organizations spread. The Mexican Revolutionary Action, founded in 1934, operated through its paramilitary units, the Golden Shirts. The antisemitic Pro-Race Committee and the Middle Class Confederation exerted pressure on the government and waged antisemitic campaigns that reached their peak in 1938–9. Rightist sectors gained support from the nationalist-populist sectors in the country, which they in turn also reinforced. Given the anti-Jewish tenor in the country, it is worth noting that none of the speeches given by the Golden Shirts ended without first condemning “international Judaism,” and demanding the restriction to Jewish immigration, the removal of Mexican citizenship from Jews, the prohibition of Jewish participation in national politics, and the call for expropriation of Jewish properties. Likewise, the Pro-Race Committee contacted the authorities on various occasions, requesting legislation that would provide a “frank and dependable protection to Mexican commerce, industry, and capital.”<sup>37</sup> Branches of these organizations extended their activity throughout the entire country.<sup>38</sup> Alongside concurrent antisemitic and xenophobic arguments, they used anti-communism to call for disqualifying Jews from comprising the national fabric.<sup>39</sup>

Moreover, possibilities were reduced for Jews to avoid immigration restriction based on professional considerations—“regardless of the nationality to which [the Jew] pertained.”<sup>40</sup> Trade unions and Left-wing labor organizations also became a platform for antisemite expressions, related mainly to

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36 Vid. Rosenberg, Moisés, “Los judíos de Tacubaya sufrieron un susto,” *Der Weg (The way)*, México, Oct. 28, 1931.

37 Letter from the Pro-Race Central Committee to the Secretary of Governance, August 4, 1936, *ibid.*, 2.360 (29)/8103.

38 “Nuestras Calamidades: el Judaísmo en México,” *La Prensa*, June 2, 1936; “Los Tentáculos del Judaísmo Envuelven a las Actividades Económicas de Nuestro País,” *Ibid.*, June 4, 1936.

39 “Los Judíos son Propagadores Comunistas,” *Ibid.*, June 11, 1936.

40 *Ibid.* The restrictions were sent confidentially to the Mexican consulates overseas. The extreme tenor of the restrictions directed at the Jews caused the Mexican Ambassador to the United States, Francisco Castillo Nájera, to express his concern regarding a potential conflict that could arise should the American government learn of these measures. Confidential Letter by Ambassador Castillo Nájera to the Secretary of Foreign Relations, July 25, 1935, AREM.

immigration and exile policies.<sup>41</sup> Throughout this period, discussions regarding national immigration policies emphasized whether the incoming group could be assimilated, as well as whether it will compete economically.<sup>42</sup>

Pressures on the government to restrict immigration systematically increased. A wide spectrum of sub-groups from the Right found certain cohesion within the *Confederación Patronal de la República Mexicana*. With the support of German Nazis, this Confederation became the principal financing source for the rightist secular radical sectors.<sup>43</sup> The presence of German Nazi elements, rooted in the country's Embassy (including, for example, the Community of the German People in Mexico) largely supported the activities of the rightist radical sectors as extensions of spy webs, conferring on them great influence.<sup>44</sup> In 1937, the anti-Jewish lobby voiced its fear that Mexico would provide a haven for the Jews, renewing pressure on the government to prohibit Jewish immigration.<sup>45</sup>

Antisemitism reached the forefront of public discourse and nourished policy decisions after 1938, due to the complex interaction between Otherness and prejudice regarding the refugee issue, migration and exile. Thus, while it was stipulated that the policy of the Ministry of Interior was to stimulate the immigration of all foreigners considered beneficial to the country, it vigilantly guarded against "that immigration that not only did not produce the awaited benefits, but that would induce situations of unbalance, be it due to inherent qualities of the presuming immigrants or due to the specific circumstances of the country."<sup>46</sup> Complex national and regional factors played a key role in defining restrictive immigration policies, and antisemitic stereotypes reinforced them. Antisemitism and Nazism were fostered in international fora where the question of Jewish refugees was discussed and became transmission channels of prejudice.

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41 *Ibid.*

42 Gilberto Loyo, *La Política Demográfica de México* (Mexico: Institute of Social, Political and Economic Studies of the National Revolutionary Party—PNR, 1935).

43 Hugh Campbell, *La Derecha Radical en México 1929–1949* (Mexico: Sep-Setentas, 1976).

44 Brigida Von Mentz, Verena Radkau, Daniela Spenser and Ricardo Perez Montfort, *Los empresarios alemanes, el Tercer Reich y la Oposición de Derecha a Cárdenas I* (Mexico: CIESAS, 1998).

45 *Excelsior*, México, December 13, 1937; "Grave Amenaza Contra México: Viene con Destino a Veracruz un Barco Francés Cargado con Judíos," *Ibid.*, December 23, 1937.

46 Communication concerning the criteria that ought to regulate immigration, sent from the Ministry of Interior to the Ministry of Foreign Relations, México, March 23, 1939, *AREM*, Refugee Branch III-1246-9-1.

Social representations of Jews as outsiders invoked images of permanent foreignness, Jews were seen as immigrants devoid of virtue. This becomes clear when we consider the following arguments:

By placing aside the humanitarian and generous sentiments that propelled our country to offer asylum to those persecuted by totalitarian regimes, we must remain vigilant of the national interest. It is well-known that the elements that seek refuge involve groups that cannot be assimilated, and that the experience of other countries has demonstrated that in the long run, when the number of Jews reaches substantial numbers, they form exclusive castes, [which then become] dominant and powerful, without developing any ties to the country in which they established themselves. They then frequently become the cause of national problems. If we must admit them, may it be in the smallest number possible, selecting them with the utmost care, and only then if they would not constitute an economic or ethnic problem for the country.<sup>47</sup>

Alongside the preeminent role that national interests took over humanitarian considerations, the definition of the strictly economic and occupational conditions that applied to those seeking asylum does not appear to carry a discriminatory condition; however, when we consider the growing imperative of refuge for Jews at this time, their possibility of immigration to Mexico was indeed restricted.<sup>48</sup>

Given the immediate need of Jewish immigration, claims such as the “lack of discrimination” took on a new meaning. Moreover, if we consider the international system during the Cardenista period, as well as the extensive influence of the Mexican regime on immigration policies and national attitudes toward the Jewish refugees, the convergence between national and foreign policies becomes visible. President Cárdenas determined foreign policy while the Ministry of Interior defined immigration policy. In the midst of the regime’s

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47 Communication regarding the Intergovernmental Committee, sent from G. Luders de Negri to the Secretary of Foreign Relations, London, August 31, 1938, *AREM*, Refugee Branch III-1246-9-1 (342.1(44)/10974).

48 Liwerant, “Cárdenas y los judíos,” 248; Judit Bokser Liwerant, “El México de los Años Treinta;” Daniela Gleizer, *El Exilio Incómodo. México y los Refugiados Judíos, 1933–1945* (México: El Colegio de México—Universidad Autónoma Metropolitana-Cuajimalpa, 2011); Felipe Pozo Bloch, “México en Evian: Propuestas Teóricas, Realizaciones Prácticas” (Mexico: Universidad Iberoamericana, 1984).

political crisis, President Cárdenas allowed the question of Jewish immigration to be limited to the realm internal immigration policy.<sup>49</sup>

Despite the ambivalences that emerged at the Evian Conference, the governmental disposition to an eventual opening of the nation's doors intensified an avalanche of anti-Jewish protests, openly expressed by the Mexican public and the national press. As Luis González has previously indicated, these protests did not emanate only from the Right; antisemitism also included centrist and leftist sectors.<sup>50</sup> One example of the widespread nature of anti-Jewish sentiment is the March 1937 National Confederation, the Left's initiative presented to the President regarding the declaration of a "Jewish quarter," referring to an area in the center of Mexico City, and justified on the grounds of economic competition as well as "patriotic considerations."<sup>51</sup> In 1938, the same group expressed its concern regarding Jewish asylum and its effect on the interests of Mexican working classes.<sup>52</sup>

For German and Austrian Jewish refugees, the context was complicated. The complexity can be attributed to fascist antisemitic demonstrations, nationalism and restricted immigration policy. This complexity was further enhanced by Cárdenas's recovery of *mestizaje* as a fundamental ethnic-political national category that collectively affected the Jews as a group that could not be assimilated. This conception may explain the Cardenista welcoming policy towards the Spanish exile, thereby opening the country's immigration doors to members of the International Brigade and a large number of Spanish Republican refugees, in spite of the opposition of some nationalist groups and the radical religious Right.<sup>53</sup> In fact, the Mexican reception of a massive Spanish exile remains one of the stellar moments of the Cardenista regime.<sup>54</sup>

Antisemitism and Nazi influence certainly reached various sectors of society. While hard-core elements remained within the Right, as historian Luis

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49 The immigration quotas that started in 1938 progressively increased; for the year 1939 they were even more extreme. While the immigration of all Latin Americans remained unrestricted, that of immigrants originating in Germany, Belgium, Czechoslovakia, Denmark, France, Holland, England, Italy, Japan, Norway, Sweden and Switzerland was reduced from 5000 to 1000, and to 100 those of the remaining countries. Those "without a country and those who had lost their citizenship" would only be admitted according to explicit consent granted directly by the Minister of Interior.

50 Luis González *Historia de la Revolución Mexicana 1934–1940, Los Artífices del Cardenismo* (Mexico: El Colegio de México, 1981).

51 "Un 'Gueto' en esta Capital," *Excélsior*, México, March 29, 1937.

52 *Vid.*, A.G.N., *Serie Lázaro Cárdenas* (S.L.C.), 546.6/16.

53 Letter of the National League to the President, December 20, 1938, A.G.N., S.L.C. 546.4/48.

54 Luis González, *Historia de la Revolución Mexicana*.

González affirms, the impact of these phenomena was felt across the ideological spectrum. Indeed, the pro-Nazi attitude of many Mexicans, which differed from a pro-Allie position by the majority of the nation's leaders, "admits a multitude of explanations: the previous fascist propaganda . . . the petroleum issue, the anti-Yankee and anti-British phobia, popular sadism, the desire to annoy national leaders and everyone they wished."<sup>55</sup> Following her analysis of the actions of fascist and Nazi groups in Mexico, journalist Betty Kirk called the period that spans December 1938 to December 1940 "the second revolution."<sup>56</sup>

Several national figures and groups that had Nazi and Falangist support shaped the contour of cultural legitimacy of antisemitism. One of these was undoubtedly the journal *Hispanidad*, which sought to define Hispanic identity according to the union of race, culture, language and religion, and which contributed to the ongoing victimization of Jews, rendering them the object of permanent aggression. The journal *Timón*, which was directed by the renowned intellectual José Vasconcelos, disseminated pro-Nazi, anti-liberal and antisemitic editorials, essays and articles. Its virulent racist content was directed against Mexico's Jews who were stigmatized. It circulated weekly from March to July of 1940 until it was officially banned. Given Vasconcelos's centrality to the post-revolutionary cultural and political landscape, his pro-Nazi thought has been largely downplayed, being attributed to political disenchantments and temporal factors. However, this aspect of his political thought combined a romantic tradition with his intention to consolidate Mexico's national identity, thereby "reaping the national harvest" of philosophical idealism.<sup>57</sup>

Afterwards, anti-Jewish demonstrations were exacerbated by the presidential succession in which Right-wing groups made efforts to organize themselves in the electoral realm. General Juan Andrew Almazán united the various rightist sectors, even though his political support was not restricted to them. The electoral race instigated the intensification of anti-Jewish propaganda and gave way to disturbances and attacks.<sup>58</sup> Likewise, the National Union of Veterans of the Revolution, the Nationalist Vanguard and the National Party

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55 *Ibid.*

56 Betty Kirk, *Covering the Mexican Front. The Battle of Europe Versus America* (Oklahoma: University of Oklahoma Press, 1942), 233.

57 David Brading, *Mito y Profecía en la Historia de México*; Enrique Krauze, *Caudillos culturales de la Revolución Mexicana* (Mexico: Secretaría de Educación Pública, 1976).

58 Confidential Notice A-3, about the German Activities in Mexico, sent by the Under-Secretary of State to President Cárdenas, A.G.N., S.L.C., 704.1/124.1.



of Public Salvation incorporated explicitly antisemitic views into their activities and programs.<sup>59</sup>

The latter comprised former revolutionaries with aspirations to eliminate communists from official posts and expel Jews from the country. In a fundraising event for Presidential candidate Manuel Ávila Camacho (February 1939), militants such as colonel Adolfo León Ossorio, Bernardo Mena Brito, and Luis del Toro committed themselves to the expulsion of Jews from the country.<sup>60</sup>

The new regime headed by General Ávila Camacho and the constitution of a government of national unity departed from the socialist character of Cárdenas' regime and minimized antisemitic actions and reactions. It also sought to ally with the belligerent democracies and distance itself from the initial ties with the Axis that had been strategically pursued by the Cardenista regime.

Responding to the sinking of the Mexican ships *Potrereros del Llano* and *Faja de Oro*, Mexico declared war on the Axis powers in May of 1942. This decision reduced the pro-fascist and pro-Nazi protests in the country, and likewise reinforced the anti-fascist elements from the Left, which had maintained a disconcerting silence throughout the period involving the German-Soviet pact. Even though the immigration policy did not substantially change during the subsequent time period, Mexico's entry to the war signaled to the country's Jewish community the beginning of a new era, which led Jews to create bridges with anti-fascist sectors of society, which in turn provided a platform to develop new ties with society.

### Critical Juncture: Zionism, Racism, Regionalization

During the 1970s, the national, regional and global scenarios were reconfigured and antisemitic expressions gradually catalyzed through new political codes that brought together Israel and Zionism. This process reached its climax with *UN's Resolution 3379* that equated Zionism with Racism, a resolution that Mexico supported—thereby entering the international dynamics of attack on Zionism and Israel while projecting entrenched stereotypes to the Jewish community.<sup>61</sup>

59 Hugh Campbell, *La Derecha Radical*.

60 Kirk, *Covering the Mexican Front*.

61 Judit, Bokser Liwerant, "Fuentes de Legitimación de la Presencia Judía en México: El Voto Positivo de México a la Ecuación Sionismo=Racismo y su Impacto Sobre la Comunidad Judía," *Judaica Latinoamericana* 3 (Jerusalem: Magnes Press, 1997), 319–350.

Delegitimation of Zionism implies the elaboration of ideological and symbolic referents questioning Zionism's foundations and aims as incompatible with the international community's beliefs and values system. A severe criticism of the State of Israel as a political entity was also voiced. Both formulations shared antisemitic elements, thereby projecting themselves on the life of Jewish communities in Latin America and elsewhere in the diaspora.

Through radical elaborations, anti-Zionism was formulated in new terms that recovered old antisemitic referents, thus combining the hard nucleus of prejudice with changing motivations and functions. Symbolic violence—which calls for hatred and enables discrimination—became intertwined with referents of ascription such as the national, the foreigner and the Other. Accusations of double loyalty were heard frequently.

Mexico's vote was related to the radical positions and alleged progressive stance of the government, whose domestic policies aimed to incorporate dissent and opposition, mainly of intellectual sectors.

Relations with the United States were relevant. The bilateral economic relation with the US, and the worsening economic conditions of Mexico motivated, since 1971, a change in the prevailing patterns in the economic and international arenas and the reformulation of world alliances. The most significant change in Mexico's foreign policy may be seen in light of the growing tension that developed with the United States, which initially resulted from US domestic economic measures.<sup>62</sup>

The difficulty of maintaining a "special relationship" with the United States led Mexico to search for compensatory markets for the global exchange of technology and investments. Simultaneously, the basic assumption and expectation were that the organizations regulating international relations could be the forum that would promote the redefinition of the relations between domestic markets and the United States. In the international context of the mid-1970s, such beliefs nourished an ideology and a discourse that brought to the forefront the Third World as actor. The drafting of the Charter of Economic Rights and Duties of States and the establishment of an Economic System for the Third World, the proposals to reorganize participation in international

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62 The economic crisis that the United States experienced at the beginning of the 1970s was expressed in protectionist policies that affected bilateral trade with Mexico. Nixon's decision in August 1971 to add a 10% tax to regulated imported goods had a direct impact on the "special relation" and "preferential treatment" that the economic dependency model reinforced. This measure, together with the reduction in the national economic growth and the significant increase of the deficit of the current account, led to new paths in foreign policy.

organizations, i.e., Organization of American States and the United Nations Security Council, constitute some of the emblematic moments of the new political-ideological foreign policy. In effect, an economic project for the Third World would encompass a collective bargaining power and the examination of specific programs of economic, financial, industrial and technological cooperation.<sup>63</sup> It also highlights an interest to strengthen the United Nations, which for some implied taking a proactive stance towards the Arab-Israeli conflict. Israel's expulsion from the UN would have led to the weakening of this international organization and increased tensions with the United States. Thus, the goal of assuming a mediating function through several actions: the implementation of international resolutions, the evacuation of Israeli troops, the guarantee of integrity and sovereignty for all states, and the adoption of adequate measures to grant freedom to the Palestinian people.<sup>64</sup>

Consequently, the political priority became the elimination of "economic colonialism"; the enhanced role of Latin America in the Third World; the strengthening of the Third World's solidarity and the coordination of shared actions. Paralleling these changes, the condemnation of any form of discrimination and racism and the need to intensify the fight against all forms of imperialism, racism and colonialism took shape.

Together with the economic and political goals, the personal political praxis has to be considered: the Third World leadership role that President Echeverría sought to achieve by becoming General Secretary of the UN. While visiting Egypt, President Echeverría met Yasser Arafat on August 5, 1975, and immediately afterwards announced his intention to officially recognize the PLO.<sup>65</sup> One month later, a PLO delegation led by Faruk Kaddumi, head of the organization's political division, visited Mexico and was welcomed by Echeverría, a step that formalized the opening of the PLO's local office.<sup>66</sup>

One needs to analytically account for another dimension—the meaning that Mexico's vote acquired in the domestic realm: the same regime that condemned Zionism was the promoter of an incipient project of democratization.

63 Declarations of President Echeverría in *Gira de trabajo del Presidente Luis Echeverría Álvarez México*, S.R.E., 1975, and the Presidential Report, September 1, 1976.

64 Judit Bokser Liwerant, "Fuentes de Legitimación de la Presencia Judía en México."

65 In contrast to the prevailing interpretation of the encounter as a spontaneous and non-reflexive act, typical of his personal governing style, there is the testimony that in Guyana, at the beginning of his trip, when talking of a new organization that would emerge from OAS (Organization of American States), the President signaled his intention to have an interview with Arafat. See Gutiérrez Esparsa, Luis. "Echeverría: un viaje memorable," *Hoy*, August 30, 1975.

66 "Representantes palestinos con el primer mandatario," *El Nacional*, September 6, 1975.

Aiming to incorporate Left-wing academics and intellectuals and, more generally, progressive sectors that had distanced themselves from the government in the aftermath of the 1968 repression of the student movement, President Echeverría implemented international “audacious stands.”<sup>67</sup> This was clearly exemplified by the integration of figures like Carlos Fuentes and Octavio Paz in Mexico’s diplomacy.

Actions taken regarding the regime of Allende in Chile and the break-up of relations with Spain were also partly for domestic consumption. The first one was related to an episode of domestic repression and the second one to the closure of the independent newspaper *Excélsior* in 1975. These two cases were gradually interpreted as progressive and democratizing actions; many in the public viewed the vote against Zionism as an equally progressive measure. Mexico was the setting of the World Conference for the International Woman’s Year, a significant precedent of resolution 3379. It incorporated a condemnation of Zionism together into the fight against colonialism, thus equating Zionism with Apartheid and other forms of racial discrimination.<sup>68</sup>

To this condemnation, one can add Resolution 77-XII adopted by heads of State and Government of the Organization for African Unity also in 1975 and the Declaration of Politics and Strategy to Strengthen Solidarity and Mutual Aid between Non-Aligned Countries in Lima promulgated in the same month. These were important precursors of the United Nations equation of Zionism with Racism.

Following Mexico’s vote against Zionism, the US Secretary of State Henry Kissinger declared that his government would retaliate against those countries that voted in favor of the resolution, even before it would take any action against the UN. In this context, the Jewish community in the US announced its decision to cancel any touristic trips to Mexico. Its justification was that “Americans make more business and touristic trips to Mexico than to any of the other 71 nations that voted against Zionism.”<sup>69</sup>

67 Olga Pellicer de Brody, “Cambios Recientes en la Política Exterior Mexicana,” *Foro Internacional* 13, (1972): 139; Soledad Loaeza, “La Política del Rumor: México, Noviembre-Diciembre, 1976” in *El Colegio de Mexico Centro de Estudios Internnacionales. Las Crisis en el Sistema Político Mexicano, 1928–197* (Mexico: El Colegio de México, 1978), 121.

68 In its paragraphs 24 and 26, the Declaration conceived the condemnation and the elimination of such ideologies and regimes as principles that regulated international behavior, to achieve equality, development and peace.

69 Declaration by David Weinberger in a letter sent to Ambassador José Joaquín de Olloqui, according to declarations of the consultant to Mexico’s embassy in Washington. Enrique Buj Flores, *Excélsior*, November 25, 1975.

The interplay between discourse and practice developed in complex ways given that the Mexican regime attempted to “rectify the vote” through arguments intersecting different moments: the vote against Zionism, the tourism boycott and the attempt to amend Mexico’s position at the UN. In this way, critiques of any one dimension did not prevent critiques of the other issues; on the contrary, they further interactively nourished them. The boycott functioned as a pressure mechanism. “Rectifying measures” that aimed to clarify the “misunderstandings” associated with the vote included the visits of high-level politicians to Chicago, Los Angeles and New York where meetings with Jewish leaders were held, as well as the Foreign Minister’s trip to Israel.<sup>70</sup> Foreign Minister Rabasa asserted on several occasions that Zionism was not Racism, that there was no discrimination in Israel—exemplified by a floral offering at Herzl’s grave—and that given the clarifications of the matter, the “misunderstanding was forgiven and forgotten.”<sup>71</sup>

In the reception offered to the delegation of Jewish leaders from the US and Canada that traveled to Mexico (December 12), President Echeverría asserted that he did not at all identify Zionism with Racism, and that his government’s vote at the UN did not seek to convey such message. The president added that Mexico’s vote aimed at creating a dialogue between the people of the Middle East, even if it had not been achieved.<sup>72</sup>

However, Mexico’s initial position at the UN and its later amendments led to a severe criticism of the regime’s inconsistent policy;<sup>73</sup> this criticism continued through the argument of Mexico’s distancing from its traditional international trajectory.<sup>74</sup> The alleged loss of autonomy in regards to Mexico’s sovereign

70 “Los malos entendidos,” *El Universal*, México, December 6; “Comunicado emitido al término de la visita del Canciller Emilio Rabasa,” *El Nacional*, México, December 11; *Excélsior*, México, December 11.

71 “Llegó Rabasa a Tel Aviv,” *Excélsior*, December 5; “Ofrenda de Rabasa,” *El Nacional*, December 6; “Completa tolerancia religiosa,” *El Nacional*, December 8.

72 “Confianza judía de que se encuentre una solución al voto de México,” *El Nacional*, December 13.

73 Manuel Moreno Sánchez, “Nuestro voto sobre el sionismo,” *El Universal*, November 17; Jorge Aymani, “EL sionismo, Washington y la diplomacia mexicana,” *El Día*, December 16; Hernando Pacheco, “Israel y el Tercer Mundo: sionismo y racismo,” *Ibid.*, December 8; Gustavo Ortiz Hernán, “EL sionismo no es racista,” *Siempre*, December 20.

74 Gastón García Cantú, “Un México antisemita, jamás,” *Excélsior*, November 21; Abrahám López Lara, “Sionismo racista. Voto de México,” *Excélsior*, November 3; Pedro Gringoire, “Pulso de los tiempos: Sionismo no es racismo,” *Ibid.*, November 4; Manuel Moreno Sánchez, “ONU y sus compromisos,” *El Universal*, November 17; José Luis Mejías, “Relaciones Exteriores,” *El Universal*, November 28; Abelardo Villegas, “¿México antijudío?

exercise of power and its giving way to external pressures, were underscored.<sup>75</sup> In other words, the clarification and “apology” by Foreign Minister Rabasa was seen as a response to external pressure and the loss of an independent political stand.

In light of an official discourse that sought to differentiate between the condemnation of Zionism and antisemitism,<sup>76</sup> critiques of Zionism also included anti-Jewish prejudice in particularly acute ways. Thus, Zionism was seen not only as expansionist and colonialist,<sup>77</sup> but also as a “doctrine based on ethnic motivations, relentless, messianic, discriminatory and even brutal,”<sup>78</sup> or as the “combination of a religious fanaticism and an exclusionary nationalism, both equally racist.” It was further defined as an ideology that reflected the belief of God’s chosen people; as if Jews segregate, have pride and believe to be superior to other races.<sup>79</sup>

The resignation by Minister of Foreign Affairs Rabasa, on December 29, detonated by his declarations of an alleged forgiveness and forgetting by the Israeli government and followed by the president’s assertion: “I prefer to die before asking another country for its forgiveness,”<sup>80</sup> reinforced the symbolic connection between Jewish pressure, aka Jewish lobby, and loss of autonomy. Thus, the Jewish community of Mexico was questioned in regards to the boycott’s unjust nature given that the country had offered asylum to persecuted Jews and where the Jewish community had developed in conditions of freedom

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Una diplomacia errática” *Excelsior*, December 8; Miguel Ángel Granados Chapa, “Cinco hipótesis. Diplomacia sin rumbo,” *Ibid.*, December 9; Guillermo Martínez Domínguez, “Nuestro pueblo nada tiene que ver,” *Siempre*, December 17.

75 Guillermo Villegas, “‘El malentendido’ mexicano-israelí,” *Excelsior*, December 15; Samuel I. Del Villar, “Acto sin paralelo. La política exterior pide perdón,” *Op. Cit.*, December 16.

76 José Luis Huerta Cruz, “Antisionismo no es antisemitismo,” *El Universal*, November 29; *Op-ed, Ibid.*, December 13.

77 Genaro María González, “Falta de bases históricas y legales,” *Excelsior*, November 17; Antonio Lara Barragán, “El judaísmo internacional,” *El Universal*, December 16; Genaro María González, “Diplomacia caprichosa ¿hay algo que perdonar?,” *Excelsior*, December 15.

78 José María Tellez Girón, “Judaísmo, sí; sionismo, no,” *El Día*; Tomás Gerardo Allaz, “Estatuto de animales para los no judíos” e “Israel, víctima de sí mismo,” *Excelsior*.

79 Vicente Sánchez Gavito, “No sólo discriminación semántica del racismo,” *Excelsior*, December 29; Antonio Lara Barragán, “El judaísmo internacional,” *El Universal*, December 6; Esteban Ilanes, “Elitismo pero no racismo,” *Novedades*, November 22; Salvador Chávez Hayhoe, “Sionismo y racismo,” *El Universal*, November 27; Antonio Armendáriz, “¿Semitismo o sionismo?,” *Novedades*, December 1.

80 *El Heraldo*, December 31.

and “prosperity.”<sup>81</sup> This argument was advanced by intellectuals and academics who viewed the boycott as a lack of understanding and loyalty by Jews towards Mexico, thus leading to the twofold questioning of the Jewish collectivity in Mexico and Zionism. They stated that such measures would “tomorrow lead the Mexican Jewish community to face its government under the banner and for the defense of Zionism.” The radicalized prejudice emerged: that the boycott confirmed its racist and imperialist attitude.<sup>82</sup> The argument that Jews were a powerful and alien group—an argument that gave birth to Modern anti-semitism—reappeared in the Mexican context.

In 1975 the UN resolution 3379 also received the supportive vote of Brazil.<sup>83</sup> Because of the increasing pro Palestine stance among Latin American countries, Chile and Brazil included, both under military anti-Communist dictatorships, the Palestine Liberation Organization (PLO) gained considerable political and diplomatic clout via the introduction of liaison and information offices in Brazil and Mexico City (1976), Lima (1979), Managua (1980), La Paz (1982), and Buenos Aires (1985). Following the PLO proclamation for Palestinian statehood, in December of 1988, the UN General Assembly approved Resolution 43/177, viz. Argentina, Bolivia, Brazil, Colombia, Cuba, Ecuador, Mexico, Nicaragua, Panama, Peru, though at that time, only Nicaragua and Cuba formally recognized a Palestine State.<sup>84</sup>

The impact of the equation of Zionism with Racism transcended the specific national, regional and international political scenarios and correlation of forces. The radical questioning of the whole paradigm can be read in terms

81 Antonio Armendáriz, *Op. Cit.*; Abelardo Villegas, “¿México antijudío? Una diplomacia errática” *Excésior*, December 8; Beatriz Eugenia De la Lama, “Desproporcionado ataque contra México por parte de los judíos norteamericanos,” *Revista de la Secretaría del Trabajo*, December 9.

82 Leopoldo Zea, “¿Qué es por fin el sionismo?,” *Novedades*, December 16, and “El sionismo y las trampas del pacifismo,” December 23; Abelardo Villegas, *Op. Cit.* and “Balance político de 1975. Candidato, grupos de presión, Israel,” *Excésior*, December 22.

83 See Santana Carlos Ribeiro, 2006. “O aprofundamento das relacoes do Brasil com os paises do Oriente Medio durante o dois choques do petroleo da década de 1970: un exemplo de acao pragmática,” *Revista Brasileira de Política Internacional*, vol. 49(2), 2006, 157–77; Seme Taleb Fares, 2007. “O pragmatismo do petroleo, as relacoes entre Brasil e Iraque,” *Revista Brasileira de Política Internacional*, 50 (2); Jerry Davila and Jeffrey Lesser, “Brasil, Israel y el Voto ‘Sionismo= Racismo’ en las Naciones Unidas (1975),” in Raanan Rein, María José Cano Pérez, Beatriz Molina Rueda, eds, 2012. *Más allá del Medio Oriente. Las diásporas judía y árabe en América Latina*, Granada, Eirena, 227–242; Bokser Liwerant, “Fuentes de legitimación de la presencia judía en México,” *Op. Cit.*

84 Senkman, “Anti-Zionist Discourse,” 22.

of complex interactions between an ideological discourse, social representations and political conflicts. Symbolic violence surpassed the precise context even when its root and causes got transformed. This is precisely what could be seen in Mexico during the Gulf War. Fed by fifteen years of an international effort and mediated by the invasion of Lebanon—as well as the events of Sabra and Shatila—the initial anti-Zionist discourse was projected as a delegitimation of the Zionist paradigm.

The 1991 Gulf War also illustrates the consolidation of an intellectual atmosphere that censored Israel as an instigator of the war and a spearhead of Western imperialism. Moreover, argumentative inversions of victimizer-victim, which were widespread in the seventies were further reinforced.<sup>85</sup> It is important to acknowledge that while some previous processes got a new spin or turn, in the early 1990s, the national scenario was radically different from the mid-1970s. The government of Carlos Salinas de Gortari (1988–1994) implemented a neo-liberal economic project of privatization and reduction of the State, while committing to modernization and an increasing identification with a First World economic model of development and industrialization. This would completely distance it from the Third World discourse and strategy followed by Echeverría. In terms of its international insertion, *salinismo* self-ascribed to North America, which required redefining bilateral relations with the United States, both in conceptual and practical terms. Notwithstanding, it was impossible to prevent a discourse that recovered the vision of Zionism as Racism. The Gulf War found its alleged ultimate cause in the State of Israel and Zionism; they were the essential factors that provoked events in the region. Following different models of historical and temporal de-contextualization of the conflict, a vicious argumentation led to prejudiced analyses. In effect, this conflict posed a series of analytical challenges because it incorporated, among other things, issues such as the participation by the great powers, the strategic importance of the region, and the role of its natural resources in the definition of its global socio-political significance. Similarly, the questioning of the limits of international organizations and renewed uncertainty regarding the impact of religion on national and international politics appeared as key spheres for comprehension of the conflict. Instead, however, biased reductionism prevailed.

A paradigmatic example is the recurrent argument that the Palestinian-Israeli conflict stood at the center of the critical situation that led to the Gulf War. This thesis originated in an attempt to equate Iraq's invasion of Kuwait

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85 Luis Roniger, "Latin American Jews and Processes of Transnational Legitimization and De-Legitimization," *Journal of Modern Jewish Studies*, 9 (2010): 185.



and Israel's occupation of Gaza and the West Bank. While it initially seemed a didactic resource based on similarities—and which was first used on August 12, 1990, ten days following the Iraqi invasion—it gradually led to the dilution of one *problematique* by underscoring the other. This explains why when Saddam Hussein's regime declared at the United Nations—in early December—that the Palestinian question was key to solving the Persian Gulf conflict, the Mexican national press was already a fertile soil for such biased reading.

Insofar as the Palestinian-Israeli question became the ultimate cause, the complexity of the situation in the Persian Gulf, the convergence of different regional conflicts and the participation of multiple actors were all neglected. Israel was continuously seen as the most aggressive country that systematically “violated” the UN's accords, that maintained its presence in the Palestinian territories where it committed daily assassinations,<sup>86</sup> and which provoked violence in the region.<sup>87</sup> Gradually, Israel was further conceived as a military power, invader and oppressor, with a war prone and expansionist spirit.<sup>88</sup> “Intransigent” and “aggressive” were thoroughly and unilaterally applied to Israel throughout the different stages of the conflict. In this way, with the outbreak of the war, the Palestinian question remained a substratum that was intertwined with new formulations. The Israeli-Palestinian conflict was used to highlight the alleged double standards of the UN and the US towards Israel and the Arab countries; specifically, Iraq.<sup>89</sup>

Given that Israel was seen as a military power that was “paranoid by nature and which set as its main objective the displacement, and even . . . the destruction of . . . the Arab race,” it was asserted, “dispossession was followed by expansionism and genocide.”<sup>90</sup> The dialectic victim-perpetrator was inverted, thus projecting the Nazi Holocaust into relations with the Palestinians, arguing that the Jewish people “[have] always raised the suffering of the diaspora and

86 Juan Ambou, “No al uso de la fuerza en el Golfo,” *El Día*, September 6, 1990.

87 Editorial, *El Universal*, October 10, 1990; Aurelio Támez García, “Los excesos de Israel,” *El Economista*, October 10, 1990; Pedro Miguel, “Dos genocidios y la ONU,” *La Jornada*, October 23, 1990; José Enrique González Ruiz, “Kuwait y Palestina: dos raseros de la ONU,” *El Día*, September 24, 1990; Newspaper Op-ed, “Israel: reiterada intransigencia,” *El Nacional*, November 5, 1990.

88 Aurelio Támez García, “Reflexiones sobre la guerra,” *El Economista*, January 23, 1991.

89 Verónica A. García and Hugo Gámez, “El sionismo causa de la división en el Medio Oriente,” *El Universal*, January 23, 1991; “Israel, la guerra y los palestinos,” Op-Ed, *La Jornada*, February 4, 1991; Manuel Luis Méndez, “La eterna tragedia palestina,” *Uno más Uno*, February 6, 1991.

90 Hermann Bellinghausen, “¿Razas arrasadas?,” *La Jornada*, January 24; Op-Ed, *La Jornada*, January 16, 1991.

the Holocaust around the world." Israel, however, was the perpetrator of a new Holocaust as they (Jews, Israelis) had "learned from their own Nazi killers, the use of violence to impose their own interests."<sup>91</sup> This evil inversion was also expressed in the questioning of Israel as an entity that was "doing to the Palestinians what Hitler did to the Jews,"<sup>92</sup> "playing the eternal role of attacked victim given that it has benefited from it over time,"<sup>93</sup> and succeeding given their economic power in turning the Holocaust "into the massive crime more widely publicized in the history of humanity" in contrast to the Palestinians who lack the means to broadcast their own genocide.<sup>94</sup>

Anti-Zionism was further expressed in a global questioning of the State of Israel and its ideological paradigm, surpassing criticism of a particular government, the army's actions, or the political platform of a ruling coalition. Israel was recursively seen as a "racist country that operated outside any legal framework" and as the soil for "the movement of international gangsters."<sup>95</sup>

Moreover, discourse tried to differentiate between Zionism and progressive Judaism, while arguments referred to the permanent foreignness of Jews and the lack of loyalty to the country.<sup>96</sup> Respected intellectuals, whose position before 1975 had been favorable towards Israel and the Jews, modified their attitude expressing anti-Zionism fifteen years later. Their position was further reinforced by hard-core anti-Jewish prejudice and was expressed in 1991 through arguments such as the "historical intransigence of the Jewish people" that resulted from its self-perception as chosen by God.<sup>97</sup>

The Left played an important role in anti-Zionism. Ideologically influenced by the political conditions of a bipolar world, and trying to recover the redemptive and revolutionary vision of the past, such position was expressed as a radical opposition to the Gulf War and a complaint regarding imperialist interests in the region, where Israel seemed the main spearhead. Certainly, the

91 Op-Ed., *La Jornada*, January 16, 1991; Leopoldo Zea, "Israel en el conflicto del Pérsico," *Novedades*, November 6, 1990; Op-Ed., *El Día*, December 12, 1990; Eduardo Segovia, "Palabras de México en la filosofía y en la ONU," *El Día*, February 27, 1991.

92 Eduardo Galeano, "Preguntitas," *La Jornada*, January 15, 1991.

93 Gonzalo Martre, "La tormenta debe seguir," *El Universal*, January 22, 1991.

94 Halive Hernández Ascencia, "Scuds: los que van a morir te saludan," *El Sol del Mediodía*, February 1, 1991.

95 Ugo Pippitone, "El Golfo," *La Jornada*, January 24, 1991.

96 Mauricio González de la Garza, "Y los palestinos," *El Sol de México*, January 21, 1991, and "Carta a Saddam Hussein," *Siempre*, March 13, 1991.

97 A paradigmatic figure of this change is Leopoldo Zea, *Vid.* "Israel en el Conflicto del Pérsico," *Novedades*, November 6, 1990, and "Urgente reunión de la Asamblea General," *Ibid.*, February 12, 1991.

Left's loss of important spaces in the national arena explains the functionality of its anti-Zionist discourse. The Gulf War was a resource to broaden and displace the object of critique, simultaneously addressed towards Zionism, Israel and the United States' foreign policy. Nevertheless, on this occasion, the political Left did not exclusively endorse an anti-Zionist discourse; more primitive antisemitic stereotypes appeared as well. Thus, the Jew was portrayed as arrogant, exclusionary, of questionable morality and a money lover.<sup>98</sup> The Jew was also seen as someone who lacks the possibility to exercise a "non-prejudiced and autonomous thought. . . ."<sup>99</sup>

This chapter in Mexico's history shows how delegitimation of Zionism, whether as a motivation or an outcome, created a situation where anti-Zionism and antisemitism were mutually reinforced, thereby inferring a permanent and complex relation among ideas, discourses and social conflicts. Moreover, expressed as symbolic violence, they temporarily surpassed the initial conditions that originated them, thereby acquiring great autonomy and efficacy.

Anti-Zionist expressions have historically fluctuated with the development of events in the Middle East: Six Day War (1967), Yom Kippur War (1973), Lebanon War (1982), First Intifada (1987–1993), Gulf War (1991), Second Intifada (2000–2005), Cast Lead (2008–2009), Flotilla Incident (2010), cross-border attacks by Egyptian and Palestinian militants (2011), Pillar of Defense (2012) and Protective Edge (2014).

Following polarization towards the Palestinian-Israeli conflict during the 1970s-1980s, the end of the Cold War led to normalization of relations with both the Palestinians and the Zionist state, although founded on an equidistance basis. Motivated by the signing of the peace Oslo accords (1993), formal diplomatic missions of the new Palestine Authority opened in Chile (1992), Brazil (1993), Mexico (1995), Argentina and Colombia (1996), and Peru (1998).

A few years after the signing of the Chilean-Palestine Memorandum for Scientific Technical, Cultural and Educative Cooperation (June 1995), Chile opened in Ramallah the first diplomatic Latin American representation (April 1998). But we should recall that simultaneously anti-Zionism, as an ideological stance among the diplomacy of Latin American countries, lost its virulence as a resource to rhetorically attack Israel and was replaced instead by pragmatic considerations in countries such as Brazil, Mexico, and Nicaragua. With the exception of Cuba, all Latin American countries voted in favor of

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98 Roberto García Jaime, "El judío," *Uno Más Uno*, February 4, 1991.

99 *Ibid.*

UN resolution 46/86 on December 16, 1991 reversing the infamous Zionism is Racism declaration.<sup>100</sup>

Not surprisingly, years later, the main ALBA countries, i.e., Venezuela, Bolivia, Ecuador, Nicaragua and Cuba, cut diplomatic relations with Israel. They were first led by Hugo Chávez and Evo Morales in January 2009 to protest over the military offensive in Gaza. In June 2010 Nicaraguan President Daniel Ortega followed suit, voicing a harsh opposition of Israel Zionism. Unlike other ALBA members, Ecuadorian President Rafael Correa did not break diplomatic ties with Israel, although Iranian economic and political relations strengthened.

In a reconfigured world system, the Venezuela regime under Hugo Chávez (1998–2013) became a Latin American proxy of the Iranian State and its hatred of Jews. It is plausible that beyond the strong antisemitic motivations of close advisers to Chávez, viz. Argentine nationalist intellectual Norberto Ceresole played an important part in making both Zionism and Israel Venezuela's enemies. Chavismo has since aligned with Iran to battle US imperialism. In this way, Chávez positioned himself on the world stage as opposing American foreign policy, and thus Israel, its military partner. The regime has tried to establish itself as a global player and a regional leader in a multi-polar international system. As part of this strategy, he developed regional oil initiatives such as Petrocaribe and Petrosur geared towards providing oil through "soft" financing and bankrolling. While Chávez's government has declared his unwillingness to foster xenophobic hatred, its political dynamic and its polarizing rhetoric coupled with a strategic alignment against the United States reinforced chauvinistic attitudes identifying Jews as allies of the "anti-people" and of enemy countries.

Parallel discursive processes and practices defaming the State of Israel gave way to antisemitic acts, e.g., Caracas Tiferet Israel Sephardic synagogue vandalized on January 31, 2009. In part, Chávez's animosity towards Jews might have responded to his aim to win favor from Teheran.<sup>101</sup> This explanation also seems

100 See Cecilia Baeza, 2012. "América Latina y la cuestión palestina (1947–2012)," *Araucaria. Revista Iberoamericana de Filosofía, Política y Humanidades*, Año 14, No 28, 111–131; Barrata, Robert Thomas, 1989. "The PLO in Latin America," in August R. Norton and Martin Greenberg (org.) *The International Relations of the Palestine Liberation Organization*, Southern Illinois University Press, Carbondale/Edwardsville, 166–195; Cecilia Baeza and Elodie Brun, "La diplomacia chilena hacia los países árabes: entre posicionamiento estratégico y oportunismo comercial," *Estudios Internacionales*, No 171, enero–abril 2012, 61–86.

101 Luis Roniger, "Anti-Semitism, Real or Imagined? Chávez Iran, Israel, and the Jews," *ACTA 30*, (Jerusalem: SICSA–Hebrew University, 2010). Relations between Venezuela and Israel acquired a low point in 2006, via President Hugo Chávez's convictions regarding the Israel-Lebanon conflict, and pro-Iranian ties. In the wake of the next Israel–Gaza conflict

to hold when analyzing the anti-Zionist position of the ALBA countries, the anti-US bloc led by Chavismo.<sup>102</sup> The process involving the problematic social representation of Israel has become a new shared pattern in Latin America, although with regional variations.<sup>103</sup>

### Discursive Antisemitism Changes: From the Printed Press to the Social Networks

Recurrences, changes and ruptures need to be seen from a perspective that traces the past while focusing on the present, even more so given that antisemitism does not occur in a vacuum. Social and political life cannot develop without recognition and rationalization, without having its objectives commented upon and justified, without facing groups and institutions, just like political power, as the object of a discourse of legitimation and delegitimation. Thus, we can affirm that collective life permanently evolves in two levels: the symbolic, and the practical. While antisemitism has been discursively conveyed through the media mostly in the printed press, following a global trend it has also moved to the local Internet-based social networks. Both expressions can be explored in the new century.

The Mexican press has been highly sensitive to the ebbs and flows of the Palestinian-Israeli conflict, as seen by the substantial increment of articles and editorials published when the conflict erupts. We find that preceding the Flotilla Affair of May 31, 2010 or Operation Cast Lead of December 2009-January 2010, there were a few mainstream news items or editorials regarding the Israeli-Palestinian conflict.

However, the number of articles, editorials, photographs and cartoons published significantly increased when war broke out. In fact, negative mentions

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(2008), Venezuela broke all diplomatic ties with Israel and formalized relations with the Palestinian Authority on April 27, 2009. Post Chávez Nicolas Maduro administration has kept the same anti-Israeli stance.

102 Luis Roniger, "Latin American Jews and Processes of Transnational Legitimization and De-Legitimization," *Journal of Modern Jewish Studies* 9 (2010): 185.

103 Yael Siman and Manuel Férrez, "La Construcción de Realidades de Conflicto: La Cobertura de la Prensa Nacional Mexicana Sobre el Conflicto entre el Movimiento Islamista HAMAS y el Estado de Israel. Una Visión desde América Latina," in *El Conflicto en Gaza e Israel, 2008–2009*, ed. M. Férrez (Mexico: Senado de la República, 2009); Judit Bokser Liwerant and Yael Siman, "El Medio Oriente Hoy. Nuevas Tendencias e Interrogantes" in *Medio Oriente y Norte África ¿Reforma, Revolución o Continuidad?*, ed. M. Férrez and E. Ballesté (Mexico: Senado de la República, 2011).

in the Mexican press in 2011–2012 were closely connected to events in the Middle East, signaling what may be a consistent pattern. A large number of Op-Eds questioned the long-term and entrenched Israeli policy of occupation, and immorality towards the Palestinians, i.e., Alejandro Saldívar's editorials blaming the conflict on Israelis and their war-prone attitude and military apparatus.<sup>104</sup>

When Operation “Defense Pilar” occurred in November 2012, 105 negative articles (based on *Tribuna Israelita*'s categorization) were published mainly in Leftist newspapers *La Jornada* and *Unomásuno*. In light of critical events in Palestine/Israel, the debate broadened and included more mainstream newspapers and voices.

Discursive expressions, be they antisemitic, anti-Zionist or anti-Israel, have significant and concrete implications on the process of delegitimation specifically when we observe the recovering of old arguments, prejudices and negative images. Some of them are reformulated following new logics while others maintain the old ones.

A look at 2010–2011 data, viz. *Tribuna Israelita*,<sup>105</sup> finds an overall reduction in the number of published notes related to Jewish issues and Israel (–38.21% from 2009 to 2010, –8.33% from 2010 to 2011). This is also the case for news reports, editorials, cartoons, reviews, reproductions, photographs, interviews, and classified letters (–41.74% from 2009 to 2010, –5.16% from 2010 to 2011).<sup>106</sup> This seems to be related to the lower impact on Mexican public opinion that events in the region e.g., the “Flotilla Affair,” had in comparison to the impact of “Operation Cast Lead,” a finding consistent with the 2010 World Report by the Stephen Roth Center at Tel Aviv University. Using the same data for the same period, “negative” articles and editorials far outnumbered “positive” ones.

But it is also observed that the number of negative news reports—31 in 2010 and 27 in 2011—was significantly smaller than the number of Op-Eds—313 and 277—respectively. That is, negative news regarding Jews and/or Israel had a

104 Alejandro Saldívar, “Siembra de judíos” in *Proceso*. 03/01/2011.

105 There is no comparable data in the 2012 report.

106 *Tribuna Israelita* Annual Reports. The number of annual incidents remained below 100 (67 in 2010, 88 in 2011, 65 in 2012), mostly harassment actions: verbal aggressions, painted signs and propaganda (demonstrations, conferences, distribution of books, flyers and objects). A limited number of actions included electronic messages, physical aggression (generally with low levels of violence), threats, and a few incidents in the media (other than newspapers).

significant and disproportional impact on Mexican public opinion. Those classified as “neutral” represented the largest number.<sup>107</sup>

TABLE 7.1

	2010	2011
Positive	48	32
Negative	442	407
Neutral	3408	3248

Thus, for the period analyzed, the printed press in Mexico shows a spectrum of qualitatively differentiated arguments. Negative arguments include overt antisemitic positions. When looking at these arguments closely, one also finds anti-Zionist arguments underlined by a questioning of Israel's existence, e.g., claims that equate Israel with racism or Nazism, or Holocaust inversion, as well as claims that imply a more covert prejudiced position towards Jews. Anti-Zionist positions generally omit historical contextualization, present simplistic or binary representations of the Palestinian-Israeli conflict, and are generally one-sided. In the last decades the overlapping antisemitic, anti-Zionist and anti-Israel arguments have gained appeal.

It has to be stressed that *Tribuna Israelita* also codes as “negative” arguments that are highly critical of Israel's policies towards the Palestinians. Some of them overlap with anti-Israel positions.<sup>108</sup> “Positive” arguments include the questioning of anti-Jewish prejudice and/or simplistic generalizations regarding Israel-Palestinian dynamics, Jews or both. “Neutral” arguments are generally descriptive rather than value-laden—although in some instances they may be underlined by more subtle prejudiced assumptions.

107 These include Op-Eds, news reports, newspaper editorials, cartoons, reviews, reproductions, photographs, interviews and classified letters. Each category separately shows only few exceptions.

108 Luis Bassets begins with a critical argument regarding Netanyahu's policy towards the democratic transition in Egypt, which he argues would make it more difficult for Netanyahu to advance his strategic vision of a continuous expansionist State. Luis Bassets, “Al fin despierta Israel” (Finally Israel wakes up) in *El País*. 03/02/2011.

The gamut of arguments that appeared in the printed press in 2010 epitomizes what we have been stating. Among the most common positions we observe Israel's conducting "war crimes" in Lebanon and Gaza; Israel's "terrorist" traits and its implementation of "massacre," "genocide" and "collective punishment" in Gaza to a million and a half Palestinians; the building of a Wall in the West Bank that seeks to "exterminate" 4.5 million Palestinians; Israel's "violation" of international law in the occupied territories and worldwide; the Zionist Jewish State as a racist one on nationality and citizenship issues; and Israel as an "apartheid" State.<sup>109</sup> But covert prejudice towards Israel may also be revealed by omission of relevant information or the use of double standards. While it differs from explicit prejudice, it also has a meaningful impact.

Further overlapping at the meaning making level between anti-Israelism and anti-Zionism can be observed through analogies, parallels and metaphors that point to Holocaust inversion: the West Bank Wall was conceived out of a great strategic plan, the slow and sustained "extermination"; "This time, without gas chambers".<sup>110</sup> The *naqba* as Israel's "expulsion" of 700,000 Palestinians—which was preceded by "ethnic cleansing"—has a straightforward parallel with the Holocaust: the word *naqba* denotes the "oldest and most prolonged Holocaust" in contemporary History as a result of the creation of an "illegal Zionist State."<sup>111</sup> Nazi-fascist wall locked up Palestinians alive in "ghettos" (The author uses the term within quotation marks). As part of the anti-American and anti-Imperialist discourse that emphasizes the alliance between the US and Israel, the walls at the West Bank and at the USA-Mexico border were compared, though only the former was seen as a "genocide wall."<sup>112</sup> This requires analytical differentiation between anti-globalization and anti-Zionism; it also questions the political discourse of both international civil society organizations and partisan anti-global movements.<sup>113</sup>

109 Andrés Pascoe Pierce, "La década del Terror" in *Crónica*. January 2, 2010; Xavier Caño Tamayo, "Sobre una bomba de violaciones de derechos humanos" in *Rumbo de México*. January 4; José Steinsleger, "¿Cuándo caerá el muro?" in *La Jornada*. January 6, 2010; Héctor Delgado, "ONU monosabía, ignora la autodeterminación" in *Uno más uno*. February 11, 2010; Manu Dorberier, "El que se somete a la infamia, se convierte en infame" in *El Sol de México*. February 20, 2010; Newspaper Editorial. "Lula en Israel" in *La Jornada*. March, 2010; José Steinsleger, "¿Israelíes o judíos?" in *La Jornada*. April 21, 2010; Juan Gelman, "Prohibido y ya" in *Milenio Diario*. May 29, 2010.

110 José Steinsleger, "¿Cuándo caerá el muro?" in *La Jornada*. January 6, 2010.

111 José Steinsleger, "Palestina: orígenes de la nakba" in *La Jornada*. May 5, 2010.

112 Héctor Delgado, "¡Bienvenida Señora Michelle Obamain *Uno más uno*". April 15, 2010.

113 See the two articles discussing the Israel/Palestine conflict and the charge of antisemitism, Brian Klug, "A Plea for Distinctions: Disentangling anti-Americanism and anti-Semitism



Similar to the period that followed Operation Cast Lead, the Flotilla Affair increased anti-Zionist expressions.<sup>114</sup> Israel's negative image reached an apex in this episode, conveying its "genocidal" and illegitimate code of action.<sup>115</sup> However, this episode reflects the diversity of arguments: critiques of Israel's policy, positions that deligitimate Zionism and Israel, and more objective representations of the conflict. Writing in *Proceso*, the academic Olga Pellicer wrote a critical piece on Israel's attack of the humanitarian flotilla, which in her view showed the aggressiveness of the Israeli military forces and the intolerable situation created by the Israeli blockade.<sup>116</sup> In a more radical tone on the same incident, Luis Gutiérrez Esparsa called for the condemnation of the assault by Israel of the Flotilla of Freedom, in which 750 unarmed civilians traveled, because it constitutes "one more brutal" act by Israel, an "arrogant," "expansionist" power that resorts to "impunity" and that makes "ethnic cleansing" one of its priorities and "persecutes implacably" the Palestinian people for more than sixty years.<sup>117</sup> Thus, Israel was equated to paradigmatic evil, expansionist and racist; a state that commits genocidal policies and ethnic cleansing. For his part, Rubén Cortés presents a very different interpretation of the Flotilla Affair, questioning the view that the six ships that were "intercepted" by Israel were "pacifists" or looked for freedom. Instead, they supported only one of the parties involved in this war, that is, "terrorist" Hamas, an organization that controls Gaza with an "iron fist."<sup>118</sup>

In contrast to the two episodes analyzed above, a smaller number of editorials in 2011 and 2012 explicitly referred to Jewish issues and so anti-Jewish prejudices were limited.<sup>119</sup> This may be seen as consistent with the fact that the links of the Jewish community with Israel and other Jewish centers have gained legitimacy in the public—sphere—reinforced by the visible recognition of the existence of a Mexican Diaspora—and have, thus, diminished the questioning of the transnational character of Jewish life. In contrast to the past, arguments critical of the nexus between the Jewish community and Israel or

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today," and the response of Tamar Meisels, "Is It Good For the Jews? A Response to Brian Klug's 'A Plea for Distinctions: Disentangling Anti-Americanism From Anti-Semitism,'" *Tink* 20, Vol. 7, The Royal Institute of Philosophy, Winter 2008, pp. 69–90.

114 Esteban Beltrán, "El asfixiante bloqueo de Gaza" in *El País*. June 1, 2010.

115 Héctor Delgado, "Israel asesina marinos civiles en Gaza" in *Uno más uno*. June 1, 2010.

116 Olga Pellicer, "Las tareas de Sísifo" in *Proceso*. June 7, 2010.

117 Luis Gutiérrez Esparsa, "Gaza y la Flotilla de la Libertad" in *Excélsior*. June 2, 2010.

118 Rubén Cortés, "Exceso israelí vs. pacifismo terrorista" in *La Razón*. June 2, 2010.

119 See Jesús Michel Narváez. "¡Claro que duele!" in *El Sol de México*. 15/02/2011, Ángel Guerra Cabrera. "Egipto ayer y hoy" in *La Jornada*. 07/02/2011, and Matías Pascal. "Un Subsecretario de SHyCP Socio de Banca Patito Mifel" in *UnomásUno*. 21/07/2011.

the North American Jewish community have been largely absent in the public discourse. Furthermore, traditional stereotypes such as the control of the national or international financial system or the self-segregated group *tropos* have been minimal, though some political episodes awakened the argument of the particular interest over the national well-being.<sup>120</sup>

Thus, the media discourse shows continued patterns and changing trends. In recent years, we observe transnational circuits through which particular meanings get transferred. One must assess the impact on the national media of the transnational dynamics and sources that feed information. Specifically, *La Jornada* and *UnomásUno* systematically reproduced editorial articles of *The Guardian* and *Independent* and their own editorial articles reinforced this stand. Articles by authors such as Ilan Pappé, Noam Chomsky and Robert Frisk are periodically reprinted in newspapers with important circulation in Mexico such as *El País* and *La Jornada*.

The mainstream news media, e.g., *Milenio*, *El Financiero* and *Excélsior*, has an increased number of articles critical of Israel's settlement policy.<sup>121</sup> We may also point to the building of the transnational cultural code we analyzed. Zionism, identified with Racism, Colonialism and Imperialism, became an implicit argument of the major focus, namely, that the State of Israel is belligerent and war-prone, oppressive and expansionist.<sup>122</sup> In this sense, Naief Yehya establishes a parallel (of immorality) between the American and Israeli military, both imperialists that in old or new forms destroy or displace entire peoples.<sup>123</sup> Human rights violations gained an increased presence among the critical arguments. The Arab-Israeli conflict continued to be portrayed as part of the clash between the imperialist West and the Arab and Muslim Third World.

As with previous periods of escalation of violence, the Mexican press widely pits the Israeli Defense Forces against Hamas and Islamic Jihad in Gaza. Singular but overlapping arguments can also be found between reporting practices.

120 Bokser Liwerant, "Being National, Being Transnational: Snapshots of Belonging and Citizenship," in *Shifting Frontiers of Citizenship: the Latin America Experience*, eds. M. Snzajder, L. Roniger and C. Forment (Leiden and London: Brill, 2013), 343–365.

121 Emilio Menéndez del Valle, "Imponer la paz en Palestina," *El País*, April 9, 2010.

122 See Alfredo Jalife Rahme. "Israel y Estados Unidos provocan disturbios religiosos en Egipto" in *La Jornada*. 03/07/2011. In this article the writer argues that Israel and the US seek to control the region. In an article by Enrique Dussel, he calls Israeli and US policies fundamentalist, violent and militarist. See "¿Estado de rebelión egipcia?" in *La Jornada*. 03/02/2011.

123 Naief Yehya, "Destruir una casa para salvar a un pueblo: vieja-nueva filosofía imperialista" in *La Jornada*. 30/01/2011.

According to *Tribuna Israelita*, there were 105 published negative notes. Anti-Zionist positions develop from initial criticism of Netanyahu's policy to destroy the military and political infrastructure of both Islamic movements.<sup>124</sup>

Holocaust inversion was used to question not only Netanyahu's decision, but also Israel's illegal occupation of Palestinian land. Similar to previous episodes, one editorial also equated Israel's policy to both Nazism and Fascism: "The most recent killing against Palestinian Arabs in Gaza committed by the Nazi fascist Israeli militarism is a provocation against the peoples of the world."<sup>125</sup> In an even more radical tone, another Op-Ed noted:

While the behavior of the Tel Aviv government towards the Palestinians has increasingly become similar to that of the Nazi perpetrators towards their ancestors in Europe . . . it is more adequate to characterize it as an extermination camp, to which the Hebrew State only allows to enter water and food that are scientifically calculated as necessary for the survival of the (Palestinian) inhabitants.<sup>126</sup>

The metaphor of the ghetto was also used in this case perhaps to mobilize moral outrage for the "imprisonment" of the Palestinians.<sup>127</sup> In "negative" Op-Eds, historical context when provided is generally one-sided with respect to Israel's "colonization" of the West Bank and East Jerusalem, "violation" of international law and "destruction" of Palestinian daily life.<sup>128</sup> Some stressed the disproportionate force used by the perpetrators (Israelis) against the victims (Palestinians).<sup>129</sup>

Positive editorials are also identified for the 2010–2012 period: they questioned Hamas's strategy to eliminate Israel and also Iran's support of the Islamist regime, they pointed to Israel's economic and technological achievements, they distinguished between Israel as a Zionist entity and its particular governments, and they advanced a principled rejection of Hamas' and

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124 See Editorials by Héctor Delgado (*Unomásuno*), Ángel Guerra Cabrera (*La Jornada*), Fran Ruiz (*Crónica*) and Gabriel Moysen (*El Financiero*).

125 Héctor Delgado, "Israel: Nazifascism and genocidal apartheid". *Unomásuno*, 19/11.

126 Ángel Guerra Cabrera, "Gaza, Prison no, extermination camp". *La Jornada*, 22/11.

127 Héctor Delgado, "¡Todos somos Gaza!". *Unomásuno*, 21/11. A parallel between Gaza and the ghetto is found in Fran Ruiz, "The most stupid war of the world". *Crónica*, 23/11.

128 De la Fuente Editorial. "Gaza: Assymetric Violence. *La Jornada*, 16/11.

129 De la Fuente Editorial. "Gaza: Assymetric Violence". *La Jornada*, 16/11. See also Nizar Dana, "Gaza under fire," *La Razón*, 23/11; Fran Ruiz, "The most stupid war in the world." *Crónica*, 23/11; De la Fuente Editorial. "Stop to the killing of children and women in the Gaza Strip. *Unomásuno*, 21/11.

Hezbollah's refusal to accept Israel as a legitimate state. Some Op-Eds also questioned dominant prejudices in Mexico towards Jews and Israel.<sup>130</sup>

Paralleling these trends, a pattern of radicalization in the social networks developed. It included prejudices previously used though increasingly aggressive, as evidenced by the presence of Holocaust denial arguments and hate speech towards Jews. This phenomenon may signal new dynamics via "interactive social web" (Web 2.0).<sup>131</sup>

Users as opposed to publishers are able to create content, share it and react to it beyond national boundaries legitimizing multiple narratives or rendering credibility to relativism.<sup>132</sup> The shift in sources—from accountable to largely anonymous ones—are key to understanding the impact of non-institutionalized social character minimizing public resistance—what David Hirsch calls "unmediated opinions." A potential implication is the widespread acceptability of the new modalities of prejudice and exclusion (including antisemitism, anti-Zionism and anti-Israelism) in the web, particularly among the young, ending in a blurring of boundaries of public discourse.

Social networks vary in their impact. According to the global traffic monitoring group Alexa, Facebook remains the most popular social media, with monthly visits nearing a billion; the users are younger and are part of a computer cohort; other social forums continue to outpace each other, e.g., Twitter, by which millions tweet daily traveling into other linked Internet platforms, such as YouTube or Facebook.<sup>133</sup>

130 Miguel Alemán V, "Yitzak Rabin" *El Universal*. February 24, 2010; José Penhos, "Hombre clave de Hamas." *Siempre!* March 8, 2010; Javier Santiso, "Israel: ejemplo de innovación económica." *El Universal*. May 16, 2010; Bernard Henri Levy, "Porqué firmé la 'llamada a la razón.'" *El Sol de México*. May 24, 2010; David Harris, "¿1947 o 1967?" *El País*. June 15, 2010; José Antonio Aguilar Rivera, "Democratismo y Fanatismo." *El Universal*. July 10, 2010.

131 According to a survey conducted by Mitofsky in December 2011, Twitter is largely used by the young, educated people and those of higher socio-economic class. The Twitter user's profile: 60% are between 18 and 30 years old, and 95% live in urban areas.

132 Andre Oboler, April 1, 2008, "Online Anti-Semitism 2.0. 'Social Anti-Semitism' on the 'Social Web.' Jerusalem Center for Public Affairs. <http://jcpa.org/article/online-anti-Semitism-2-0-social-anti-Semitism-on-the-social-web/> (Accessed on January 7, 2014).

133 While the fastest-growing age group for Facebook is the 25+ group, an August 2006 study showed that 33.5% of Facebook users were in the 35–54 age range; only 34% were aged 18–24 Facebook's original target audience. One example is the group proclaiming "Israel is not a country!... delist it from Facebook as a country!" It has 32,596 members. If one of its members has an average of 150–200 friends, this group could be advertised to about 4.9 million people. <http://newsroom.fb.com/Key-Facts> (accessed June 1, 2015). In addition to these forms of interactive web, Web 2.0 includes sites such as Google Earth, Flickr, Digg, Del.icio.us, Blogger, Reddit, Beebo, Wikipedia, Myspace, and some would include

In Mexico, antisemitism in the social networks reached a high point in 2012. Tweets and electronic messages appear to mirror each other in terms of radical content and language, in contrast to the printed press published notes and editorials. This seems related to different accountability mechanisms available in each case. The number of electronic messages is generally small but their tone is more violent and extreme. It includes antisemitic representations of Jews as foreigners, Christ killers or exploiters of the local labor force delivered via institutional emails or Jewish websites.

For example, the electronic Jewish newspaper *Enlace Judío* received emails questioning the contributions, assimilation status and loyalty of Mexicans since they are “taking over key positions in the government to create their own government within the Mexican State.”<sup>134</sup> Some electronic messages sent to *Tribuna Israelita* endorsed Hitler and Nazism. The central agency of the Jewish community also received an email that expressed an anti-Israel position. While few, there were some antisemitic emails sent directly to Mexican personalities of Jewish origin or anonymous hate emails that circulated among the Mexican public.

Emails sent to Jewish institutions in Mexico have also been channels to express negative positions towards Jews-Israel through symbolic representations of Israel as a terrorist state and a Jewish-Israel axis of immoral collaboration.<sup>135</sup> For instance, on February 23, 2011 *Tribuna Israelita* received an email by Peace In the World. Originating in Canada, the page advocated

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Ebay and Amazon. Many online newspapers that allow comments where antisemitism is tolerated, e.g., The Guardian’s “Comment Is Free.” *Huntington Post*, eMarketer (accessed 1 January 2014). See “Twitter Company Statistics.” <http://www.statisticbrain.com/twitter-statistics/> (accessed 1 June 2015).

134 September 19, 2012, [hombrelibre1963@gmail.com](mailto:hombrelibre1963@gmail.com). Some emails incorporated the phrase Heil Hitler and repeatedly called for Jewish genocide. On August 21, 2010, the well-known historian Jean Meyer received an email from Fernando Espinoza de los Monteros ([fems51@yahoo.com.mx](mailto:fems51@yahoo.com.mx)). Titled as “Those who Work for Israel in our Nation,” this message used forged *Protocols of the Elders of Sion*. In August, 2010 an anonymous email circulated widely. It was entitled: “The Jewish Problem in Mexico” (Signed: Cuernavaca, February 2010).

135 Two emails sent in May and June, 2010 to *Tribuna Israelita* used the slogan Heil Hitler and called for the destruction of Jews. The first one was signed by Josue “N” ([rk@hotmail.com](mailto:rk@hotmail.com)) followed by Lebanese Husein ([libanes\\_mex@yahoo.com.mx](mailto:libanes_mex@yahoo.com.mx)). Two years later, another email sent to *Tribuna Israelita* underscored the idea of righteousness by the Nazis against the Jews. Source: email sent by “Indio mexicano” ([huelofeo@yahoo.com](mailto:huelofeo@yahoo.com)) in 2012. On June 1, 2010, *Tribuna Israelita* received another email from Fran Ruiz ([fran@cronica.com.mx](mailto:fran@cronica.com.mx)) that stated that Israel, like Iran, Birmania, Cuba, North Korea, and Sudan was a terrorist state.

the liberation of Palestine and accused Israel of routinely violating international laws, committing war crimes and killing Palestinians. Immediately following its criticism of Israeli policies—without presenting any historical contextualization—the email criticized the “support of illegal Israeli occupation” by the “Jewish people in Mexico.” Extreme statements on the “purity of the Jewish race” and Holocaust denial also found expression in electronic messages.<sup>136</sup> Additionally, a few incidents were documented in blogs and Twitter.<sup>137</sup> In Uruguay and Argentina, political hostility towards us “economic imperialism,” combined with an increasing ideological hostility at neo-liberal globalization, yielded an anti-Zionist discourse among some leftist social networks.

To fully appreciate the nature and scope of antisemitism/anti-Zionism in the social networks, our analysis will focus on three paradigmatic episodes:

a) First, the chain of prejudices derived from the verbal and physical attack of a valet parking employee by a business man of Jewish origin, Miguel Moisés Sacal Smeke (January 2012). In this case, the indexing of antisemitic attacks under the hashtag<sup>138</sup> #GentlemandelasLomas (upscale Mexico City neighborhood) obtained the status of Trending Topic on January 10, reaching more than 10,000 references. Examining the number of tweets (95 tweets registered between January 10 and 11, 2012) referring to this lamentable though individual case, one finds that “negative” tweets outnumbered the “neutral” ones (48 vs. 25), while “positive” tweets had the lowest number (22) (although it was similar to those classified as neutral). This contrasts with the general trend found in the printed press, as previously shown. But those tweets marked as favorite show a slightly different situation: the majority were negative (94) followed by positive (78) and then by neutral (58). Tweets posted in two days show large numbers (52) underscore Miguel Sacal’s Jewishness. E.g., references to Sacal as a Jewish businessman or Miguel Sacal, the Jew. A smaller number (8) establish a connection between his aggressive actions and his Jewish origin while a few others (6) posit that stating his Jewish origin does not equal

136 In one of the emails the Holocaust was called “Holocuento” (Holostory). See “Libre” (hombrelibre1963@gmail.com) in Tribuna Israelita’s 2010 report.

137 On July 8, 2010, for instance, several messages in Twitter blamed the Mexican Jews for the creation of buildings, commercial centers, study houses and allegedly a clothing store, thus impacting the neighborhood’s use of land in one of Mexico city’s neighborhoods where Jews live. “@vecinodeteca, @diantp seguro la fabrica es de uno de esos judíos que invadieron teca primero centros comerciales ahora fabricas?? @Vecinodeteca @Alexferca @alfredodelmazo @jupeatzh #Huixquilucan ha de ser algún miembro de la comunidad, ya ves que se vuelven intocable\$\$\$.”

138 On social media such as Twitter, it is a word or phrase preceded by a hash or pound sign used to identify messages on a specific topic.

antisemitism. However, a number of tweets (17) used coarse and virulent anti-Jewish language when referring to Sacal. Among the “positive” (18) tweets one finds arguments that put into question anti-Jewish prejudice and the advanced simplistic generalizations. At the same time, some addressed reveal historically rooted stereotypes of Jews (e.g., Jewish = money/success).

b) A second chain of prejudiced comments was detonated by Dr. Alfredo Jalife Rahme, a journalist, analyst, academic of the National Autonomous University (UNAM), Mexico, and head of the Center for Geostrategic Studies at UAM, Xochimilco. Paradoxically, as a result of a sustained request to limit his anti-Zionist/antisemitic outbursts in the press, Jalife has acquired a strong presence in social networks such as Facebook and Twitter (mainly since May 2012), particularly writing on political national and international topics. In contrast to the previous case, Jalife put anti-Zionism at the center of his discourse.

Jalife’s statements on the powerful Zionist-US axis, the financial Zionist power (conspiracy of the Zionist-Anglo-Saxon banking system) or the massive colonization of Palestine by (foreign-Soviet) Zionists, have been replicated from Jalife’s articles in Left-wing newspapers into his tweets, although with more openly radicalized positions and offensive language. Many of his assertions emphasize the Jewish origin of prominent individuals and their favorable position regarding Israel. Zionists are portrayed as “messianic,” business figures and companies are represented as “Zionist bankers” or “Mossad shooters.” Similar to the previous case, Jalife also frequently uses the sign \$ (“ashkeNa\$is,” “zoo\$ioni\$tas”). Jalife’s Twitter account, which reached 21,000 followers, mobilized public opinion, facilitated the circulation of prejudice, and escalated Israel’s symbolic delegitimization. Jalife’s antisemitic comments and the controversy that followed in the press also revealed existing tensions between Mexico’s legislation against discrimination and the right for speech freedom, highly valued in any democracy. Our reference to this particular instance underscores the interaction between the printed press and the social networks, as well as the fact that the extremism, antisemitism and anti-Zionism of this public figure have found space among the Leftist sectors and in *La Jornada*.

c) Another incident concerns the intervention in January 2013 of a university professor, Raquel Rodríguez, at an academic forum of solidarity with Palestine that was co-organized by the Graduate Program in Human Rights (University of Mexico City, UACM), the pro-Palestine organization “Palestina ya,” and the government of Mexico City. Rodríguez explicitly denied the Holocaust, saying it was a “great lie,” and drew upon other old antisemitic notions. In this case, however, local Jewish journalists (*Enlace Judío*) published a report and filed a complaint to the Council Against Discrimination in Mexico City (COPRED).

The Council investigated the episode and reached the conclusion that it was an expression of antisemitism against the Jewish community in Mexico; this led to demanding a public acknowledgement by the individual and institutions concerned, and the organization of an open forum to discuss the Palestinian-Israeli conflict.<sup>139</sup>

All in all, current expressions of anti-Zionism are much more than an ideational-cultural struggle for equality and human rights. In contrast to the past, social and political actors with anti-Zionist stands are not confined solely to political parties and organizations of the Left. A large array of local social movements, NGOs, international organizations and a heterogeneous groups formed by institutions of the transnational civil society, are making use of anti-Zionist discourse on a global scale; this suggests the formation of new coalitions, which some scholars refer to as a key trait of the “new” antisemitism.

In Latin America today, a joint anti-Zionist and anti-Israel discourse of social movements does not play merely a cultural role as an ideological code to indicate belonging to the camp of anti-imperialism as part of the national politics of each country. In contrast to the 1960s, in the new millennium, anti-Zionism has become a mobilization call for anti-globalization action in both local and transnational public spheres. Additionally, transnational social networks emerging from civil society advocate legitimacy of the Palestinian state while instilling through their discourse and attempting to delegitimize Israel. Opposition by the Latin American Left to Israel’s policies towards the

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139 On social media such as Twitter, Jew is a word or phrase preceded by a hash or pound sign to identify messages on a specific topic. Some examples: “Miguel Sacal! One more Jew who in a piece of soap would produce less damage and more benefit,” “When Hitler comes to life again we need to invite him to Mexico to cook in his ovens every other bastard Jews such as Miguel Sacal Smeke,” “The Jewish businessman Miguel Moisés Sacal makes offensive statements. Has he forgotten Nazi racist antisemitism and the Holocaust?”. See “¿Seré “antisemita” de verdad?,” *La Jornada*, December 28, 2008; “El lavado de dinero del canciller israelí Avigdor Lieberman,” *La Jornada*, April 20, 2011; “La opinión pública de los países árabes detesta a EU, según encuesta estadounidense,” *La Jornada*, July 20, 2011. In his Tweets, Jalife sent antisemitic libels about “financial and speculative Jewish power” or the “powerful financial corridor” that runs from Wall Street and Chabad to Mexico (June 1st, 2nd and 6th, @AlfredoJalife). Jalife also refers to Israel as “racist and genocidal” (June 5th). In his tweets, Jalife equates Zionism with Nazism (June 1st). He self-defines himself as follows: “I am not antisemite. I am a—semite—referring to his Lebanese ethnicity. I am not Jew hater (judeófofo). I am anti-Zionist for the same reasons that I am anti-Nazi” (June 7th). All Jalife’s tweets were monitored by Tribuna Israelita. Local political figures called “Zionist sympathizers” include Claudia Sheinbaum—from the Leftist party PRD. A series of businessmen and Jewish prominent personalities were also attacked by Jalife—documented by Tribuna Israelita.



Palestinians, even among center-Left and liberal organizations in the region, can hardly be regarded as a side issue. This has become a major and persistent concern for Latin American policy makers.

The globalization of the Palestinian-Israeli conflict will likely continue if certain conditions are present, such as the continued stagnation of the peace process, the eruption of new cycles of violence in the Middle East, the strengthening of Islamic radical groups in countries that now experience political turmoil, the presence of neo-populist governments in the region, and the particular interaction between strategic decisions of international, regional, and national and local activists.

### Going Global: New Circuits, Channels and Routes of Antisemitism

In a globalized world of instantaneous transmissions, prejudice acquires borderless fluidity. At the same time, it is grounded and expressed locally, in the terms of different sub-cultures, and among diverse groups in particular countries. Local, national, regional and global logics interact in complex ways while the porosity of national borders leads to the deterritorialization of interrelations and social arrangements.

Adding to the national and regional current processes of change, democratization plays a key role. New institutional channels have opened to civic participation. This points to new thresholds of acceptance-rejection. The recognition of difference, the politics of identity and the emphasis on heterogeneity have increasingly widened the public sphere's scope. Socio-cultural-political parameters and limits to diversity are subject to transformations.

Recognition of difference, a new identity politics and the emphasis on heterogeneity, act as a substratum that enhances and reinforces pluralism. "Struggles for recognition" and "identity/difference movements" propel cultural identity issues to the forefront of the public political discourse. In light of the general processes, Jews, as other minorities, find new paths of recognition and collective expression in the public sphere and its wider scope.<sup>140</sup>

An increasingly expansive force of democracy has also emerged between global cycles of economic crises and social conflicts. The region's changing reality reflects the expansive force of democracy as well as its recessions, regressions, and reconfigurations. Latin America has incorporated global cycles of political opportunities and social conflicts in contradictory ways, as evident in democratization and de-democratization; centralization; civic citizenship

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140 Charles Taylor, *Multiculturalism* (Princeton: Princeton University Press, 1994).

and ethnic allegiances; collective affirmation and individualization of rights. Multiculturalism and new claims for recognition of primordial identities seek inclusion based on essentialism, even though they reinforce exclusion on ethnic grounds. While the scope for diversity broadens, Latin American societies also face serious risks of fragmentation and even de-structuring processes.<sup>141</sup>

Neo-liberal and growingly institutionalized citizenship regimes coexist with corporatist and populist political forms, social mobilization and plebiscitary democracy. Thus, the region experiences contradictory trends: an increasing civic participation of social and political actors is threatened by exclusionary initiatives. The prevalence of historically complex relations with the United States and widespread dissatisfaction with the effects of globalization opened new opportunities for radical movements in the region. In this context of non-linear trends, antisemitism acquires new modalities of expression.

Mexico's consolidation of democracy is still an ongoing process. Essential vectors such as rule of law, transparency, and accountability need to be fully established. In the realm of human rights, the country experienced both significant progress and setbacks. National and State Commissions of Human Rights have gained progressive presence. In April 2010, the Mexican Senate unanimously approved reforms that give human rights a constitutional status, widen their recognition and protection, and give the National Commission on Human Rights faculties to investigate grave violations to individual rights. However, according to this agency a high percentage of its recommendations were not implemented within the deadlines specified and/or were not accepted by public officials because of weaknesses that characterize the judicial system. The World Economic Forum (2012) warned that the cost of corruption in Mexico equals 9% of the national gross domestic product (a.k.a. PIB), while businesses need to spend 10% of their income on bribes.<sup>142</sup> Transparency International annual's Corruption Perceptions Index (CPI, 2011) also shows that despite government attempts to tackle corruption, Mexico still obtained a low score of 3.0 (close to Brazil's score of 3.8).<sup>143</sup> The so-called war against drugs and organized

141 Judit Bokser Liwerant, "Los judíos de América Latina: los signos de las tendencias. Juegos y contrajuegos," in *Pertenencia y alteridad. Judíos en/de América Latina: Cuarenta años de cambios*, eds. H. Avni, J. Bokser, S. DellaPergola et al., (Berlin and Madrid: Editorial Iberoamericana, 2011), 115–164.

142 Source: *World Economic Forum on Latin America. Regional Transformation in a New Global Context*, Puerto Vallarta, Mexico, April 2012. [http://www3.weforum.org/docs/LA12/WEF\\_LA12\\_Report.pdf](http://www3.weforum.org/docs/LA12/WEF_LA12_Report.pdf) (Accessed: April 17, 2014).

143 Source: "The cost of corruption to Latin America's competitiveness." *Americas Market Intelligence*. [http://americasmi.com/en\\_US/expertise/articles-trends/page/the-cost-of-corruption-to-latin-americas-competitiveness](http://americasmi.com/en_US/expertise/articles-trends/page/the-cost-of-corruption-to-latin-americas-competitiveness) (Accessed: April 17, 2014).

crime has resulted in a spiral of violence that has not been directly connected to ethnic or religious motives.

In pluralistic Latin American societies, a widened public sphere and a stronger civil society facilitate the emergence of new actors. Different social movements attract vast middle-class sectors, including Jews and the Jewish community, as civic participants of the national arena. This has been further enhanced by liberal democratic policies. Indeed, Jewish individuals have increasingly entered the political sphere and assumed high rank public roles. Resulting from increased top-to-bottom citizenship participation, organized Jewish communities have reached prominent roles. Thus, the twofold complex process of erosion of a national ethnic narrative and the increased recognition of minorities based on religious and ethnic grounds render increasing visibility and legitimacy to communities.<sup>144</sup>

Paralleling these developments we should look at the fragmented integration of Latin America into the international economic system. In light of growing inequalities, inclusive political entities coexist with exclusionary trends that hinder democracy. Economic crises have also impacted Jewish communities, although in differentiated ways. As Mexico was not hit as harshly as the Southern Cone, e.g., Argentina, its economic conditions led to radical changes in the organized Jewish life. Globalization processes, for instance, deteriorated the economic standing of some while boosting higher and middle classes into advantageous positions in international commerce, high technology, services, the sciences, academia and its institutions, and the financial sectors. This resulted in a wider interaction between the Jewish community and diverse sectors of Mexican society.

In the case of Argentina, the recovery of democracy granted Jews the possibility of becoming active citizens in the public sphere without being exposed to ethnic or religious discrimination. At the same time, a solid civil society took shape. The infrastructure for community and grassroots activism also widened and was further strengthened by the work of international NGOs that focus on rights, identity, education and civic responsibility. The more pluralistic and democratic Argentina's civil society has become, the greater its rejection of antisemitism, although it will hardly disappear any time soon. Additionally, as more Jewish institutions participate in the public sphere demanding justice, e.g., the terrorist attacks of the Israeli embassy (1992) and AMIA/Jewish Community Center (1994), the greater the appreciation towards Jews as

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144 Judit Bokser Liwerant, "Los Judíos de América Latina: Los Signos de las Tendencias Juegos y Contrafuegos," in *Pertenencia y Alteridad. Judíos en de América Latina: Cuarenta Años de Cambios* (Madrid: Editorial Iberoamérica, 2011), 115.

citizens committed to democracy. Nevertheless, Argentina faces major challenges such as its own vulnerability and lack of security. Furthermore, despite this new spirit of inclusiveness and re-democratization, social exclusion still exists. Indeed, during the political re-democratization process most citizens were increasingly losing trust in liberal institutions and especially the judicial system. This loss of popular confidence coincided with a sharp increase in crime and violence during the 1990s in Argentina's large cities. The lack of a clear process of investigation of the antisemitic attacks has enhanced the deficit in trust.

Venezuela is a contrasting case. As previously stated, shifting political forces and changing relations between the Venezuelan state and international actors has made the Jewish community subject of great constraints. However, the influence of Chavismo in spreading anti-Zionism in Latin America has been less dangerous than the increasing impact of international social movements and transnational networks fighting against imperialism, neo-liberalism and racial discrimination including also Zionism and Israel. While Chavez's regime might have not intended to promote a systematic atmosphere of hostility towards Jews, its radical and polarizing rhetoric, coalitional dynamics and strategic international positioning have narrowed the legitimate public space of the Jewish collective.

This has certainly impacted the massive emigration by Venezuelan Jews mainly to Southern Florida. According to estimates, by the 1990s the number of Venezuelan Jews reached 35,000, but today they number about 9,500 in a national total population of 29,300,000. The above contrasts with the more stable Jewish community of Mexico which numbers 39,200 and national total of 114,800,000. Argentina has the largest Jewish population: 181,800 in a national total of 40,500,000.<sup>145</sup>

In Mexico, different extreme Right organizations have diminished their public visibility and the intensity of their activities. Organizations such as *LaRouche* inspired Mexican Labor Party (*Partido Laboral Mexicano*), Anti-Communist Federation (*Federación Mexicana Anticomunista*) and *Los Tecos*, have assumed a latent existence, the exception being the Peoples Council of Mexican Eagles (*Partido de las Águilas Mexicanas*).<sup>146</sup>

With an ideology dubbed as "neo-Mexicanism," an idealized image of Mexico's Indian past scorns Europe's role in forging the national identity. Its

145 Sergio DellaPergola, *World Jewish Population*, Berman Institute, #7, 2012, <http://www.jewishdatabank.org/studies/details.cfm?StudyID=632> (accessed 5 June 2015).

146 Stephen Roth Institute, *Antisemitism Worldwide*, <http://humanities.tau.ac.il/roth/2012-09-10-07-07-36/antisemitism> (accessed 1 June 2015).

open activity has declined and the Tribunal Federal Electoral (*Tribunal Federal Electoral*) denied its petition to be registered. The Federal Electoral Institute (*Instituto Federal Electoral*) issued an open letter condemning the group's anti-semitic, racist and intolerant views.

In other parts of the region, Latin American Jews have been exposed to grassroots antisemitic attitudes promoted by small nationalistic groups, and not sanctioned by the authorities. Such attitudes were of particular concern to Jews in times of social and political unrest, particularly in the 1960s and 1970s, when forces of both the right and left alleged that Jews' loyalty to their countries of residence was compromised by an attachment to Israel. In some instances, this was politically exploited, either by fringe elements or during the escalation of repression, as happened in Argentina under military rule between 1976 and 1983, when antisemitic violence was unleashed. But popular antisemitism led by Right-wing associations—as in Argentina—seems to be unique to this country. In Venezuela, these trends were less visible until the end of the 1990s when, as stated, the country experienced important transformations.

In some instances, this was politically exploited, either by fringe elements or during the escalation of repression, as in Argentina's military rule (1976–1983), when antisemitic violence took place. But popular antisemitism led by Right-wing associations seems to be unique to this country. In Venezuela, these trends were less visible until the end of the 1990s when, as stated, the country experienced important transformations. However, even in Venezuela, assimilation of Jews was expected, and social suspicion existed along with the ability to freely organize communal institutions.<sup>147</sup>

At the same time, it is important to mention that the transition towards multicultural and pluralistic definitions of citizenship in the region have paved the way for a series of constitutional reforms and laws that penalize discrimination. Examples include laws enacted in Brazil and Mexico—where antisemitism has been defined as a crime with mandatory sentencing. In Mexico, legal changes included an intense debate that culminated in the decision to maintain the explicit mention of antisemitism as a form of discrimination.

When incorporating a comparative perspective, it is noteworthy that Europe has seen the reemergence of different antisemitic movements and parties. A Muslim radical youth is mobilized by extremist rhetoric that locates the Middle East conflict in a continent with renewed interests in the Arab world. Of particular importance is the role of the extreme Right, profoundly antisemitic and also anti-Muslim. But antisemitism has also been associated with Left-wing

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147 Luis Roniger, "Latin American Jews and Processes of Transnational Legitimization and De-Legitimization."

sectors, among which anti-American positions are intertwined with attitudes against globalization.<sup>148</sup> In places where prejudice and political violence have acquired a central place, antisemitism has become the *lingua franca*—explicit or latent—of exclusive political sectors and platforms.

Globalization processes have generated new collective identities and have given new relevance to ethnic identities in the territorial and geopolitical reordering. Primordial identities strengthen in a context of global virtual spaces where identities get separated from territorial or geographical spaces, and built by intense networks of supra-national social interactions. The loss of the State's monopoly in different realms and the erosion of its influence in building political imaginaries, the crisis of capitalism and its impact on economic and social spheres, the uncertainty generated by rapid and intense global fluxes have all turned ethnic identities into a resource to confront insecurity and instability in uncertain scenarios.<sup>149</sup>

Expressions of antisemitism linked to Israel are on the increase in different regions. Anti-Zionist antisemitism found fertile soil. Certain positions magnify the political and economic power of the Jews, or stress the ethnic or religious dimension of the actors involved in the Middle East conflict. These orientations minimize the political dimension of peaceful negotiation that may generate nuanced outcomes with no absolute winners or losers. Other positions do not question the objectives to destroy the Jewish State.

Arguments have multiplied: Israel is a source of disorder for the neighboring countries; the cause of the dictatorships in the Middle East; the greatest threat to world peace; the Nazis of our time; it inspired the war against Iraq; it controls U.S. policy; it foments hatred toward the Americans and the West; it perpetrates genocide against the Palestinians; it murders Palestinian children. Israel's policy of sexual non-discrimination was called "pink-washing," on the grounds that the attitude of respect toward gays, as opposed to the persecution of them in Muslim countries, is purely used for propaganda purposes.<sup>150</sup>

In contrast to Europe, extremist political parties have not become an integral part of national politics in Latin America. But even if we observe the presence of radical Right-wing parties are currently marginal, they should not be neglected in their risk and impact. Indeed, cell organizations have found fertile soil in some countries in the region. Any links between neo-Nazism and fundamentalist Islamic (transnational) groups if they exist, are still unknown.

148 See Paul Iganski and Barry Kosmin, *The New Antisemitism* (London: Profile, 2003).

149 Judit Bokser Liwerant-Salas Porras, "Globalización, identidades colectivas y ciudadanía", *Política y Cultura*, 12 (Winter 1999): 25–52.

150 Daniel Goldhagen, *The Devil That Never Dies*.

Finally, while the overall trend toward increased presence of Jewish life in Mexican and Latin American societies is gaining momentum and it has acquired growing levels of legitimacy, thus weakening the risk of antisemitic outburst, new challenges arise from several fronts derived from the new articulation between the local and the global. On the one hand, a strong and autonomous civil society has developed, thus widening potential allies in the fight against antisemitism. However, the transnational mobilization against globalization of certain international civil society organizations increases the significance of anti-Zionism as a political strategy and a standardized ideological code in multiple contexts.

We not only see the transmigration of old myths into new social realities but the transnational mobilization against globalization of certain international civil society organizations that explore the usage of anti-Zionism as a political strategy and a standardized ideological code in multiple contexts. These social movements have influenced effectively on the political elites in the Latin American states to promote the recognition of the Palestinian state at the UN, as happened with the political initiative of Lula in December 2012. This move was not anti-Zionism, but an integral part of the international struggle to develop political, social and economic alternatives that enhance justice, equality and sovereignty of the peoples.

At governmental level, one has to point to the fact that Iran is involved in an active quest for allies in the region in order to countervail the international community's pressure against its development of nuclear capabilities. In the last years, given the elections of new leaders in the region, Iran advanced in its efforts to find sympathetic governments to its cause. Benefiting from the anti-American climate and discourse as well as from the recurrent search of a realignment in the region, Iran has extended its trade and energy ventures to create increasingly strategic relations with Latin American governments.<sup>151</sup>

The analysis of the Mexican case reveals singular and common traits of a global antisemitism in the 21st century. It also sheds light on historical recurrences and changes; past and present expressions and modalities; ways in which old elements are reformulate with new meanings, responding to different logics, contexts and social, political and cultural circumstances. The relations between historic permanence and transformation, as well as between different referents of collective belonging—culture, ethnicity, language, religion, and history—are expressed as antisemitism in singular and diverse modes.

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151 Venezuela represents the extreme and evident case where convergences in bolstering oil prices by controlling production volumes has projected itself into the political arena.

This case shows the complexity embedded in antisemitism, anti-Zionism and anti-Israelism as interacting and overlapping social realities and categories for analysis in a globalized and transnational world. In Latin America today, mutually reinforcing antisemitic, anti-colonial and anti-imperialist meanings get transferred, and reinforce each other, through a historical—and now trans-regional and trans-national—cultural substratum. Thus, in a wider spectrum, antisemitism has become a transnational phenomenon of global concern that in some instances gets expressed through criticism of Israel as the embodiment of collective Jewry. Thus, anti-Zionism connects people across countries, regions and continents, operating through the political agenda of social movements performing at the local, regional and global levels.

The in-depth analysis of three moments in contemporary Mexico has underscored how prejudices and policies, perceptions and behaviors were differentially displayed so that complex phenomena need to be contextualized (nationally, regionally and globally) and approached through multi-causal explanations. Thus, prejudices and geopolitics, national settings and regional changing logics, social structures and agency, widen the frameworks to explain how historical experiences and symbolic narratives create and recreate meanings.

Therefore, it becomes particularly important to point to new conceptual and methodological tools that need to be developed to help clarify and distinguish—as well as connect—among discourses, motivations and outcomes. Even with respect to antisemitism, claims may differ qualitatively in their argumentative structure and underlying assumptions. In this regard, it becomes key to focus on the interaction between quantitative indicators and qualitative traits. Thus, the challenge we still face is to elaborate robust measurement criteria, as well as precise indicators and categories that are not mutually exclusive while equally relevant for analyses of text and context, of potential or actual political and ideological undercurrents.



## Antisemitism—Canadian Style

*Steven K. Baum and Anita Bromberg*

(Scene #1) Canada

Student        Do you have any books on Judaism?  
 Librarian     Yes—over there. I was wondering if you are, you know,  
 (lowers voice) Jewish?  
 Student        Yes, (lowers voice) . . . are you?

(Scene #2) USA

Student #1    Are you Jewish?  
 Student #2    Yes, but why the hell are you whispering? Are you ashamed  
 of your religion? You know what I say? Be proud, get loud,  
 and if anyone starts up, get in their face!

The above scenes occurred several decades ago, but speak to the Jewish experience in Canada. The student in the first scene is one of the authors (Baum) on the first day of undergraduate studies at the University of Western Ontario. The second exchange also involves Baum, occurring during graduate school at the California School of Professional Psychology. The exchange in the first scene occurs with a Jewish librarian; the second conversation is with fellow graduate student Peter Gillman. Peter hails from New York City and exudes directness, very different from Baum's reserved and restrained manner.

Peter had no idea why people, Jews included, might lower their voices when disclosing religious and ethnic backgrounds. Others would announce their ethnicity without giving it a second thought. Why should Jews be different? And, of course, he was right. But was there a deeper meaning in the exchange, one that went beyond individual differences and revealed something important about the Canadian-Jewish experience?

Cultural identity is a curious thing. Scientists remain unclear about its formation, influence and interaction with personal identity. The New Yorker and the Canadian were, of course, different individuals, but cultural factors were importantly at work as well.

Canada's British North American Act did not guarantee equality for all as did the U.S. Constitution. American Jews had arrived several generations earlier their Canadian counterparts, eager to assimilate, and establishing themselves

in all walks of life. By the 1930s, they appeared in film or on television. They spoke of the American Dream with the same sense of entitlement and pride as, say, Italian or Irish Catholic immigrants and their offspring. And, there were a lot more American Jews than there were Canadian Jews.

A Hollywood film or television show would end and the production credits would begin displaying numerous Jewish names. But in Canada the visible names were McPherson, Reid or Smith. A doctor's office often displays a list of providers. If the office is in New York, New Jersey or Florida, many of those names are Jewish. Canadian Jews rarely see this. Greater Philadelphia and its adjacent Southern New Jersey area has a Jewish population of approximately 300,000—about the same number of Jews as Canada's national total but spread throughout its total land mass.

At three hundred and twenty thousand, Canada is home to the planet's fourth largest Jewish population. Jews are not scarce, but their Jewishness is. There is a lack of Jewish presence Canadian Jews somehow learned that Jewishness is best served beneath the surface; they do not broadcast their ethnic identity but rather behave in the socially acceptable, quiet, reserved Canadian manner. In this way, Canadian Jews reflect attitudes more similar to those of British Jews than to Americans.

"Think Yiddish, Act British" may have been the compromise Anglo-Jews struck in a nation that had its share of antisemitism, including centuries long expulsion, tenuous resettlement (1656) and delayed citizenship (1858). Anthony Julius's *Trials in the Diaspora* terms British antisemitism "the background noise against which we make our lives."<sup>1</sup>

The voice and identity of a Canadian Jew is not as audible as that of his or her American cousins. An article in a popular Canadian magazine may serve to illustrate why. It seems that in a number of ways, someone's Jewishness remains culturally invisible or it is sanitized and shaped to fit Christian expectations. Or it is simply not mentioned at all.

Comedians Johnny Wayne and Frank Shuster were hosts to the Canadian Broadcast Corporation popular television show "Wayne and Shuster Hour." One of us, (Baum) recalls watching the entertainers for hours on end but never hearing the borscht belt style comics make reference to anything Jewish. For that matter we never heard much from Leonard Cohen, but no one would have imagined The Band's Robbie Robertson lighting Friday night candles and reciting the Sabbath blessings in Hebrew. Then again, he at least looks somewhat Jewish when compared to Toronto Maple Leafs hockey center Trevor Smith. And so on. Canada's Jews seem to have in common a non-Jewish presence.

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1 Anthony Julius, *Trials in the Diaspora* (New York: Oxford University Press 2010), xvi.

Along these same lines lies Canada's weekly national magazine *MacLean's*. The magazine remains a staple because its content is almost exclusively Canadian and is almost always *judenfrei*, or at least free of visibly-Jewish Jews.

One *MacLean's* article stands out as a good example of the invisible Jew. The article begins by introducing the reader to the work of cognitive scientist Steven Pinker with an angle on how his Canadian identity created career success. One sentence is particularly telling. "In person and on a lecture stage, Pinker is endearingly Canadian: polite, soft-spoken, attentive to what others say."<sup>2</sup> In real life, scientific accomplishments derive to some extent from one's background and genetics, i.e., genes, personality, family influence, innate curiosity. Years later Steven Pinker reflected on the conditions that nurture scientific achievement, suggesting that: "Thanks to genes and chance, some people are born with a dose of the requisite talent and temperament: curiosity about the natural world, mechanical and mathematical aptitude, a tilt toward intellectual compared to physical and social forms of amusement."<sup>3</sup>

Conspicuous by omission is reference to any aspect his religious upbringing, Jewish culture, Jewish family and friends. Missing as well were reference to family history, his grandparent's 1920s emigration from Poland and Bessarabia. There was no mention of hardships the family endured when they chose Montreal as their new home. One wonders if he or anyone experienced taunts or slurs of "sheenyman," or "Pinky the Jew." Missing also from the popular magazine, of course, is any reference to the greatly disproportionate number of Jewish professors who lecture, write books or achieve eminence. Elsewhere, Dr. Pinker spoke of an intellectual richness in his household, an inherited sense of curiosity, and an openness to learning, all encased in a thriving Jewish community in Montreal.<sup>4</sup> Instead of exploring any of the above, the magazine tries to find something in his early Canadian years. Jewishness is pushed into the background and remains invisible—not a word of opposition whispered.

In this chapter, we will examine Jewish Canadian experience starting with a brief overview, Jewish immigration and the waves of antisemitism that followed.

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2 Robert Sheppard, "How We Think" *Maclean's* May 1, 2000 43. The omission of Jewishness is noteworthy. Dr. Pinker's "endearingly Canadian traits" are inconsistent with what is known or expected of Jews. One can better imagine the article description as wholly opposite—the endearingly Jewish traits described as "rude, loud and too driven to attend to what others say."

3 Steven Pinker, "How We May Have Become What We Are" in *Curious Minds* ed. John Brockman. (New York: First Vintage, 2005), 83.

4 *Ibid.*, 86. Pinker: "I was born into the Jewish community of Montreal."

### Jewish Canada—A Brief Overview

Several French Canadian, Acadian, and Cajun surnames appear to reflect Sephardic Jewish ancestry. Some are thought to have landed via Bayonne and Bordeaux, France. To date, scholars remain uncertain as to how or why Jews entered “Catholic Only” New France (Quebec).

The first Jew to arrive in Canada may have been a Jewess. Bordeaux’s Esther Brandeau is documented as immigrating in Quebec disguised as a Catholic boy named Jacques Lafargue (1738). Soon discovered, she was admitted to Hopital General de Quebec to be “culturalized” into Catholicism. When she refused, deportation back to France was the response. Soon another Bordeaux resident was recorded as having arrived. Merchant Abraham Gradis is credited with being the first established Jewish person in Canada. Due to commercial success and political eminence his Jewishness was exempted and he was granted permanent residency in 1748. The next group of settlers would not arrive for over a decade and had worked there already. As French Jewish soldiers fighting the British during the Seven Years War, their efforts were honored with an option of residency. The British takeover of New France translated to new tolerance and Canadian residency for several high ranking military officers e.g. Emmanuel de Cordova, Aaron Hart, Hananiel Garcia and Isaac Miramer known to be Crypto-Jews.

Jews were starting to migrate into Ontario with Germany’s Samuel Liebshitz taking a leadership role founding Kitchener Ontario (originally Jewsbury) and several small enclaves between Kitchener and metropolitan Toronto. Yet Canada’s total Jewish population would remain tiny for the longest time with less than five hundred residents established by 1850.

Some Jewish families became community leaders such as Abraham Jacob Franks arrived in Quebec City 1850 and settled there superseded by his son Abraham Joseph. Continental Army officer David Franks ne Salisbury became a leader to the Montreal Jewish community. The first Jewish cemetery was dedicated 1853, coinciding with the first Jewish house of worship. The first census, held in 1871, reported a total of 1,115 Jews residing in Canada.

Initially Jewish merchants landed in Western Canada providing Gold Rush prospectors with gear; they expanded from there. By 1860, Victoria became home to the second largest Jewish community in British North America. Both Victoria and Vancouver witnessed a number of Jewish firsts—the first Western synagogue (1862), the first Jewish mayor (1886), the first Jewish Member of Parliament (1871), the first Jewish judge (1914), the first Jewish university chancellor turned provincial Jewish chief justice turned Jewish provincial premier (governor)—Nathan Nemetz.

By 1911, Jewish communities were established throughout Canada's major cities. Jewish organizations such as the B'nai Brith (1875) and Canadian Jewish Congress (1919) were established. By 1915, there were approximately 100,000 Canadian Jews. By 1930, Canada's Jewish population stood at 155,000. According to Statistics Canada National Household Survey latest figures, Canada's Jewish population as of 2015, is 329,500\*—less than 1% of Canada's 35.7 million total population.<sup>5</sup>

One of the earliest recorded displays of antisemitism involved politician Ezekiel Hart. Hart was admitted to the Quebec legislature on April 11 1807 and by February 20, 1808 he was expelled. Voicing concerns for legislature delays e.g. Jewish Sabbath and uncertain of a Jew's loyalty, in a less than close vote of 35 to 5, the Quebec Assembly decided: "Ezekiel Hart Esq, professing the Jewish religion cannot take a seat, nor sit, nor vote, in this House."<sup>6</sup> The cumbersome process of admitting Jews to the Legislative Assembly of Lower Canada was superseded by the more pressing need of Jewish emancipation.

Though he voted previously to expel Samuel Hart, this time was different for Assembly Speaker Louis-Joseph Papineau, MP (Montreal) who pushed the bill through passing the 1832 Jewish emancipation giving Jews equal rights with Christians even though educational rights would not be granted for six more decades.

One of the more blatant examples of antisemitism is known simply as Plamondon. Joseph Plamondon was a Quebec City notary who in 1910 lectured at Jeunesse Catholique church. His lecture was so antisemitic and incendiary that it incited listeners to attack nearby Jewish businesses.<sup>7</sup> Within a decade, Pulaski Tennessee based Ku Klux Klan had worked its way north establishing Western Canadian positions in Saskatchewan where they won several seats in a runoff election of 1929. Other anti-Jewish groups included the Social Credit Party, the Orange Order and the Native Sons of Canada, Blue Shirts, the White Shirts, Nationalist State Party, Canadian Union of Fascists and Canadian Nationalist Party. Antisemitic protests and rioting unfolded in pre-War Montreal.

5 *Statistics Canada*, <http://www.statcan.gc.ca/start-debut-eng.html> (accessed 3 April, 2015).

6 Alan T. Davies, *Antisemitism in Canada* (Waterloo: Wilfred Laurier University 1992), 14.

7 Joseph Edouard's Plamondon's March 30, 1910 lecture at Jeunesse Catholique alleged that Jews were morally debased, parasitic, and a threat to Christians. He called for their massacre. The Québec City Jewish community was later vandalized and assaulted. They filed a defamation suit. Plamondon's counsel argued that he repeated other authoritative works on the Jewish faith and exercised his right to freely speak on a national issue. A judge dismissed the action with costs, as an accompanying pamphlet did not sufficiently target any Jews by name. The Quebec Court of Appeal unanimously overturned the trial decision citing Plamondon's failure to prove any of the accusations and that individual Jews were harmed.

“Incidents” aka antisemitic protests occurred at the Université de Montréal in 1934, 1935 and 1936 involving in one case Catholic medical interns protesting an acceptance letter of a Jewish intern. The Jewish intern withdrew.<sup>8</sup>

Canada’s most famous display of antisemitic hate occurred on a hot August evening in 1933. Today, the Beaches region of Toronto is populated with latte sipping café dwellers unaware of the events that made for the Canada’s worst outbreak of antisemitic violence. On the first evening in August 1933, approximately 150 Christie Pit club (aka gang) members embraced a new ideology called Nazism and marched down the town’s main boardwalk singing antisemitic songs, posting swastikas and provoking all who were in their path. Mayor William Stewart issued a reprimand, negotiated a name change and hoped for the best. But on August 16, 1933, two rival baseball teams (Jewish Harbord vs Christian St. Peter’s) took the bats to each other when the gang members unfurled a blanket displaying the swastika. Jewish fans joined the players aided by Italians and other “ethnics.” The Nazis jumped in and joined St. Peter’s as did white fans. A crowd of ten thousand formed and exploded into ethnic violence sending unknown numbers to area hospitals throughout the night. Fortunately such violence was rare.<sup>9</sup>

Though violence was rare, keeping Jews from joining social club memberships was not. In the 1960s, a “guest only” policy prevented Jews, women and others from joining an array of Canadian societies, social groups, country clubs, and sport clubs for curling, golf and sailing. Founded by Confederation fathers Sir John A. Macdonald and Sir George-Étienne Cartier, Ottawa’s Rideau Club blackballed Jewish applicants for over a century. By the mid-1960s, Jews were admitted as members, followed in the 1970s by women and persons of color allowing membership to those who would have one time been rejected such as Prime Ministers i.e., Kim Campbell, Governor-Generals Adrienne Clarkson and Attorney Generals Irwin Cotler.<sup>8</sup>

Armed with a “Christians Only” sign, one Montreal resort had employees “walk along the beach with a megaphone, politely inquiring whether there was a Jew present and asking him to leave as quickly as possible.” Toronto’s

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8 Populist antisemitism foreshadowed the events to unfold years later at Toronto’s Christie Pits. Alan Parker, “5 Things You Probably Don’t Know About Toronto,” *Toronto Sun*, July 9, 2009, <http://blogs.canoe.ca/parker/general/5-things-you-probably-dont-know-about-toronto/> (accessed 1 March 2015).

9 One Montreal resort had employees “walk along the beach with a megaphone, politely inquiring whether there was a Jew present and asking him to leave as quickly as possible. Ira Robinson *A History of Antisemitism in Canada* (Waterloo: Wilfred Laurier University, 2015) Lita-Rose Betcherman *Swastika and the Maple Leaf*. (Don Mills: Fitzhenry & Witeside, 1975), 65.

St. Andrews Golf Club displayed a sign that said: "This course is restricted to Gentiles only. Please do not question this policy."<sup>9</sup>

Advertising limits set by the Ontario Racial Discrimination Act of 1944 prohibited public discrimination. No longer permitted to use the "Gentiles Only" designation, vetting for Jewishness soon took the euphemistic "restricted" "distinguished," or "exclusive."

By 1960, a Canadian Jewish Congress test survey found 30 of 106 Ontario summer resorts had Jewish "discriminatory practices." Studies examined discrimination by mailing requests for reservations for hotels and resorts. The only thing that differed was the last name as Jewish sounding or non-Jewish sounding.

Requests for reservations were submitted to 48 of Ontario's 117 and Quebec's 17 summer resorts. Each request was identical except for the letter's salutation revealing a Christian sounding surname viz., Lockwood or Jewish sounding surname viz., Greenberg. Canadian Jewish Congress (CJC) researcher Sydney Wax collected the data and published his findings in time for the summer edition of the CJC's social research periodical. A breakdown of resort reservation responses accepting or rejecting applicants appears below. In matters as simple as summer vacationing, Wax concluded, "the statement that about 30% of the resorts discriminate appears to be borne out by actual investigation."<sup>10</sup>

As an investigative journalist, celebrity commentator Pierre Berton had been assigned by *MacLean's* magazine to examine mailing requests to 29 summer resorts altering only the surname Marshall or Rosenberg. Marshall's acceptance rate was twice that of Rosenberg's. Other responses informed Rosenberg of room unavailability or there was no response.<sup>11</sup>

Institutional antisemitism pervaded several markets e.g. housing and job markets. Up until the 1950s, segregated housing continued unabated. It was not unusual for real estate agents to steer away customers from the good (i.e., Christian) neighborhoods. Special contracts, clauses and covenants were drawn up when Jews were suspected of purchasing as in the 1950s provincial Supreme Court of Canada case of Annie Noble vs Bernard Wolf resolved in provincial Supreme Court as a restrictive covenant drawn in 1933 contained

10 "Thirty Summer Resorts in Canada Indicate Anti-Jewish Discrimination." Jewish Telegraphic Agency, August 31, 1960, <http://www.jta.org/1960/08/31/archive/thirty-summer-resorts-in-canada-indicate-anti-jewish-discrimination> (accessed 5 June 2015).

Seymour Lawrence Wax, "A survey of restrictive advertisings and discrimination by summer resorts in the province of Ontario." *Canadian Jewish Congress Information and Comment* (1948), 48.

11 CJC Sunset of Summer Resorts 1947," *Ontario's Labour Committee Papers*, 39, 1950

*Survey of Discriminative Practices by Summer Resorts*

(Open)	Inquiry		Accom	No Accom	No Reply
Greenberg	49	27	11	11	
Lockwood	49	47	—	02	
(Restricted)	—	—	—	—	
Greenberg	48	09	15	24	
Lockwood	48	46	2		—

the clause that the land “should never be sold to any person of the Jewish, Hebrew, Semitic, Negro or coloured race or blood and that the restriction should remain in force until August 1, 1962.”<sup>12</sup>

Paying for the house was affected by one religious choice. Major credit rating firms i.e., R.G. Dun and Company warned made notions giving a heads up that the applicant was a “Jewish businessman.” Insurance companies made Jewish customers pay higher premiums prices alleging “greater risk.” Though blatantly antisemitic, each covenant was registered with the court and was legally binding in a court of law. Canadian antisemitism was in keeping with Canadian style—quiet, unassuming, making certain Jewish voices were held to a whisper.

Vocational discrimination was not unknown. Using resort reservation methodology, *Maclean’s* journalist Pierre Berton examined antisemitism among job applicants. In the second study, identical job applications were submitted to employers altering only the surname Grimes or Greenberg. Almost all returned mail invited Grimes for a job interview. Greenberg received about half where there was no returned response or where he was told that the position had been filled. Inquiring as to the reason rejection, Berton was told that Jews “did not have the right temperament,” “didn’t know their place” and were persons “we don’t employ.”<sup>13</sup>

Certain trades and guilds and voluntary service i.e., miners, loggers and fishermen were not available to Jews. The National Selective Service discriminated against Jews when assigning workers to munitions factories or voluntary service in the armed forces. Until the reforms of the 1960s, Canada’s top

12 *Noble v. Wolf*, accessed April 3 2015, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/3691/index.do> (accessed 3 April 2015).

13 Pierre Berton, “No Jews Need Apply” *Maclean’s*, November 1, 1948.



two medical schools McGill and the University of Toronto used quotas as part of admission standards ensuring that Jewish composition never exceed ten percent of the graduating class. Hospital internships and fellowships limited Jewish applicants as well as allowing for established family lineage with good Christian last names. Until the 1960s, Bernstein, Schwartz or Rosenblum were not nametags commonly worn by nurses, teachers, architects, engineers or accountants. Jewish applicants applying for transit positions and police work were routinely rejected.

Social networking between religious and political antisemites had been fashionable long before the Internet. Quebecois and Catholic nationalist priest, Abbe Lionel Groulx routinely used the Church's imprimatur to blame the Jews for Quebec Catholic woes editing *L'Action nationale* and heading the Achat Chez Nous / Buy from Us [Not Jews] campaign.

Montreal journalist Adrian Arcand extensively published antisemitic newspapers—*Le Goglu*, *Le Miroir*, *Le Chameau*, *Le Patriote*, *Le Fasciste Canadien* and *Le Combat National*. By 1934, he founded the fascist National Social Christian Party (1934) and led the National Unity Part of Canada in 1938. Arcand organized rallies, initiated anti-Jewish boycotts, and disseminated pamphlets culminating in a 1940 arrest for plotting government overthrow. With his fascist National Unity Party banned, and internment until the war ended some five years later, he could be seen sitting on a throne rambling about his rule in Canada waiting for Hitler to come liberate him.<sup>14</sup>

Fleeing Nazism, European Jews again looked to the New World for safety. Governor General Vincent Massey, Quebec MP Ernest Lapoint, Prime Minister William Lyon McKenzie and his appointee Immigration Director Frederick Charles Blair hold the dubious honor of rejecting the most Jewish immigrants. Even when the Canadian Jewish Congress allocated funding for 10,000 refugees, the Canadian immigration officials found excuses to reject their proposal.

Prime Minister King along with Immigration General appointee Frederick Blair, Quebec Member of Parliament Ernest Lapointe and Governor General Vincent Massey are credited with creating immigration obstacles for Jews fleeing the Nazis and looking to Canada for help. "No country should open its doors wide enough to take in the hundreds of thousands of Jewish people who want to leave Europe: the line must be drawn somewhere," stated Blair. It was also Blair whose response "None is too many," and intentions became when asked off the record "How many Jews should be allowed into Canada?"

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14 Toronto's Massey Hall hosted Arcand's 1938 National Fascism Convention. See Josh Tapper, "Facing a New Wave of French Canadian Nationalism, Quebec's Jews Stand Their Ground," *Tablet*, April 7, 2014, <http://tabletmag.com/jewish-news-and-politics/168662/montreal-jews-say-non> (accessed 3 April 2015).

He was successful. Globally the second largest land mass and per capita among the lowest land to people ratio, Canada permitted 4,000 Jews to immigrate—the lowest on record of any Western nation. According to historians Abella and Trooper, culpability ultimately resided with prime minister's office.

Not to accept refugees was a political decision not a bureaucratic one. It was Mackenzie King, liberal prime minister throughout most of the 1920s and again after 1935 and his cabinet ministers who in the final analysis were responsible for keeping Jews out of Canada.<sup>15</sup>

Of course, “the people” were unlikely to complain of less immigrant Jews. A Canadian Institute of Public Opinion poll released in 1946 found 49% of Canadians approved of the exclusion of Jews from Canadian immigration. In 1943 and 1948, Pew polls documented that Japanese immigrants were the least preferred immigrants, followed next, or in third place by Jews.<sup>16,17</sup>

### Contemporary Canadian Antisemitism

According to Parliamentary Senior Analyst Phillip Rosen, the distribution of hate propaganda and the activities of racist groups washed ashore in two identifiable waves by the 1960s. He observed the distribution of hate propaganda and racist group activities in two waves since the 1960s. By mid-Sixties, anti-Jewish and anti-black hate propaganda was widespread in Ontario and Quebec. During that time, U.S. based neo-Nazi and white supremacist groups came of age and began to agitate triggering the 1965 government investigation of the Cohen Committee. The Cohen Committee's noted legal deficiencies regarding group defamation, genocide advocacy, incitement to hate likely to breach of the peace amended by the Post Office Act, Customs Act, and Section 319 of the Criminal Code.<sup>18</sup>

15 Irving Abella and Harold Troper, *None is Too Many*. (Toronto: University of Toronto Press, 2012; Claude Bélanger, “Why Did Canada Refuse to Admit Jewish Refugees in the 1930's?” <http://faculty.marianopolis.edu/c.belanger/quebechistory/readings/CanadaandJewishRefugeesinthe1930s.html> (accessed 3 April 2015).

16 Canadian Institute of Public Opinion poll cited in Abella and Troper, *None Is Too Many*, 323.

17 Also, see Berton, “No Jews Need Apply.”

18 Philip Rosen *Hate Propaganda* (Ottawa: Library of Parliament, 2000), <http://www.parl.gc.ca/Content/LOP/researchpublications/856-e.htm> (accessed 3 April 2015).

Jews had served in American cabinet positions since 1906, but only in Prime Minister Pierre Trudeau's administration did Jewish appointees fill cabinet positions. Despite Trudeau's lead, the French Nationalist Parti Quebecois won the 1976 provincial election advocating succession from the rest of Canada and reasserting a Catholic antisemitic agenda. Seagram co-chair Charles Bronfman called the Parti Quebecois (PQ) "a bunch of bastards who are trying to kill us." For the following two decades, Montreal's Jews relocated to Toronto with few returning even as the 1995 Quebec separation referendum failed. Consistent with their tone is Premier Jacques Parizeau explanation of the defeated referendum—a defeat caused by those known for their undermining ways, a loss due to "money and the ethnic vote."<sup>19</sup>

The Age of Aquarius may have ushered in harmony and understanding but in Canada it marked the next formidable period hallmarked by organized hate's recruiting and propaganda advancement and the rise of Western Guard Party, Heritage Front, Aryan Nations, Edmund Burke Society, Nationalist Party of Canada and the Ku Klux Klan. The psychology of hate was being understood as a serious societal problem often disguised as scholarship e.g. historical revisionism and communicated in multiple forms including the Internet.

Now the policymakers were paying attention and began to fight back with proposed legislative changes. Key reports were considering the recommendations from several sources: the 1982 Vancouver Symposium on Race Relations and the Law, the 1984 Report of the Special House of Commons Committee on Visible Minorities (Equality Now!), the 1984 Report of the Canadian Bar Association's Special Committee on Racial and Religious Hatred, the 1985 Report of the Special Committee on Pornography and Prostitution in Canada (Fraser Committee) and the Law Reform Commission of Canada's 1988 Report on the Recodification of the Criminal Law.

The Seventies ushered in key legal decisions. i.e., Donald Andrews, Robert Smith convicted of intentionally communicating hatred in violation of s. 319(2) of the Criminal Code: convictions that were upheld by the Supreme Court of Canada. For instance, John Ross Taylor and the Western Guard Party were twice found in contempt of court for refusing to comply with a Human Rights Tribunal order under sections. 13 of the *Canadian Human Rights Act* that they cease communicating hate messages by telephone; the Supreme Court of Canada upheld this provision. There have been other cases under both the *Criminal Code* and the *Canadian Human Rights Act*.

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19 Clyde H. Farnsworth, "Quebec Vote Bares Latent Ethnic Anger," *New York Times* November 5, 1995. <http://www.nytimes.com/1995/11/05/world/quebec-vote-bares-latent-ethnic-anger.html> (accessed 12 June 2015).

Toronto printing business owner Ernst Zundel was charged with manufacturing and internationally distributing Holocaust denial and other antisemitic propaganda. Convicted and deported to back to Germany, Zundel was immediately arrested and charged with Holocaust denial. His conviction of willfully spreading false news by publishing “Holocaust denial” literature in violation of s. 181 of the *Criminal Code*: was later struck down by the Supreme Court of Canada. A Human Rights Tribunal began investigating Zundel’s Internet Website leading to the Internet Service Provider closing down in April 1998. In 2007, Zundel was convicted and sentenced to five years in prison but was released on March 1, 2010 and is monitored by German authorities. He resides in the Black Forest region, now struggling with the discovery that his mother was Jewish.

In Eckville, Alberta, a high school teacher named James Keegstra expected his students to reproduce what he taught and graded accordingly—even if he was educating Holocaust denial and international Jewish conspiracy theory. He was charged under the anti-hate law and in 1984 convicted of willfully promoting hatred against an identifiable group. That conviction was overturned in 1991 by the Court of Appeal, and reinstated (reconvicted) in 1992 by the Supreme Court of Canada.

During this period Justice Jules Deschenes published a report exploring policies and procedures for admitting Nazis into Canada. Examining 1,700 instances, he recommended investigating 250 cases that would deny safe haven for suspected or convicted war criminals via blocking their entry or revoked citizenship.<sup>20</sup>

New groups enter but rarely leave the world of antisemitism. Surprising to most Canadians was the 2002 speech made by Native Canadian leader David Ahenakew to his Saskatchewan tribe beginning with “The Second World War was started by the Jews and the Third World War—whatever it is, is between Israel and the Arab countries.” When a reporter later asked for clarification of his remarks, he replied,

The Jews damn near owned all of Germany prior to the war. That’s why Hitler came in. He was going to make damn sure that the Jews didn’t take over Germany, or even Europe. That’s why he fried six million of those guys, you know. Jews would have owned the goddamned world. And look what they’re doing now, they’re killing people in Arab countries.<sup>21</sup>

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20 Cited in Rosen, *Hate Propaganda*.

21 “Ahenakew acquitted of willfully promoting hate.” CTV NEWS, February 23, 2009, <http://www.ctvnews.ca/ahenakew-acquitted-of-wilfully-promoting-hate-1.373059> (accessed 5 June 2015).

By June 2003, the Saskatchewan Attorney General formally charged the award winning tribal leader with hate incitement. The decision was overturned in June 2006 on the grounds that the trial judge failed to consider the context of confrontation with a reporter. In doing so, the angry confrontation would not meet the standard of hate's "willful" promotion. Supporting the previous decision, a Provincial Court Judge acquitted Ahenakew in 2009, citing that the defendant failed to meet the legal standard of "intention" to incite hate.

The *League for Human Rights of B'nai Brith* 1994 annual audit documented 290 annual antisemitic incidents. The number of antisemitic attacks in Canada had been relatively steady for some time and so were the perpetrators. Up to that point, hate crime perpetrators were almost all young, male, white and of a Christian denomination. By 2004 the annual recorded 857 incidents. By 2012, number of events reached a peak of 1,334. There was a slight decline the following year e.g. 1274 and since that time, the annual number of attacks has ranged between those two figures.<sup>22</sup>

Islamist disdain for the West is the most recent identifiable phase of the Canadian hate scene. Beginning in the 1990s and paralleling increased numbers of Muslim immigrants, led to an influx of antisemitic beliefs. These beliefs led to a dramatic increase in Muslim perpetrated attacks on Jewish Canadians.

While some Muslim individuals and groups work towards mutual co-existence, condemning antisemitism and all racist activity e.g. Muslim Canadian Congress, others have not. This includes activists for Israeli Apartheid Week, BDS, Muslim Student Association, Students for Justice in Palestine. Or the recently defunct Canadian Islamic Council never offered an explanation for any number of the Muslim perpetrated antisemitic attacks made on Canadian soil. One time president Engineer professor and one time president Mohamed Elmasry instead made inflammatory statements such as this one televised October 19, 2004.

They (Israelis) are not innocent if they are part of a population which is... (the) total population of Israel is part of the army... even if they have civilian clothes... The same if they are women in the army... anybody above 18 is a part of the Israeli popular army.<sup>23</sup>

The above quote exemplifies one of four new antisemitism forms. It is the state-sanctioned incitement to genocide found in Hamas's Charter and no

22 *Bnai Brith Canada Annual Audit* (Toronto, B'nai Brith 2014), <http://bnaibrith.ca/wp-content/uploads/2014/04/Audit-2013-English.pdf> (accessed 3 April 2015).

23 Rosie Dimanno, "Elmasry Hanged by his Own Words," *Toronto Star*, October 27, 2004, <http://www.montrealmuslimnews.net/dimanno.htm> (accessed 3 April 2015).

different if a head of state called for Israel to be “wiped off the map.” Other forms of the new antisemitism include 2) demonization—attributing all the world’s political evils—racism, imperialism, apartheid, ethnic cleansing/Nazism to Jews and the State of Israel. Such endeavors would maximize the chances of the self-identified morally good to eradicate the morally bad 3) deny only to Jewish people the same rights permitted to all others e.g. rights to determination and 4) advance anti-Israeli and anti-Jewish agendas using lawfare e.g. international criminal court or the banner of moral good e.g. racism prevention, human rights, NGO mission, racism prevention.<sup>24</sup>

Since September 2002, anti-Israeli campaigns have made campus life difficult for Canadian Jewish students. Below is a partial list of the incidents occurring at Canadian campuses. At Concordia University in 2002, Israeli Prime Minister Netanyahu was prevented from speaking due to violence. Activists violently kicked Canada-Israel Committee past president Thomas Hechtas; they also spat at and punched Rabbi Howard Joseph and Norma Joeseph. Activists sprayed attendees with ketchup, had pennies thrown at them, knocked skullcaps off, and smashed windows and furniture. Riot police tear-gassed the crowd.

In 2009, there was a disturbing incident at the University of Toronto. There were posters and fliers with antisemitic themes, but at one event Toronto alumnus Isaac Apter was assaulted by guards hired by an anti-Israel speaker. He was grabbed from behind and smacked and told “You shut the fuck up!” He had dared to ask a question. Another person at the event reported being assaulted by security and told “Shut the fuck up or I’ll saw your head off.”

At York University in 2008, Israeli politician Natan Sharansky—formerly a renowned human rights activist and refusenik in the Soviet Union—had his lecture disrupted by a heckler screaming: “you are bringing a second Holocaust upon yourselves. You genocidal racist!” In 2009, approximately one hundred pro-Palestinian York Federation of Students and Students Against Israeli Apartheid, shouting “Zionism equals Racism, Die Jew, Die bitch—go back to Israel” forced Jewish students to barricade themselves for safety.

At the University of Manitoba during Israel Apartheid Week in 2009, posters showed a hooked-nosed Hasidic Jew with a star of David pointing a bazooka at slingshot bearing Palestinians; fighter planes and helicopters with stars of David attacked a baby stroller. (On a positive note, in April 2013, the Students

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24 Irwin Cotler, “Irwin Cotler: We Are Witnessing a New, Sophisticated, Virulent, and Even Lethal Anti-Semitism,” *National Post*, March 5, 2015, <http://news.nationalpost.com/full-comment/irwin-cotler-we-are-witnessing-a-new-sophisticated-virulent-and-even-lethal-anti-semitism> (accessed 12 June 2015).

Union at the University of Manitoba banned Israel Apartheid Week and stripped membership status of Students Against Israel Apartheid.)

Responding to Muslim perpetrated antisemitic assaults, the Canadian Parliamentary Coalition to Combat Antisemitism was founded in 2009. The Panel pointed up the notion of Israel as a criminal state is used to further traditional antisemitic themes and made recommendations for increased training to immigration and law enforcement, holding counter-events to Israeli Apartheid Week.<sup>25</sup>

“Those who would hate and destroy the Jewish people would ultimately hate and destroy the rest of us as well,” observed Canadian Prime Minister Harper, as the first signatory of the Ottawa Protocol. During his 2014 visit, he went became the first Canadian Prime Minister to address Israeli parliament reaffirming his position. “Canada supports Israel because it is right to do so.”<sup>26</sup>

With the advent of globalization came a globalized version of antisemitism that attacked the Jewish state. Avoiding racist labels, the new antisemitism justified Jewish discrimination making Israelis into colonial lords, siphoning off the resources, exploiting the people and usurping democratic governance that ensure basic rights. Initiated by Arab and Muslim propagandists, the globalized version defames and delegitimizes in order to dissolve. Endowing Israel with all classic antisemitic motifs, and denying any state legitimacy, the Jewish State’s right to exist is not tolerated.

In February of 2015, Canada’s House of Commons held a debate regarding the rise of global antisemitism. The speech followed Paris’s Charlie Hebdo HyperCacher assassinations a month earlier and the less publicized Muslim led attacks at the Nice Jewish Community Center and a Copenhagen Bar Mitzvah. Citing a litany of global attacks including the July 2014, pogrom and fire bombings of eight French synagogues, former Attorney General and Liberal MP Irwin Cotler.<sup>27</sup>

We are witnessing a new, sophisticated, virulent, and even lethal antisemitism . . .

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25 Canadian Parliamentary Coalition to Combat Antisemitism, “Factsheet: The Canadian Parliamentary Coalition to Combat anti-Semitism (CPCCA),” <http://www.cjpmo.org/DisplayDocument.aspx?DocumentID=758>, (accessed 3 April 2015). See, also, Scott Reid and Mario Silva eds. *Tackling Hate* (Oakville: Mosaic Press, 2014); Kady O’Malley “Inside Politics Blog” *CBC News*, <http://www.cbc.ca/newsblogs/politics/inside-politics-blog/2010/11/for-the-record-the-full-text-of-the-ottawa-protocol.html> (accessed 3 April 2015).

26 Michael Taube, “Stephen Harper & Israel” *National Review*, February 6, 2014, <http://www.nationalreview.com/article/370440/stephen-harper-israel-michael-taube> (accessed 3 April 2015).

27 Op Cit Irwin Cotler *National Post*, March 5, 2015.

Canada has not been spared. In its 2013 report, B'nai B'rith found a 48% increase in antisemitic incidents in this country since 2004. Chants of “kill the Jews” and “Hitler was right” had been heard on the streets of Calgary and cars in the parking lot of a Montreal apartment building were vandalized with swastikas, accompanied by threatening messages.

Owing to the work of Canadian law professor Anne Bayefsky, documentation is now available addressing the disproportional censuring of Israel in the United Nations. There are more sanctions against Israel, than against those nations who perpetrated genocides in Sudan, Bosnia and Rwanda combined. Canada should be world leader in heeding the call of the recent UN forum to renew efforts to combat antisemitism and to promote mutual respect and tolerance.<sup>28</sup>

Canada and democratic nations now face the most virulent strain of anti-semitism ever known. This bigotry launches attacks and then retreats. It is chimeric and changes its form as you advance toward it. It moves at lightning speed attainable by texting, the click of a mouse or social groups. Employing every trick in the book, the battle lines are drawn.

The recently folded Canadian Islamic Council president once called for war's legitimate targets of “anybody above 18.” In all fairness to him, he was speaking of Israelis, but then again, he might consider Canada's 20,000+ Israeli Canadians fair game or Christian Zionists and eventually include Canadian Jews rationalizing that they are able to secure an Israeli passport.

This most recent wave of Canadian antisemitism differs dramatically from all previous incarnations. Jews are being attacked, assaulted literally and figuratively by a bully that does not understand democratic values or cherish individual rights. There is only good and evil, the pious whose fate will be determined on judgment day and those who all others, the Muslim and the infidel, apostate, dhimmi. Today our response to the librarian might be the same as Peter Gillman's.

- |           |  |
|-----------|--|
| Librarian | Yes—over there. I was wondering if you are, you know (lowers voice) Jewish?  |
| Student   | Yes, but why the hell are you whispering? Are you ashamed of your religion? You know what I say? Be proud, get loud, and if anyone starts up, get in their face! |

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<sup>28</sup> Dedicated to Peter B. Gillman (1953–2014), <http://vimeo.com/67470562> (accessed 3 April 2015).



## Teaching Islamic Antisemitism in Toronto

*Andrew G. Bostom*

*The minarets are our bayonets, the domes our helmets, the mosques our barracks and the faithful our army.*

ZIYA GÖKALP, Turkish Nationalist

In 2012, a complaint filed by Friends of the Simon Wiesenthal Center prompted an investigation of the East End Madrassah an Islamic school which operates out of a Toronto public high school. As reported by the *National Post* and posted on its website, the East End Madrassah's level 8 curriculum was found to contain invocations for jihad warfare and Jew-hatred.<sup>1</sup> What was not addressed was that the calls for jihad and Jew-hatred were drawn in context from the Koran, and Sunna—Islam's most important, sacralized canonical sources. Failing to identify, let alone elaborate upon the canonical Islamic references is entirely consistent with the coverage of similar stories in recent years including New York and Fairfax, Virginia.

Initially, representatives of the Jewish community reacted with shock and indignation. Avi Benlolo, President and CEO of the Friends of the Simon Wiesenthal Centre stated.

To think that this is happening right here in Canada, in our backyards, in our own country where we promote tolerance, diversity, understanding, human rights, and bringing those types of concepts over the from the ancient world if you will, it's just unbelievable.<sup>2</sup>

In a press release of May 7, 2012 David Spiro, Greater Toronto Co-Chair of The Centre for Israel and Jewish Affairs, added,

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1 Stewart Bell, "Police Investigating Islamic School Over Curriculum Comparing Jews to Nazis," *National Post*, May 7, 2012, <http://news.nationalpost.com/news/canada/toronto-islamic-school-removes-parts-of-curriculum-casting-jews-as-treacherous-akin-to-nazis> (accessed 29 May 2015).

2 Ibid.

Using religion to promote hatred among youth is not just offensive and abhorrent—it shows a stunning disregard for Canada’s basic values of decency and tolerance.<sup>3</sup>

In response, the East End Madrassah’s press release of May 7 2012, highlighted their length of time “in existence for almost 40 years,” number of students “graduated thousands of Muslim students,” and their teachings “taught to respect and value other faiths, beliefs and to uphold Canada’s basic values of decency and tolerance.”

Moreover there was an “unreserved apology” to the Jewish community for the alleged “unintentional” offense of the “item” i.e., an entire curriculum developed by imam Sayyid Muhammad Rizvi reputed to be a moderate champion of interfaith dialogue (Rizvi condones death for “apostates,” child marriage and Islamic supremacism.) As well, he has preached anti-American and Anti-Zionist views in a 9/23/11 sermon addressing the corrupters citing Koran 2:11 “and when it is said unto them: make not mischief in the earth, they say: we are peacemakers only”.

Despite this background, the curricular materials in question are a straightforward rendition of mainstream Islamic teaching re: jihad and sacralized Jew-hatred. For instance, p. 70, the curriculum, “The Purpose of Jihad” an invocation of a verse from the second sura (chapter) of the Koran 2:216

... fighting (in the cause of Allah) is ordained unto you and it is hateful to you, and perchance you hate a thing whereas it is good for you, and perchance you love a thing whereas it is bad for you; and verily Allah knoweth while you know not.

A mainstream exegesis on this verse from the most respected and widely used single volume Koranic *tafsir* (commentary), Tafsir al-Jalalayn, elucidates the unequivocally aggressive bellicosity 2:216 is meant to inspire:

Fighting against the unbelievers is prescribed and hereby made obligatory for you even if it is hateful to you and it is disliked because it entails hardship. It may be that you hate a thing when it is good for you and it may be that you love a thing when it is bad for you . . . So it is you may dislike fighting, but it is good for you: either through winning victory and gaining booty or by gaining martyrdom and its reward.<sup>4</sup>

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<sup>3</sup> Ibid.

<sup>4</sup> Tafsir al-Jalalayn: Complete English Translation by Aisha Bewley (London: Dar al Taqwa Ltd., 2008).

The great Muslim jurist and polymath Ibn Rushd, (known in the West as Averroes) confirmed that after Muhammad emigrated to Medina, Muhammad “imposed fighting [on] them [the Muslims],” as per Koran 2:216, specifically, stating:

According to the majority of scholars, the compulsory nature of the jihad is founded on Koran 2:216.<sup>5</sup>

Under the heading The Purpose of Jihad the curriculum (p. 71) states in accord with classical, mainstream Islamic doctrine the totalitarian nature of jihad is to impose this oppressive religio-political system universally, by force, if required.

Islam is a dynamic, comprehensive school that aims at the rectification of the social and economic systems of the world in a special manner. Unlike the beliefs of the ancient Romans, the Jews, and the Nazis, Islam is not restricted to a certain community of a certain race, but is for all human beings and aims at human prosperity and salvation. This divine faith requires all Muslims, guided by the holy precepts and instructions of Islam, to endeavor to rescue the oppressed masses to establish peace and justice, and to acquaint the unaware people of the whole world with Islam and Islamic rules and regulations. Did Islam prevail by the force of the sword? As a matter of fact, through jihad, the Muslims have mainly meant to establish connections with the people who are under the oppressive rule of tyrants, so the oppressed masses would become acquainted with Islamic rules and precepts and so they would comprehend the glory and genuineness of independence and salvation.<sup>6</sup>

Citing the Koran 59:7, the curriculum later describes (on p. 132) how lands conquered by jihad are to be divided and incorporated permanently into the “Dar al Islam,” or “House of Islam.”

According to the rules of Islam, the lands conquered through war and military power are the property of all the Muslims and their administration lies with the ruler of the Muslims. However, those lands that are submitted to the Muslims without war, as in the case of Fadak, belong

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5 Averroes, “Bidayat Al-Mudjtahid,” in *The Legacy of Jihad*, ed. Andrew G. Bostom (Amherst, NY: Prometheus, 2005), 147.

6 *Diniyat Level 8 Curriculum*, <http://www.scribd.com/doc/92694966/Diniyat-Level-8> (accessed 29 May 2015).

to the Holy Prophet (S) and after him, to the Holy Imam (A) of the time. They have the right to distribute such properties as they see fit. This is evident from the following verse: “Whatever God has bestowed on His Prophet from the people of the towns is for God and the Prophet and his relatives and the orphans and the needy and the wayfarer, so that it may not circulate among the rich ones of you . . .” Hashr, 59: 7(Part) [Koran 59:7]<sup>7</sup>

The East End Madrassah’s curricular materials also include an overview of Islam’s conspiratorial Jew-hatred, as elaborated in the Koran, Koranic commentaries, and Sunna.

For instance, the East End Madrassah curriculum’s statements (pp. 111–112) under the heading “End of Jewish Plots and Treacheries”:

Ever since the Prophet’s entry into Medina, the treacherous Jews had vehemently opposed him and his Islamic call, evoking memories of their hostility to the previous Prophet, Jesus Christ, half a millennium ago. The crafty Jews entered into an alliance with the polytheist Quraish in a bid to stamp out Islam. They conspired to kill Prophet Muhammad despite the fact that he was lenient towards them and had treated them kindly, hoping to convince them of Islam’s truth. But eventually as Jewish plots and aggressions increased, he had no choice other than to take up arms against them, in order to protect Islam and the Muslims. At the battle of Khaybar which is famous for Imam Ali’s heroic exploits, the Prophet defeated them ending Jewish intrigues and conspiracies in Arabia.<sup>8</sup>

The poisoning of Muhammad by a Khaybar Jewess (p. 131):

The Jews however, did not forget their humiliation at the hands of the Muslims. After their defeat, a Jewish woman by the name of Zainab brought some lamb meat as a gift for the Holy Prophet (S). The meat was poisoned and the Holy Prophet (S) ate only a little bit, but that poison had an effect on his health in the long term and when he was on his death bed a few years later, he said that his illness was partly due to the poison he had been given at Khaybar.<sup>9</sup>

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7 Ibid.

8 Ibid.

9 Ibid.

My examination of the East End Madrassah's curricular materials demonstrates how the inculcation of Jew-hatred remains an essential part of mainstream Islamic education for Muslim children. The consequences of which if not soon reversed, will be a progression from dangerous to tragic.

### *Post-Script*

The *National Post's* Stewart Bell published reports on November 8 and 9, 2012, following the conclusion of a six-month investigation by the York Regional Police hate crimes unit which, appropriately, did not result in criminal charges, but identified "concerns" about the East End Madrassah. Detective Brett Kemp opined in an interview:

To demonstrate the thoroughness of our investigation we found it important to articulate that there are portions in there that clearly are not criminal, but perhaps from a pluralistic standpoint don't necessarily appear to be the types of teachings that you would hope to see in an open forum.<sup>10</sup>

Regarding the analysis of the Madrassah's textbooks, Detective Kemp commented,

That review looked at the content in its entirety and there were some we thought, "This isn't a police issue, this is non-criminal, however to be more reflective of Canadian core values it perhaps needs to be revisited and perhaps needs to be taught in a slightly different way."<sup>11</sup>

Noting that "The antisemitic hate contained in the curriculum of Toronto's East End Madrassah was blatant," Friends of Simon Wiesenthal Center President and CEO Avi Benlolo stated,

It is frightening to learn that this revolting content . . . is being taught to young children; their minds are being poisoned and I cannot imagine

10 Stewart Bell, "Our teachings embrace and celebrate Canadian values: Toronto Mosque condemns criticism of Islamic school," *National Post*, November 9, 2012. <http://news.nationalpost.com/news/canada/east-end-madrassah-mosque> (accessed 29 May 2015).

11 Ibid. See police report: See police report, York regional Police, *East End Madrassah: Hate Propaganda Investigation*, [http://www.friendsofsimonwiesenthalcenter.com/downloads/news\\_110812.pdf](http://www.friendsofsimonwiesenthalcenter.com/downloads/news_110812.pdf) (accessed 29 May 2015).

how these youngsters will one day become grown-ups capable of functioning as tolerant and respectful adults in a multicultural society.<sup>12</sup>

On November 8, 2012 Mosque president Aliraza Rajani expressed regret at the “rush to judgment and harsh comments” but was exonerated of all charges declaring: Our teachings embrace and celebrate the Canadian values of tolerance, understanding and harmony.<sup>13</sup>

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- 12 Rachel Hirshfeld, “Police: Jihad School Teachings Do Not Warrant Criminal Charges,” *Arutz Sheva*, November 11, 2012, <http://www.israelnationalnews.com/News/News.aspx/161936#.VWjIuM9VhuA> (accessed 29 May 2015).
- 13 Stewart Bell, “Toronto Islamic school will not face charges over anti-Jewish curriculum: police,” *National Post*, November 8, 2012, <http://news.nationalpost.com/2012/11/08/toronto-islamic-school-will-not-face-charges-over-anti-jewish-curriculum-police/> (accessed 29 May 2015).

## Where Have All the Caribbean Jews Gone?

*Florette Cohen-Abady*

It is no simple matter to mark the arrival of the first Jewish settler to the Caribbean. No single center was created to document immigrant arrivals as had been the case in Colonial Virginia, Mexico, and Canada. In addition, many of the immigrant arrivals had been forced to convert to Catholicism, making it unlikely that they would have disclosed anything of their Jewish past or continuing practice.

Some have claimed that the Crypto Jews who accompanied Columbus' first expedition—Juan de Cabrera (Pinto), Rodrigo de Triana (Nina), and his interpreter Luis de Torres (Santa Maria)—should be counted among the first Jewish arrivals to the New World. Luis de Torres is favored, being one of 39 crew members who remained at Hispaniola's La Navidad settlement for more than a year. The first functioning Jewish community (1649) was probably that of the Sephardim who made their home in the coastal region of Paramaribo in Dutch Guiana, today's Suriname.

It is usually the case that wherever Jews go, antisemitism lags not far behind. However, Tel Aviv University's Kantor Center issues an annual report documenting Jew-hatred and it has yet to document a single incident of Caribbean antisemitism since its inception several years ago.<sup>1</sup> Even if some hate crimes were unreported, it begs the question as to why today's Caribbean Jews experience less social tensions during a time period when few nations are exempt from antisemitic and anti-Israeli hate. The minute number of Jewish Caribbean residents may only provide partial answers. Social scientists have long held that rates of antisemitism have been frequently high in cultures where few or no Jews reside.<sup>2</sup>

This chapter has several goals. It offers an historical overview of Jewish migration to the Caribbean Islands. Like the cultural anthropologist, I try to understand Island culture and context. Thus, there are interviews with the Jewish residents. The lack of global anti-Israeli based antisemitism is juxtaposed with that of the rest of the world where, with few exceptions, attacks

1 Kantor Center, *Antisemitism Worldwide 2014* <http://mfa.gov.il/mfa/foreignpolicy/antisemitism/documents/kantorreportantisemitism2014.pdf> (accessed 15 March 2015).

2 Steven K. Baum, *Antisemitism Explained* (Lanham MD: UPA, 2012).

on all things Jewish are occurring with greater frequency and intensity. In addition, to understanding the relative lack of Jew-hatred, the chapter seeks to address the perplexing matter of why—given such a positive environment—Caribbean Jews seem to be disappearing. Social identity theory, valuing of higher education, democratic and ethical principles, justice, and toleration of minorities all serve to fashion an answer to the following question: where did all the Caribbean Jews go?

### **Jews of the Caribbean**

Jewish migration to the Caribbean has its roots in King Ferdinand and Queen Isabella's expulsion in 1492 of the Jews from all Spanish-held lands, including the Basque region, the islands of Sardinia and Sicily, and the kingdoms of Valencia, Andalusia, Castile, Catalonia, Aragon, Galicia, Majorca and Minorca.

When Spanish monarchs Ferdinand and Isabella announced the Alhambra Decree ordering Jews to vacate within 90-days or convert, few knew what to do or where to go. Neighboring Portugal became the first option with those electing to leave at times paying dearly for their Portuguese haven.

Within five years of Spain's order, the Portuguese Edict of Expulsion was announced. By definition, all remaining Iberian Jews were illegal, forced to leave the Peninsula or convert to Catholicism. Some historians have suggested that Portugal's New Christians may not have initially faced persecution as boldly as their Spanish cousins. But it hardly mattered, as, for the next four centuries, Jews left for Western Europe and the New World, with few ever returning to their community and culture, to hold beliefs and keep rituals as did fellow Christians.

Protestant nations had begun to colonize the Caribbean Islands by the 17th century. These nations permitted Jews to reconvert to Judaism without persecution. The New World's colonies were now a viable option for living. The colonial powers welcomed Jewish expertise in trading, shipping, and banking. When Portugal reoccupied the Dutch-held parts of Brazil in 1654, newly arriving Jews established themselves in sugar production throughout the Islands.

Jews who sailed to the New World were followed by the Church Inquisitors and so remained in peril in the New World as well. Many New World Conversos found creative means of survival, acting as brokers, traders, financiers, pilots, cartographers, and as makers and users of the astronomical tables and nautical instruments used for trade (and often piracy) against Spain.

There are reports of Jews who engaged in piracy to free the American and Island colonies from the Spanish—some acquiring a semblance of renown, as



in the case of Dutch trader Moses Cohen Henriques, for his 1628 capture of the Spanish silver fleet near Havana, or Sinan and his well-known partnership with Barbary Coast raiders, or Samuel Palache for his attacks on Spanish merchant ships. Palache later attended rabbinical school and founded Amsterdam's vibrant Jewish community. Caribbean Jews were determined to free themselves of the antisemitic yoke chained to their arrival in the New World.

### Haiti, Curacao, St. Maarten and Bonaire's Jews

By 1683, France had expelled Haiti's Jewish population, permitting only some high-positioned officials in French trading companies to remain. Haitian Jews—some of whom returned after a while—experienced little peace in Haiti during the 17th and 18th centuries, culminating in the 1804 slave revolt of Toussaint L'Ouverture. During this revolt an untold number of Jews were killed and the survivors again expelled. Nevertheless, Jews continued to settle in Haiti with the goal of escaping from persecution and civil strife in Europe.

Haiti's public schools had traditionally been the reserve of Catholics. This caused Jews to once again hide their religious identities in order to attend schools. Most Jews settled in port cities, making their living as tradesmen. Archaeological evidence supports the existence of Jewish communities in Jeremie, Cap Haitien and Jacmel. The Haitian Jewish community grew slowly and by the end of the 19th century thirty Jewish families had immigrated from Lebanon, Syria, and Egypt.

French citizenship was soon extended to minorities in French-controlled North Africa, and the Middle East allowed many Jews from those regions to move to Haiti. When the United States occupied Haiti between 1915 and 1934, many Jews took the opportunity to immigrate to the United States. Before the start of World War II, the Haitian government issued passports and visas to Eastern European Jews escaping Nazi-occupied Europe. In 1937, approximately 150 Jewish Jews immigrated to Haiti. By the late 1950s most of the Haitian Jews had left for economic opportunities and Jewish marriage partners. Today, only a handful of Jews remain, primarily in Port-au-Prince.

Little is known of Jewish life on Saint Maarten during colonial times. The official 1832 census lists no Jewish names. Yet remnants of an 18th century synagogue and its cemetery remain and a skull has been recently discovered, with Jewish DNA markers anticipated.<sup>3</sup>

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3 "Teeth from Zoutsteeg Africans, 'Jewish' skull sent for DNA tests," *The Daily Herald*, October 30, 2010, [https://thedailyherald.com/index.php?option=com\\_content&view=](https://thedailyherald.com/index.php?option=com_content&view=)

St. Maarten's Jews are recent immigrants from other Dutch Islands, the United States, and Israel, having visited the island on holiday and liked it enough to stay. A new Chabad Center and Synagogue continues to service the small Jewish community and visitors.<sup>4</sup>

During the colonial period, Curaçao was a cultural center for Iberian escapees earning the nick-name the "mother of the Jewish community in the New World." Historians would monitor Jewish immigration over the course of the next two decades. A second group of settlers arrived, Torah in hand, slated for the 1860's construction of Willemstad's Mikvé Israel synagogue, a.k.a. Snoa (Ladino), later superseded by Temple Emanuel (1864).

Though most of Curacao's Jews were of Sephardi descent, the merged congregations comprise Mikvé Israel-Emanuel, home to the Jewish Historical Cultural Museum. The synagogue contains 18 Torah scrolls over 300 years old, dating back to the Spanish Inquisition. The synagogue's remarkable architecture, solid mahogany interior, 18th century copper chandeliers, and sand-covered floor remain a major tourist attraction in Curaçao.

By the end of the 18th century, Jews constituted more than half of the white population in Curaçao. They were involved in international trade, shipping, maritime insurance and transportation. Some left to fight for Simon Bolivar in Venezuela and Spanish independence in Columbia.

Today, fewer than 350 Jews remain on the island. Most have left the island to attend college or to marry within their faith. For the Jews who remained, there are few options for Jewish education or religious practice. Curaçao Community Hebrew School, for ages 5 through 12, is managed by the Congregation Sharei Tsedek. Jewish cemeteries such as Beth Haim may still be visited on the Island, with tombstones dating back to the 1600's.

### Cuba: From Columbus to Castro

Throughout the 16th and 17th centuries, Dutch Jews who had immigrated to Brazil began to populate Cuba. Under Spanish rule, however, they were harassed, and many assimilated into Cuban society. Jewish immigration to Cuba increased after Cuba won independence from Spain in 1898. In 1904, a group of American-Jewish veterans from the Spanish-American War immigrated to Cuba and founded a congregation in Havana. American Ashkenazi

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article&id=9765;teeth-from-zoutsteeg-africans-jewish-skull-sent-for-dna-tests-&catid=24:week-ender&Itemid=37 (accessed 15 June 15 2015).

4 Edward Kritzler, *Jewish Pirates of the Caribbean* (New York: Anchor, 2009).

Jews immigrated to Cuba to work for American-owned plantations and businesses, and in 1906 the United Hebrew Congregation was founded.

From 1910 to 1920 large influxes of Jews from Turkey and Eastern Europe arrived, looking to settle in the United States, but were denied entrance due to the immigration policy. Due to the lack of antisemitism in Cuba, some of the new Jewish immigrants stayed and fared well, mostly in Cuba's growing garment industry. Two synagogues were erected in Camaguey, Shevet Ajim and Tiferet Israel. Santiago's Jewish community was founded in 1924, called the Jewish Society of Eastern Cuba. The society was housed in a rented space until 1939, when it finally moved into a new building which became the Synagogue of Santiago de Cuba. Though they were derisively labeled "Polacos," by 1924 there were 24,000 Jewish Cubans populating the island.

Seventy-five percent of Cuba's Jews reside in Havana. It is comparatively Jewish, sporting five synagogues, a kosher restaurant, a Jewish high school and five Jewish elementary schools. Limited Jewish immigration continued throughout World War II, with the unfortunate *SS St. Louis* being denied access. By 1952, only 12,000 Jews remained in Cuba. After the Revolution, 94 percent of Cuba's Jewish population fled. Those who remained were assimilated into Cuban society.

### Suriname: The New World's Oldest Jewish Community

Located on the northeast coast of the South America and clearly not an island, the former Dutch nation of Suriname is considered to be part of the Caribbean community. Thorarica, Suriname's capital city, Cassipora, and Jodensavanne paralleling the Suriname River provided the basis for a key industry—sugar. Many of Suriname's Jewish immigrants fled from the Iberian Inquisition to the Netherlands or to its safe New World enclaves in Dutch Brazil. With the 1661 Portuguese takeover of Brazil, anticipating the inevitable misery that waited for them under Portuguese Inquisition, the Iberian-based Dutch Jews left Brazil for Suriname and other Caribbean islands.

The Portuguese Jewish Congregation of Suriname (1662) established their first synagogues soon after, viz., Kahal Kadosh (Holy Congregation) and Beracha Ve Salom (Blessing and Peace). There was a working Mahamad or independent Jewish Court of Civil Justice.

Granted full religious and economic freedoms by the Dutch government (1667) and they continued in the sugarcane trade. In 1730 Jewish ownership accounted for 115 of 400 plantations. By 1767 Jewish ownership and business practices had been restricted by local governments (1767), and ownership had

declined to 46 of 600 plantations by 1791. Paramaribo's Neve Shalom synagogue (1719) became the Ashkenazi synagogue in 1735, and the Portuguese Sephardi community built their own synagogue named Sedek Ve Shalom. Marauding pirates, soil depletion, and elevated labor costs due to slave trade cessation all took their economic toll. Coastal plantation life stopped and the Jewish community relocated to Paramaribo. Between 1970 and today, the Jewish population had declined from 500 to an estimated 200.

### **The Last Jews of the Caribbean**

What were once vibrant Jewish communities have disintegrated into a handful of Jews. What happened to these communities? Where have all of these Jews gone? Were antisemitic incidents on the various Caribbean Islands the cause of emigration? This chapter recounts interviews from Caribbean Jews for insight into personal antisemitic experiences. With the exception of two persons, the remaining interviewees report no antisemitic experience. This study implies: 1) the Jewish population is unlikely to experience prejudice and discrimination and future attacks; and 2) antisemitism occurs against the backdrop of nations with a Christian majority.

### **Haiti's Eli Abady, Gilbert Bigio, Bill Mohr**

Although there was no official Jewish sector in Haiti, the Sephardic Jews settled in neighborhoods surrounding Port-au-Prince. Unlike the Jewish communities of Curacao and Suriname the Jews of Haiti had no synagogue, no rabbi, no schools, and no community center of their own. On Jewish holidays, prayer services and meals were celebrated in home gatherings. Since there was no Rabbi or center of Jewish life on the Island even the Jewish ritual of circumcision had to wait until a mohel (a doctor or rabbi who performs a Jewish circumcision) was brought in from the United States. The ritual, traditionally performed on eight-day-old boys, might be delayed for years.

Such was the concern for Elie Abady, who explained that he did not receive a Bris until the age of two "because there was no mohel living on the island." He attended the neighborhood Catholic schools without experiencing any antisemitism. When asked about it, Elie Abady replied, "There was no antisemitism in Haiti. Everyone was always very accepting and kind to us. They never made us feel different." Although the Jewish community was scattered around the Island he always felt a sense of ease and community. When asked how they

were able to get together without living in the same area, the reply was matter-of-fact; “Haiti is very small. It didn’t take long to get to anyone’s home.”

By the 1950s, many Jews had left Haiti for the United States. Eli, like many of the young people of his generation, immigrated to the US in the early 1960’s in pursuit of economic and matrimonial prospects. In the years that followed, Elie arranged for visas for his brother Clement and sisters to come to the United States. Renee was the last to immigrate to the US, fifteen years ago. Elie explains that, of the once prominent Sephardic families residing in Haiti—the Bigios, Chrems, Silveras, Ashkenazies, Danas and Shaloms—only Gilbert Bigio remains.

Gilbert Bigio has been the unofficial leader of the Sephardic community in Haiti and continues to hold yearly Rosh Hashanah and Yom Kippur services in his house. Bigio owns the only Torah in all of Haiti, which is necessary for Sabbath and High Holiday services. He serves as Israel’s Honorary Consul to Haiti and, when later queried by Larry Luxner of the *Miami Herald*, Bigio recalled his family history.<sup>5</sup>

In 1896 my uncle came down from Aleppo but my father did not come for years later, during the World War . . . They were escaping the Ottoman Empire, and at that time, there was a French law created by the Justice Ministry that would give French citizenship to the minorities in this region of the world.

When asked about his past antisemitic experiences, he replied:

On the contrary, my experience is that the Haitians have a lot of respect for the Jews, and admiration for the State of Israel. Remember your history? Haiti was one of the first to vote for the United Nations partition of Palestine in 1947 and we issued passports to those fleeing!

Bill and Harriet Mohr are founders of Haiti Holocaust Survivors and address Haitian rescue. Harriet described Haiti as a “healing place to be,” where they were welcomed and cared for. It was a safe haven for Jews, some of whom stayed through the 1950s and some of whom used it as a transit stop until they could gain entrance into the United States. For those who left and built homes

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5 Larry Luxner, “Haiti’s Few Jews Hold on to History,” *Miami Herald*, March 21, 2004, <http://www2.webster.edu/~corbetre/haiti/miscopic/ethnic/jewshistory2.htm> (accessed 15 March 15, 2015).

in the United States, Haiti saved their lives; their Haiti Jewish Refugee Legacy Project honors those Haitians who saved Jewish lives during the Holocaust.

Florette Cohen-Abady:

I recall visiting Curacao and discovering the Jewish community quite by accident. I was with my husband, browsing the downtown shops, and struck up a conversation with a local shop owner named Mike. We initially introduced ourselves as Glen and Florette but when we told him of Glen's family name, viz., Abady, Mike wanted to know if we were somehow related to a local businessman named Victor. Within minutes, we found ourselves in a nearby café meeting a new relative and listening to family tales similar to those of Gilbert Bigio or Eli Abady. We ended the visit with an invitation to the home of Victor's son.

Curacao's Aaron and Laurie Abady:

The next day's lunch was held at the home of Aaron and Laurie Abady, the young couple's household being familiar to young families everywhere. All meals conformed to Jewish dietary laws and kashrut standards, no mean feat in the Caribbean but made all the more simple by customer request and grocery store Le Grand Marche to carry a full line of imported kosher goods. The family home was physically part of an area containing a Jewish day school, rabbi's office and Mikkev. To the query about Haitian antisemitism, Aaron's response echoed those of other Caribbean interviewees: "What antisemitism?"

Tropical breezes, ocean sunsets, and, for Jews, no antisemitism? Though what sounds like paradise to some, may not be paradise for others. Curacao's Jewish population numbers less than 350 out of a national total population of 125,000. The island's older adults stay, and the younger ones leave. The pretext for leaving is often educational opportunities not available for most residents. They begin to date, marry and start families and, if they return, it is for limited periods of time as was to be the case with Victor's son Aaron.

A few years ago I was visiting family in my hometown of Deal, New Jersey. The Sephardic Center function was well attended and, as I passed several who looked familiar, I soon realized why. Aaron and his family had relocated and were residing in nearby Lakewood, a middle class enclave for many of New Jersey's Orthodox community. He said he had established himself as a restaurateur and food caterer, adding quickly that he was

happier. When I asked why he was happier with the move, he responded “we wanted a more Jewish life for our children without worrying about intermarriage.” Surrounded by like-minded others, held more appeal that an island paradise devoid of antisemitism.

Aaron’s father’s business and his house are still in Curaçao. He remains uncertain if or when he will return permanently.

### **Saint Maarten: The Chabad House**

In 2011, St. Maarten’s opened its first synagogue since the 18th century. Housed on the Island’s Dutch side, the former church is home to a Chabad Center that provides services for the island’s 300-plus residents and thousand annual visitors. Synagogue member Harold Raxlen publishes Jewish St. Martin. In January 2012, I interviewed Rabbi Moshe who, like all the other interviewees, appeared perplexed by my concerns about prejudice and discrimination.

“Antisemitism? . . . What antisemitism?” was the anticipated and commonly received response. I asked him to speculate as to why and he offered the often overlooked explanation of basic respect.

Here, we don’t have to be careful. The locals show us tremendous respect and admiration. We treat them with respect and they respond in kind. Even the Arab community is respectful. There are some Palestinians living here but we all get along and coexist without fear.

### **Cuba: Antisemitism vs Anti-Israelism**

In this small and less than scientific sample of Caribbean Jewry, there were no interviewees who had experienced antisemitism as a social concern. None of the interviewees expressed concerns that Christianity and Islam were inherently antisemitic. None seemed worried that there could be future concerns.

Cuban Jewish responses to the antisemitism query echoed those of other Caribbean Islanders. Antisemitism is not a common experience. New Jersey-born Arline Hanfling’s family relocated to Havana when she was an infant.

There was a wonderful small Jewish community, and I had Cuban friends as well as American friends. There was no problem at all being Jewish and no antisemitism. I belonged to a very Reform temple. I didn’t come from

a very religious family, but we are Jewish and we celebrated the holidays. No one made us feel not wanted.

By contrast, had the Hanfling family stayed in New Jersey, an older Arline may have experienced more social tensions and antisemitic incidents—as documented by the Anti-Defamation League.<sup>6</sup>

Another interviewee, Lithuanian-born, Havana-raised, Carol Siegler is a well-established member of Florida's Longboat Key community. As she reflects on her childhood in Havana, she smiles.

Havana was a wonderful environment for Americans. Over the years we had an American hospital; the Anglo-American Ruston Academy; a Mothers' Club, where we celebrated all the American holidays and Beth Israel Temple. As Jews, we were included in every activity in the Cuban and American communities. It did not seem that religion was a factor. We had exchange visits between our friends in our temple and the churches. That is what I loved most, the inclusiveness.

Siegler's father was one of many Jewish traders pursuing business in the New World. After the Spanish-American War, her father relocated to Havana, working for U.S. based businesses and founding Cuba's first synagogue in 1906 and later Santiago de Cuba synagogue. Turkish-Jewish members of the Jewish Society of Eastern Cuba.

The best parts of Cuban Jewish lifestyle were to change by the 1930's with the Nazi's rise to power. The former safe haven refused entry to refugee Jews on board the *SS St. Louis*, assuring most of the ship's 915 passengers their death. Cuban antisemitic policies were initiated with the rejection of Jewish refugees. In one account, Goebbels was said to have wired Cuban authorities false information, identifying the passengers as criminals and a threat to public safety.

No one is certain as to why Cuba and several larger nations rejected the *SS St. Louis* or, for that matter, precisely why they were set against receiving large numbers of Jewish refugees. With the exception of the Dominican Republic, each nation seems to have had its own unique politics and reasons for rejecting refugee Jews.

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6 "Monthly Blog Archives: May 2015," ADL-New Jersey newsletter, Jan–May 2015, <http://newjersey.adl.org/2015/05/> (accessed 30 May 2015).



According to public opinion polls taken pre- and post-WWII, Jews were ranked third, right after Japan and Germany, as the least likely immigrant group to be admitted. And, in some polls, they were less preferred than Germans.<sup>7</sup>

### Is It or Isn't It?

Jay Levinson of John Jay College of Criminal Justice, and author of *The Jewish Community of Cuba*, insists the Castro government has been Jewish-friendly, reminding us that asserting class, and not religious difference, is the reason for Cuban antisemitism. With only one antisemitic incident on record, occurring back in 1973 (Palestinian stone throwing at a synagogue), they might be correct. By contrast, Rutgers sociologist Irving L. Horowitz strongly disagrees and is quick to point out Castro's legacy of pro-Palestinian support and anti-Israeli rhetoric. He reminds us about the severing of diplomatic Israeli ties (1973), the printing of anti-Israeli, antisemitic propaganda, and allowing Palestinian militants to train on Cuban soil.<sup>8</sup>

### Suriname: A Community's Struggle for Survival

Suriname's Jewish population saw a deep decline with independence from Holland (1975), and another noticeable decline during the 1980's civil war. By the late 1990's, Paramaribo's Sephardic and Ashkenazic Jewish synagogues merged, supported by Chai Membership initiatives that collected donations to preserve Jewish heritage sites, i.e., synagogues, cemeteries, ritual baths, and their surrounding grounds. As with Curacao's synagogue, Neve Shalom floors are made of sand and serve as metaphor for Jewish exodus from Egyptian tyranny.

Israeli journalist Anshel Pfeffer once called the Shi'ite Muslim enclave of Azerbaijan a "Land of No Antisemitism."<sup>9</sup> Such accolades are generally

7 Gordon Thomas and Max Morgan-Witts, *Voyage of the Damned* (New York: Skyhorse, 2010).

8 See Jay Levinson, *The Jewish Community of Cuba: The Golden Years, 1906–1958* (Boulder: Westview Publishing 2006); Irving L. Horowitz, "Cuba Castro and Anti-Semitism," *Current Psychology*, 26, (2007): 183, <http://link.springer.com/article/10.1007%2Fs12144-007-9016-4#page-1> (accessed 15 March 2015); Irving L. Horowitz and Jaime Suchlicki, *Cuban Communism 1959–2003* (Piscataway, NJ: Transaction Publishers, 1998).

9 Anshul Pfeffer, "The land of No anti-Semitism," *Haaretz*, March 2, 2013, <http://www.haaretz.com/blogs/jerusalem-babylon/the-land-of-no-anti-semitism.premium-1.506546> (accessed 30 May 2015).

reserved for unique regions and even then are limited in time and by regime. Yet one wonders. How is it possible that North America has a similar realm of peace? As a researcher in antisemitism, I had trained to be skeptical of a subject's answer. Sometimes they were prompted by local politics, and sometimes they said what the researcher wanted them to say. So I did one more reality check and asked Jacob Steinberg, director of Chai Membership initiative what he thought of Suriname's antisemitic past for which I was beginning to find growing acceptance. "There is no antisemitism to speak of in Suriname."

### Some Tentative Conclusions

"It has all but disappeared in the Caribbean," says Toronto *National Post* columnist Robert Fulford. Some believe that the Caribbean's markedly pluralistic culture creates more tolerant behavior. Multiculturalism posits that support of cultural diversity leads to increased tolerance of outgroups, with more positive evaluations and less perceived threat. According to the University of the Caribbean's Rex Nettleford:

The Europeans have come around to what the Caribbean has long understood to be a *sine qua non* of civil society. 'The world is our village,' says Jacques DeLors the French intellectual. If one house catches fire, the roofs over all heads are immediately at risk. If anyone of us tries to start rebuilding, his efforts will be purely symbolic. Solidarity has to be the order of the day: each of us must bear his own share of the general responsibility'. We are our brothers' keepers, and our sisters' too.<sup>10</sup>

Haitian anthropologist Michel-Rolph Trouillot routinely reminds audiences and his readers:

The Caribbean may be viewed, as an area populated by a diverse polyglot of peoples. There are whites, blacks, browns, yellows, reds, and an assortment of shades in between. There are Europeans, Africans, Asian Indians,

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10 Rex Nettleford "The Caribbean's creative diversity: The defining point of the region's history." March 21, 2003. [http://www.caricom.org/jsp/community/regional\\_issues/creative\\_diversity.jsp?menu=community](http://www.caricom.org/jsp/community/regional_issues/creative_diversity.jsp?menu=community) (accessed June 12, 2015). See, also, for example, Robert Fulford, "Antisemitism without Jews in Malaysia," *National Post*, Oct. 6, 2012, <http://news.nationalpost.com/full-comment/robert-fulford-antisemitism-without-jews-in-malaysia> (accessed 15 March 2015).

Indonesian Javanese, Chinese, Aboriginal Indians, and many mixes. There are Christians, Hindus, Muslims, Jews, Rastafarians, Santería, Winti, Vudun, etc. They speak in a multitude of tongues—Spanish, English, Dutch, French, English, and a diverse number of Creoles such as papiamentu, sranan tongo, djuka, saramaccan, kromanti, kreyol, as well as Hindustani, Bhojpuri, Urdu, etc. In whatever combinations of race, religion, language, and culture they cohere and coexist.<sup>11</sup>

Hawaiian Islanders seem to experience less prejudice as a function of their worldview, known as “Aloha Spirit.” Esteemed are the following traits: friendliness, acceptance, and tolerance, as well as a high rate of intermarriage thought to have positively impact cultural tolerance. Much can be inferred from the Hawaiian Islands and the Caribbean Islands, whose inhabitants share a similar “sunny” disposition, and where there is an increasingly large rate of intermarriage between Jews and local non-Jewish Islanders.<sup>12</sup>

Could the same combination of Aloha spirit, Caribbean multiculturalism, and intermarriage make Judaism one day disappear? Did the desire for education and social economic status play a role? Given the freedom to practice their religious faith, why did so many choose to convert to Christianity or just leave?

To begin to scratch the surface of these questions, researchers could look closer into assimilation and its discontents. Elsewhere I have addressed how personal or cultural threat, anxiety about death, or what social psychologists term terror management are conditions that can exacerbate any of the following.<sup>13</sup>

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- 11 Michel-Rolphe Trouillot, “The Caribbean Region: An Open Frontier in Anthropological Theory,” *Annual Review of Anthropology*, 21, (1992): 19.
  - 12 Michael Salzman, “Ethnocultural Conflict and Cooperation in Hawaii” in *Handbook of Ethnic Conflict: International Perspectives*, eds. Dan Landis and Rosita D. Albert (New York: Springer, 2012), 21.
  - 13 The most applicable theories here are: integrated threat, contact hypothesis, multiculturalism and terror management (TMT). Researchers generally report negative associations between tolerance and perceived threat e.g. less tolerance occurs if stressed or threatened. Integrated Threat Theory posits that both realistic threats and symbolic threats to one's social group dissuade tolerance. Realistic threats are both economic and physical safety concerns. Symbolic threats are often cultural and focus on group differences in values, norms, and beliefs. Out-groups with their different worldview threaten the cultural identity of the in-group and their way of life thus leading to more negative attitudes and less tolerance toward these groups. Since the 1950s, prejudice researchers have demonstrated that racism declines if direct physical contact with the hated person occurs. Opportunity

Assimilation in and of itself may not be good, but it is rarely without in group politics, e.g., where those in control accept some members but not others. A double-edged sword, assimilation offers a second group a sense of identity, but it may also maintain prejudice by reinforcing the norms of the prevailing in-group. Those who fail to accept group norms maintain their social outsider status. Recall the success of mandated English language laws for all immigrants? The mandate did not work and was possibly supremacist in that only immigrants were obliged to learn English. By the Sixties, the Bilingual Education Act replaced the initial 1906 mandate. Political scientist Sam Huntington concluded the following:

When I began to investigate this, my first thought was that we probably have a real problem with immigration. But then I came to the conclusion that no, while there may be an immigration problem, it isn't really a serious problem. The really serious problem is assimilation.<sup>14</sup>

Small and active Jewish communities still exist in St. Thomas, Jamaica, Suriname and Panama. Religiosity does not seem to be a factor, as Reform Judaism was welcomed in St. Thomas, Curaçao, Jamaica, and Panama, while Suriname preferred its stricter Orthodox version. Historian Mitchell Bard believes that those who belonged to the Caribbean Jewish Nation will miss the sand floor synagogues of Surinam, Curaçao, St. Thomas and Jamaica and the experiences that marked the mix of Island and Jewish life. For myself, it is one less place in the world where those so inclined can find a Jewish community.

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for empathic understanding occurs, more so with democratic values, cultures and governments. Terror Management Theory suggests that thoughts of cultural assimilation serve to reduce cultural threat. According to Terror Management Theory, death's inevitability is to some extent offset by shared values, group protection and social group world-views. See Florette Cohen and Sheldon Solomon, "The Politics of Mortal Terror." *Current Directions in Psychological Science*, 20, (2011): 316.

14 Samuel P. Huntington, *Reconsidering Immigration: Is Mexico a Special Case?* Center for Immigration Studies. 2000, <http://cis.org/articles/2000/back100.html> (accessed 15 March 2015).

## Reflections on Crypto-Jews in North America

*Steven K. Baum*

*Here's some lyrics that will hit you with a thud,  
millions of Latinos got Jewish blood!*

HIP HOP HOODIOS from 1492

The exact date when European Jews first arrived in North America has not been conclusively established. When Sir Walter Raleigh recruited metallurgist Joachim Gans for a 1584 expedition to Virginia, Gans—according to some historians—became the first person of Jewish descent to step on American soil. Another candidate for that distinction was French vineyard expert Elias Legarde (nee Lagardo), a Jew of Sephardic origins, whose 1621 indentured arrival under Anthonie Bonall would help bring winemaking to America. “Catholic only” Canada would not present itself as an immigration option until 1760. By contrast, Crypto-Jews had by then been quietly residing in the Caribbean, Mexico and Dutch Brazil for generations. Whatever the truth about the first Jews in the Americas, there is little controversy regarding the unsatisfactory conditions for Jewish life in the Old World and the desire among many for new opportunities in the New World. There were those in Europe who envisioned America as the New Jerusalem, as the City upon a Hill.<sup>1</sup>

This chapter will review some aspects of the history of Jews in the Iberian Peninsula, focusing on how this history has shaped the arrival and experiences of Sephardim in the New World. More specifically, we will show how antisemitism has had, and continues to have, important implications. Finally, we pay particular attention to how these issues played out for one group of Crypto-Jews from New Mexico. Crypto-Jews are Jews who secretly adhere to some aspects or remnants of Judaism while publicly professing to another faith.

The descendants of expelled Spanish and Portuguese Jews are known as Sephardim. Most migrated to the Netherlands, its colonies, North Africa and the Ottoman Empire. The designation Sephardim includes those forced to migrate throughout the Mediterranean, North Africa, the Balkans, Italy, Syria and Israel; the term also has been generalized to include Jews indigenous to those regions.<sup>1</sup> Some Sephardim are *Bnei Anusim* (children of forced converts),

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<sup>1</sup> Ines Nogueiro, João C. Teixeira, Antonio Amorim, Leonor Gusmão and Luis Alvarez, “Portuguese Crypto-Jews: The genetic heritage of a complex history.” *Frontiers in Genetics* 6,

or Crypto-Jews who chose to remain on the Iberian Peninsula and to practice Catholicism. While acknowledging Jewish roots, these *Bnei Anusim* never wavered from the 1492 family decision of Catholic conversion. There are also those descendants of the originally expelled who initially remained on the Peninsula and converted to Catholicism. Once they left, they reverted back to Jewish customs and practice. Descendants of the originally expelled who resettled throughout the Ottoman Empire, Balkans, Egypt, Salonika, Turkey and Bosnia Herzegovina are labeled eastern Sephardim. They have developed identifiable cultural components involving the arts, literature, music and language (Spanish-Jewish based Ladino). The North African Sephardim are descendants of the expelled who resettled in the Maghreb areas of Morocco, Algeria, Tunisia and Libya and in many cases continue many Arabic cultural practices.

In the middle of the 17th century, those of Sephardic background outnumbered those of Ashkenazi background by a ratio of three to two. As a function of industrialization, a reversal was to take place. Modernized Europe made for both economic and population growth and it was not long before the Ashkenazim outpaced the less technically advanced Sephardim. As a direct result, the proportion of Sephardim declined to between one third and one quarter of global Jewry.

The migration patterns of Sephardic Jews are not well-known or understood. For the expelled who migrated to nearby Holland, England, Germany, Italy, France, Malta and Majorca, Judaism was sometimes practiced side by side with Catholicism. For those who fled to Turkey and became devotees of the self-proclaimed messiah Sabbati Tsevi, they never outlived their Donmes (apostate) reputation even after converting to Islam.

Whether apostate or crypto-Jewish, the social stigma and labels that accompanied Sephardic ancestry were less than respectful. Majorcans would refer to Catholic converts as *chuetas* (pork), a term somewhat less hostile than Marranos (pig, dirty), but both mocked dietary law that avoided eating hoofed animals. Labels such as New Christian and Crypto-Jews while less demeaning, were softer reminders of all that Jews were not. As violators of cultural and religious norms, Jews were not to be accepted. They were not to be treated as equals.

Small wonder that those who identify themselves as Spanish Catholics do not all thrill at the findings of the following. According to a December 2008 study published in the *American Journal of Human Genetics*, 19.8 percent of

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(2015) 12 <http://www.nature.com/ncomms/2013/131008/ncomms3543/full/ncomms3543.html> (accessed 5 June 2015).

modern Spaniards (and Portuguese) have DNA reflecting Sephardic Jewish ancestry, compared to 10.6 percent having DNA reflecting Moorish ancestors.<sup>2</sup>

Another area of interest investigated differences between fair haired, blue-eyed, lighter-skinned Ashkenazim and their swarthy Sephardic cousins. Initially, the word on genetic street was that that each group was quite separate. With explanations of shared geography (Northern Italy) and high intermarriage rates, scientists can now explain how Ashkenazim and Sephardim might carry the same ancestry (European and Middle Eastern) in the same ratios (thirty and seventy percent).<sup>3</sup>

### Why the Jews Left

Most readers know of Spain's 1492 Edict of Expulsion. Fewer perhaps are familiar with the antisemitic context of the events that led up to the Iberian Peninsula's quarter million Jews being expelled. The story requires us to go back many centuries before the expulsion. Noting King Recaredo's conversion to Christianity and the Third Council of Toledo 589, historian Gustavo Perednik

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- 2 Susan M. Adams, et al. "The genetic legacy of religious diversity and intolerance: Paternal lineages of Christians, Jews and Muslims in the Iberian Peninsula." *American Journal of Human Genetics* 83, (2008): 725.
  - 3 Harry Ostrer, *Legacy: A Genetic History of the Jewish People* (New York: Oxford University Press, 2012). Genetic scientists have traditionally examined male lineage and when they do, the Jewish European chromosome Ashkenazi Y reveals North African and Middle East origins more than half of the time. Matrilineal (mtDNA) tracings offer alternative research findings extending Ashkenazi origins from the Middle East to Africa's Levant (Cyprus, Lebanon, Syria, Palestinian Territories, Israel, Jordan) up to and including the North Caucasus region. Forty percent of Ashkenazi Y is now explained by European ancestry and the Ashkenazi Y chromosome is no longer particular to Jews. European based assimilated mtDNA is explained via conversion, as is intermarriage offering practical answers to questions of how Ashkenazi DNA was found along Asian trade routes. Costa et al. concludes that more than 80% of Ashkenazi maternal ancestry is due to the assimilation of mtDNAs indigenous to Europe, most likely through conversion. Marta D. Costa et al., "A substantial prehistoric European ancestry amongst Ashkenazi maternal lineages." *Nature Communications* 4, (2013): 2543, <http://www.nature.com/ncomms/2013/131008/ncomms3543/full/ncomms3543.html> (accessed June 15, 2015). Jiao-Yang Tian et al. "A genetic contribution from the Far East into Ashkenazi Jews via the ancient Silk Road," *Scientific Reports* 5, (2015): 8377, [http://www.mitotool.org/lab/pdf/kong-qingpeng\\_2015.pdf](http://www.mitotool.org/lab/pdf/kong-qingpeng_2015.pdf) (accessed 15 June 2015); Doron Behar et al., "The genome-wide structure of the Jewish people," *Nature* 466, (2010): 238, <http://www.nature.com/nature/journal/v466/n7303/full/nature09103.html> (accessed 15 June 2015); Michael F. Hammer et al., "Extended Y chromosome haplotypes resolve multiple and unique lineages of the Jewish priesthood," *Human Genetics* 126, (2009): 707, <http://www.ncbi.nlm.nih.gov/pubmed/19669163> (accessed 15 June 2015).

cites certain events and influences that make Spain and Spanish antisemitism unique.<sup>4</sup> Prior to the Third Council of Toledo, a call for compulsory baptism of Jews had occurred in 418 for the Minorca region. There had been early prohibitions against Jews adopting Christian names, or attending public events.

With the Bubonic Plague's unexplained fast moving doom came an equally fast moving hysteria. Such hysteria provided easy answers. Jews dying in the same percentages as Christians was no match for the prejudices of fourteenth century Europe.

*Timeline of Spanish antisemitism prelude to expulsion*

Year	Event	Deaths
310–1380	Zamora Council Restrictions	
589	Third Council of Toledo	
1321	Henry II enforces restrictions	
1336	Alfonso X bans Jewish prayer	
1348	Massacres Black Plague accusation	Not Known
1355	Massacre Henry II Toledo	1,200
1366	Massacre Kings Pedro vs Henrique	8,000
1370	Massacre Majorca, Barcelona	Not Known
1377	Massacre Huesca	Not Known
1391	Massacres Ferrand Martinez	100,000*
—	— <i>Barcelona</i> (June 06, Aug 05–08)	10,000+100+300
—	— <i>Seville-Cordova</i> (June 06)	4,000+2,000
—	— <i>Toledo</i> (June 20)	Not Known
—	— <i>Valencia</i> (July 9)	200
—	— <i>Majorca + Lerida</i> (Aug 2, 9)	300+75
1393	King Joao Marrano Restrictions	
1399	Kings Alfonso—Juan Restrictions	
1406	Massacre Cordoba Marranos	Not Known
1413	Tortosa Disputation Vincent Ferrer	
1415	Edict of Benedict XIII bans Talmud	
1432	Sumptuary Laws Restrictions	
1435	Conversion or Die (Majorca)	200
1449	Statute of Toledo (Blood Purity)	22
1463	Pope Nicholas Marrano Inquiry	
1473	Massacre Segovia Valladolid Cordova	Not Known
1479	Ferdinand and Isabel Inauguration	
1481	Spanish Inquisition Begins	700
1483	Tomas de Torquemada Appointment	
1484	Burnings Guadalupe, Saragossa, Teru	Not Known
1486	Burnings Toledo 1488, 1490	Not Known
1490	Salamanca books burned (6,000)	
1491	Little Niño Blood Libel trial.	8
1492/1496	Alhambra Decree Edict of Expulsion Spain 1492; Portugal 1496	

4 Gustavo D. Perednik "Naive Spanish Judeophobia," *Jewish Political Studies Review* 15, (2003), <http://www.jcpa.org/phas/phas-perednik-f03.htm> (accessed 15 March 2015).



When misery was blamed on Jewish malfeasance, it wasn't even questioned. Given the Church's long held contempt for Jews as enemies of Christ, Jews were the usual suspects to be rounded up as social tensions flared up.

One rumor explained that under secret rabbi orders, a Jew from Savoy was to introduce poison into Venetian wells, cisterns and springs. In September of 1348 several Jews under torture were said to have confessed to the crime. On October 3, 1348, a trial concluded that:

Before their end they said on their Law that it is true that all Jews, from the age of seven, cannot excuse themselves of this (crime), since all of them in their totality were cognizant and are guilty of the above actions.<sup>5</sup>

The confessions lent credibility to the poisoning rumors which spread quickly throughout France, Italy, Spain and Poland. In Strasbourg, France 2,000 Jews were burned at the city cemetery. In Mainz Germany, 6,000 Jews were killed as a consequence of the rumors and the resulting antisemitic hostility.

Armed with antisemitic fantasy and the blessing of the Church, Ferrand Martinez, Spain's Archbishop of Ecija, came close to eradicating Spanish Jewry in 1391 via conversion and massacres. Those who survived marked the beginning of the crypto-Jewish movement.<sup>6</sup> Father Vincent Ferrer seems to have followed Ferrand Martinez lead, albeit in much gentler form. His efforts at mass conversions were responsible for further preparing the scene for expulsion, discrimination and death.

With new anti-Jewish laws beginning to be enacted, Jews started to emigrate to other nations by 1411. Centuries before the Nazis, Spain established *limpieza de sangre* (blood purity) laws, identifying and separating abnormal and unacceptable "perverts by blood." According to the 1449 Toledo statute:

We declare the so called conversos offspring of perverse Jewish ancestors must be held by law to be infamous and ignominious, unfit and unworthy

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5 "Black Death Massacres" *Zionism and Israel—Encyclopedic Dictionary*, [http://www.zionism-israel.com/dic/Black\\_Death\\_Jews.htm](http://www.zionism-israel.com/dic/Black_Death_Jews.htm) (accessed 5 June 2015). Jewish born convert turned antisemitic scholar and Inquisitor Sixtus of Siena later continued his work by creating antisemitic text so effective that it was used centuries later by Nazi propagandists. Fernando López "Continuity and change in anti-Jewish prejudice: The transmission of the anti-Talmudic texts of Sixtus of Siena," *Patterns of Prejudice* 45 (2011): 225; Seymour B. Liebman, *The Inquisitors and the Jews in the New World* (Coral Gables Univ. of Miami Press, 1975).

6 Jane S. Gerber, *The Jews of Spain* (New York: Free Press 1992), 127, <http://kehillatisrael.net/docs/learning/sephardim.htm> (accessed 5 June 2015).

to hold public office or any benefice with the city of Toledo or land within its jurisdictions or to be commissioners for oaths or notaries or to have authority over the true Christians of the Holy Catholic Church.<sup>7</sup>

With the Statute of Toledo (1449) legally establishing Jewishness to be “in the blood,” all fantasies served as a pretext for criminalizing Jews.

Undeterred by space and time, it would take yet another generation or two before the Inquisition’s traveling horror show arrived at a venues where Jews took shelter—the day long nightmares only to start again. By the time of the expulsion, the need for a new home was painfully obvious. The suffering of Iberian Jews had been immense, and problems were present in much of Europe.<sup>8</sup>

The Jews fled for various parts of the Old World which would have them, and only a relative few left for the New World—probably between 2,000 and 5,000. Those who remained were deemed heretics, subjected to arrest and show trials, i.e. auto-da-fés. They had to wear embarrassing attire, including dunce caps and sackcloth. Everything was designed to harm and humiliate them. State and Church sanctioned retribution for heretic defiance and more often than not, finding the accused guilty and sentencing them to burning at the stake. Legal persecution did not stop with expulsion. Though technically free of Jews, new antisemitic legislation prevented those with Jewish blood and ancestry from leaving the Peninsula. But for the small number of Jews who left the Iberian Peninsula for the New World, things would change radically. In some cases, the secret lives of Crypto-Jews would continue.

### Crypto-Jewish Arrival in the New World

Eight miles off the Cancun coastline is the small resort island known as Isla Mujeres. It was named Island of Women when Spanish explorers found female statues and shrines to Ix Chel, the Mayan goddess of fertility and medicine. It is a paradise for today’s 12,000 residents. For its 20–30 Jewish residents, it is

7 “Limpieza de sangre—Spain’s Blood Purity Laws,” <http://www.britannica.com/EBchecked/topic/341568/limpieza-de-sangre> (accessed 5 June 2015).

8 See, for example, Gustavo D. Perednik “Naive Spanish Judeophobia” *Jewish Political Studies Review* 15, (2003), <http://www.jcpa.org/phas/phas-perednik-f03.htm> (accessed 15 March 2015); Steven K. Baum *When Fairy Tales Kill* (Bloomington IN: iUniverse, 2008); Cecil Roth, *A History of the Marranos* (New York: Sepher-Hermon Press, 1992); Cecil Roth *The Spanish Inquisition* (New York: Norton, 1996).

generally paradise as well, in part because there is—as one might expect in paradise—relatively little antisemitism.

Lior Ben-Shafrut and her husband Yaron are attractive, energetic Israelis in their mid-thirties who traded their cosmopolitan Tel Aviv lifestyles for Mexican simplicity. Both Lior her husband manage *Olivias*, one of the island's more popular restaurants. Lior is keenly aware of mixed feelings towards Jews; there is reverence based on Old Testament notions of “people of the book,” offset by a swastika that was painted on the restaurant's front door, when they first opened. Lior's youthful exuberance plays off Miriam Greenstein's 90-years of age and experience. A child of the Sixties from Upstate New York, Greenstein came at the time in search of utopia and tranquility. She believes the locals see her and Jews in general as “peculiar,” somewhat perturbed by the notion of a messiah still on the way and the rejection of messianic Jesus. Miriam has a pragmatic approach to antisemitism and understands it as the price paid for living in a non-Jewish culture. Though she believes it “exists everywhere in the world,” for Mujeres Islanders it is in the background and more or less benign. Her piece of paradise well outweighs the occasional ugly comment.<sup>9</sup>

For the Crypto-Jews arriving in the New World, it was not always this way. Antisemitism was, as Miriam might say, inevitable for the many Iberian Peninsula emigres. Yet, depending on when and where one landed, it could range from merely irritating to quite lethal.

For those expelled by Isabela and Ferdinand, there were few North American options. Canada was closed, with residency limited to Catholics. By 1832, Jews in Canada had received equal status with immigrating Christians, and, by 1871, the Jewish population number had risen to approximately a thousand, hardly inviting compared to immigration to the rapidly forming communities in New York and Philadelphia. For those who arrived in the American Colonies or Dutch-based Caribbean islands, antisemitism never reached the levels experienced by those who immigrated to Spanish or Portuguese speaking regions dominated by the Catholic Church. In such regions, Many Jews kept their true beliefs to themselves and stayed outwardly Catholic.

Crypto-Jewish life in the Spanish New World had been fundamentally safer than in the Old, but only for a short period of time. Within three generations of Spain's Edict of Expulsion, Tribunals would be established at Lima (1570), Mexico City (1571), Cartagena (1610) and Cuba and Puerto Rico determining life or death for the crime of practicing Judaism. Lima (1639) hosted an auto-da-fé for 60 Jewish and crypto-Jewish residents, as did Mexico City three years

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9 Louis Nayman “We Are the Jews of Isla Mujeres,” *Tablet*, April 27, 2015, <http://tabletmag.com/jewish-news-and-politics/190499/yucatan-diaspora> (accessed 1 June 2015).

later. Rounding up that city's 150 Jewish merchants foreshadowed the 1931 *La Lagunilla Mercado* expelling of its 250 Jewish merchants.

The combination of Church and State power made for politically tenuous tightrope walks which few could avoid. Historical documentation varies slightly, but a precedent was set early on with the appointment of governor Carvajal—a Jewish convert to Christianity. According to one version of the story, the family legacy unfolded along the following lines: under torture, daughter Isabel confessed that the entire Carvajal family had “relapsed in Judaism.” Charged with judaizing, all family members were tried and sentenced. On December 8, 1596, the governor's sister Miriana, her husband and children were burned at the stake. Sentenced to six years in exile, deposed governor Carvajal died while waiting trial; another family member committed suicide while imprisoned, and some left New Spain. Some others changed their surnames to Lumbruso and Lumbroso and went into hiding. In other versions, the governor's plight was retaliation for sending an “unauthorized” colonizing expedition into the Northern Territory. Sending a message to other New Spain appointees as to the price of treason, the Inquisition summoned Governor Carvajal, imprisoned his family and burned nine members at the stake.<sup>10</sup>

Though the Inquisition closed the doors of its Mexico City Tribunal in the 1820s, it would take another century of major reforms to give Jews equal rights. Today's 45,000 Mexican Jews in tandem with other minorities have the same protected freedoms afforded to the Mexican Catholic faithful.

### Crypto-Jews in New Mexico

As the power of the Holy Office of the Inquisition grew, Spanish Jews again fled, this time carving out portions of El Paso, Albuquerque, Santa Fe, Las Vegas, Colorado, Arizona and California. Until its demise in 1820, the Holy Office of the Inquisition in the Kingdom of New Mexico expanded north into the New Mexican Territory, holding satellite office tribunals like the ones held in courtyard of Las Salinas Mission (Mountainair, New Mexico). Newly arriving settlers would be summoned and their “criminal behavior” investigated, this being defined as their blasphemous beliefs in superstitions, love potions, witchcraft or Judaism.

As in Mexico, even state governors could not escape the long arm of the Church. In what amounted to political retaliation by the competing Franciscan hierarchy, then New Mexico governor Don Bernarndo Lopez de Mendizaval

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10 See Samuel Temkin, *Luis de Carvajal* (Santa Fe: Sunstone Press, 2011).

and his wife Dona Teresa were accused of practicing Judaism, tried and sentenced to death. One of four soldiers assigned to Governor Lopez was Francisco Gómez Robledo, known to be of first rank. He was court-ordered to be examined by a physician for alleged Jewishness in part suggested by a tail reported to authorities by onlookers observing him swimming.<sup>11</sup>

Today, an estimated 10,000–15,000 Catholic New Mexicans are thought to have crypto-Jewish ancestry with some performing Jewish rituals, reciting Sabbath prayers or passing down of Jewish keepsakes as part of their legacy.<sup>12</sup> Crypto-Jewish life is documented via genealogy records, the use of Old Testament first names e.g. Israel, Hyman, Isaac and Sephardic practices (naming children via living ancestor) surnames viz., Calle, Coca, Fonseca, Gomez, Gonzales(z), Guzman, Leyba, Medina, Mendes(z), Mizrahi, Pizarro, Rael, Rodríguez(z), Salas, Silva, Vargas. Identifiable Jewish surnames were transformed into synonyms e.g. Ruah=Santo; Shalom=de Paz, de la Cruz, Espirito; Hayyim=Vidal; Vixil=Vigil; Zev=Lobos. Too Jewish sounding surnames were replaced with common experiences found in nature: mountain=Montano; rock=Pena; river=Rio; flowers=Flores; pine=Pino.

The maintenance of Jewish rituals also identifies crypto-Jewishness, for example, lighting Sabbath candles, baking unleavened bread and sweeping and cleaning inward toward the center of the room. Other reminders of Jewish roots include: bathing on Fridays and afterward donning clean clothes; ritually disposing of the blood drained from slaughtered fowl; fasting on Yom Kippur; eating tortillas (which are unleavened) during Passover; burning hair and nail clippings; and circumcising sons (or merely nicking the penile shaft). There is also some evidence of secret prayer groups and makeshift Jewish houses of worship. Some avoid churches or attend churches without icons. Some are married under a canopy. There are tombstones bearing Hebrew names, and designations, such as: “daughter of Israel.” Some in this group avoid non-kosher

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11 Perry Pena “Las Salinas Missions: A Walk through the Historic Crypto-Jewish Path,” *Offbeat Travel*, 2011, <http://www.offbeattravel.com/Crypto-Jews-salinas-new-mexico.html> (accessed 15 March 2015). In the late 1600s, the governor of New Mexico Bernardo Lopez de Mendizabal and his wife were accused of practicing Judaism; soldier and bureaucrat named Francisco Gómez Robledo, who was also said to have a tail—the marking of the Jew. “La Cañada—Francisco Gómez Robledo,” *Rocks and Roads*, <http://rockstoroads.blogspot.com/2012/03/la-canada-francisco-gomez-robledo.html> (accessed 1 June 2015).

12 An estimated 10,000–40,000 Crypto-Jews are thought to reside in New Mexico. For more information, see: Society for Crypto Judaic Studies, Association of Crypto Jews, New Mexico Jewish Historical Society and the academic journals *Halapid* and *Journal of Spanish, Portuguese, and Italian Crypto Jews*.

foods (squirrel, rabbit shellfish, pork, eggs with bloodspots) and use separate dishes for milk and meat.<sup>13</sup>

Not all are convinced of New Mexican crypto-Jewish authenticity. As part of her doctoral research, folklore historian Judith Neulander uncovered the fin de siècle influence of Evangelical Christians. Upon closer examination of several New Mexican crypto-Jewish rituals, she concluded that they had later eastern European roots rather than Sephardic origins. She questions several rituals that have been uncritically accepted by historian activists, including Stanley M. Hordes, Janet Liebman Jacobs, Schulamith Halevy and Seth D. Kunin.

Neulander questions “the evidence” or reverence accorded to a centuries-old folk saint St Esther. She also questions the significance of the practice of burning hair and nails, given its widespread occurrence in multiple cultures. She questions the inclusion of the children’s spinning top, viz., dreidel, since it was also an Eastern European toy. Troubling Neulander as well, qua evidence, is the Loggie Carrasco rosary approved by the Church (1911) and pemphigus vulgaris, a skin disorder cited as further evidence of Sephardic ancestry, though mistakenly, the disorder occurring in those with Ashkenazi genes.<sup>14</sup>

Anthropologist Raphael Patai similarly believes missionary work involving Church of God accounts for the synagogue, Hebrew prayers and rituals, e.g. Passover including the meal (seder) recipe of unleavened/flattened bread of Hildago’s Venta Prieta. (With an estimated population of three thousand, the Venta Prieta are the largest indigenous group known to practice Judaism—less is known of the Kahal Kadosh, Bnei Elohim or the partial practices among the indigenous tribes of Tijuana, Toluca, Vallejo, Cocula, Veracruz, and Puebla.)<sup>15</sup>

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13 “Signs of crypto-Jewish Heritage,” [http://dnaconsultants.com/\\_blog/DNA\\_Consultants\\_Blog/post/Signs\\_of\\_crypto-Jewish\\_Heritage/](http://dnaconsultants.com/_blog/DNA_Consultants_Blog/post/Signs_of_crypto-Jewish_Heritage/) (accessed 15 March 2015).

14 Their expressions of loss highlight the effects of cultural destruction and forced assimilation on ethnic and racial communities that although learning to adapt, nonetheless bear the consequences of cultural genocide that leaves its own deep and lasting impression of the cultural psyche of the once colonized group. For Judith Neulander’s arguments, see: Barbara Ferry and Debbie Nathan, “Mistaken Identity? The case of New Mexico’s Hidden Jews,” *Atlantic*, December 1, 2000, <http://www.theatlantic.com/past/docs/issues/2000/12/ferry.htm> (accessed 15 March 2015).

15 Ibid. See, also, Stanley Hordes, *To the End of the Earth*. (New York: Columbia University, 2005); Janet Liebman Jacobs, *Hidden Heritage* (Berkeley: University of California, 2002); Seth D. Kunin, *Juggling Identities* (New York: Columbia University Press, 2009); Martin A. Cohen, *The Martyr* (Albuquerque: University of New Mexico Press, 2001); Schulamith Chava Halevy, *Descendants of the Anusim in Contemporary Mexico* (PhD dissertation, Hebrew University 2009), <http://www.cs.tau.ac.il/%7EEnachum/sch/AnusimMexico.pdf> (accessed 15 March 2015).

Conversely, migratory patterns, culture and genetics rarely proceed in a linear fashion. Lending support to that notion are ongoing discoveries marking Jewish presence. For example, windows at Aqualaguas Mexico church contain Stars of David as do several homes throughout Puerto Vallarta, Guadalajara and Guzman. San Antonio, Texas, is home to Mission Concepción and the foyer hangs a painting of the Virgin Mary. Not an unlikely sight in a Spanish Catholic mission except if you look a bit closer. Above the holy mother, the painted stars are the Stars of David, double check the background and letters appear spelling out yahuda in Hebrew or in English, “God.”<sup>16</sup>

Albuquerque’s San Felipe de Neri Catholic Church (1793) contains a Star of David on the left and right sides of the altar and Santa Fe’s Cathedral Basilica of Saint Francis of Assisi, is adorned with Hebrew letters on the front. Northern New Mexico cemetery areas have both Stars of David alongside Catholic crosses. Ninety miles to the north is State capitol Santa Fe; one block east of the city square is St Francis of Assisi cathedral bearing Hebrew letters. The former state capitol of Las Vegas, New Mexico, is an hour north of Santa Fe and holds the state’s first synagogue and cemetery though Jewish tombstones are periodically discovered throughout northern New Mexico, southern Colorado and Texas.<sup>17</sup>

Five and a half centuries later, the new Spain says it wants to make amends. If one can prove their family was sent away, they will offer citizenship. Come back Jews; all is forgiven.<sup>18</sup> The new Spain wants everyone to know of its commitment to political correctness and after, well a thousand years of not even thinking about it, Castrillo is changing its name, so as not to offend—unless, the hardened antisemites start pitching a fit. The mayor of Castrillo Matajudios explains to the local newspaper *Diario de Burgos*.

16 Amanda Lipsitt and Virginia Burnett, “The Secret Society: Descendants of Crypto-Jews in the San Antonio Area,” unpublished paper presentation, <http://texasurj.com/archives/2007.pdf> (accessed 1 June 2015).

17 David M Gitlitz, *Secrecy and Deceit* (Philadelphia: Jewish Publication Society, 1996); Carey Herz, *New Mexico’s Crypto-Jews* (Albuquerque: University of New Mexico Press, 2007).

18 Ilan Stavans, “Repatriating Spain’s Jews,” *New York Times*, Op-Ed, April 1, 2014, [http://www.nytimes.com/2014/04/02/opinion/repatriating-spains-jews.html?\\_r=1](http://www.nytimes.com/2014/04/02/opinion/repatriating-spains-jews.html?_r=1) (accessed 15 June 2015); “Portugal to Grant Citizenship to Descendants of Persecuted Jews,” *The Guardian*, January 29, 2015, <http://www.theguardian.com/world/2015/jan/29/portugal-citizenship-descendants-persecuted-sephardic-jews> (accessed 15 March 2015); National Public Radio, “After 522 Years, Spain Seeks To Make Amends For Expulsion Of Jews,” NPR, December 25, 2014, <http://www.npr.org/blogs/parallels/2014/12/25/371866778/after-522-years-spain-seeks-to-make-amends-for-expulsion-of-jews> (accessed 15 March 2015).

The people of [nearby] Castrojeriz took up arms against the king's emissaries, killed five of them and 66 Jews, while the rest were banished to Castrillo, which became known as the Mota de los Judios.<sup>19</sup>

Imagine the fun the Burgos reporter could have had.

- Reporter: Please, Mr. Mayor, a couple questions. Let me get this right. As Jews in a nearby village went fleeing for their lives, the good people of Castrillo offered survivors safe haven. And how many survivors were taken in?
- Mayor: No one knows for certain, I would say half.
- Reporter: Are there some sort of records? . . . Did any of the refugees stay?
- Mayor: Next question
- Reporter: If sixty-six Jews were killed why wouldn't the town call itself "66 Dead," or "Dead Jewtown" which is offensive enough. How did it become an imperative and sounding like a warrant to kill? Maybe they were trying scare Jews off?
- Mayor: Next question
- Reporter: If the town was named Kill the Catholics, a name change would be in place the next day—why does it take a thousand years to make a name change for Jews, might one conclude that it's socially acceptable for . . . (and so on).

In case the townsfolk wax nostalgic for their village former name, they can always attend the Leon province's Easter celebration. Cafeterias on that day offer special lemonade in bottles that "will be used to kill Jews."<sup>20</sup>

In the Spanish social mind, Jews are and will continue to be a supernatural force, endowed with magical powers and malevolent intent—undermining all

19 "Spanish Village of Castrillo Kill the Jews Votes on Name Change," *The Guardian*, April 14, 2014, <http://www.theguardian.com/world/2014/apr/14/spain-castrillo-matajudios-kill-the-jews-name-change> (accessed 15 March 2015). Update The tiny Spanish village of Castrillo Matajudios—which means "Camp Kill Jews"—on Monday officially changed its name back to Castrillo Mota de Judios ("Jews' Hill Camp") following a referendum and regional government approval. <http://nypost.com/2015/06/22/spanish-village-camp-kill-jews-finally-changes-name/> (accessed 15 August 2015).

20 Perednik "Naive Spanish Judeophobia." Mexico's burning of the Jew (in effigy) during Easter speaks to Catholic Spain's pervasive antisemitic legacy. <http://www.timesofisrael.com/mexican-town-celebrates-easter-with-burning-of-the-jews/> matching celebrations in parts of Columbia.



that is good, Godly and right. The Jews of the Spain are not really accepted and respected, at least the same sense as Catholics. These beliefs may be understood at times as superstitions but thanks to years of Church and State collusion, they acquire just enough reality to make Spanish based Jews uneasy and never quite at home.

**PART 3**

*Fighting Antisemitism in North America*





## Antisemitism and Law

*Frederick M. Schweitzer*

Antisemitism continues to appear in its lethal multifarious forms. It has been a subject, explicitly or implicitly, of treaties and international law for at least two centuries and since World War II of regional and national legislation. While the UN's human rights program had an effect in diminishing antisemitism, anti-Zionism soon replaced it. The Council of Europe, the Conference on Security and Cooperation in Europe, and the European Union have ongoing efforts to combat antisemitism in all its forms, e.g., anti-Zionism, Holocaust denial, and other manifestations. The author concludes that combating antisemitism will remain a Sisyphean task; it seems to be always latent or blatant, and successes against it are less victories than reprieves.

Rather than regional, this essay is international in focus and emphasizes the UN and Europe in relating the story of antisemitism and law, international and national. It has to be that way since the means of affording human rights protection depend increasingly on an international network in which regional and national developments, especially those originating in Europe and under UN auspices, influence and shape those in other regions and nations, so that an entity such as North America cannot properly be presented separately. As suggested in the conclusion: there is a nexus—ever-extending and ever more closely meshed—of international, regional, national, non-governmental and local organizations and institutions working together more and more closely in enforcing a comprehensive body of international humanitarian law that is set forth in nearly a hundred international and regional human rights treaties. Perhaps it has emerged no more than the Cheshire cat's smile, but a global bill

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\* This essay is dedicated to the memory of my beloved wife, Jacqueline Schweitzer, who read, commented upon, and encouraged it in its early drafts—as she did for so much of my work over the years, with loving care and keen perception. “Unforgettable Jackie darling, perfect friend, wife, mother. Graced by courage, creativity, wisdom. You abide as a loving presence in our hearts.” With the usual disclaimers, the author wishes to acknowledge the indispensable guidance of two renowned authorities on international law, William A. Schabas of Middlesex University, Department of Law, London, and Dinah L. Shelton of George Washington University Law School.

of rights is taking shape. In estimating how safe or threatened Jews will or will not be in North America, that international network and reflections of it in the legal systems of North America will be essential, as will understanding how much, positive and negative, the North American countries have influenced that network.

### Eternal Recurrence: Historic Antisemitism

The nineteenth-century, pseudo-scientific, Latinizing term antisemitism may be defined simply as hatred and fear of Jews that derive from the New Testament as interpreted by the Church Fathers and in later medieval elaborations, all other forms of “the lethal obsession” deriving from the Christian original in various adaptations, secularizations, re-inventions, and modernizations.<sup>1</sup> Antisemitism, anti-Judaism, Judaeophobia, Jew-hatred, Jew-bating—essentially interchangeable terms in most contexts—can result in prejudice against and persecution of Jews, ranging from quotas, exclusion, and segregation in ghettos to expulsion, massacre, mass murder and genocide. The terms antisemitism and antisemite were invented, or reinvented, in 1879 by the German Wilhelm Marr, author of the bestseller *The Victory of Jewry over Germandom*. His aim was to replace the Christian religious view with a racial conception of the Jews and Judaism. In reaction to Jewish emancipation, enacted everywhere in Europe by the end of the 1870s except Romania and Russia, Marr was the first to organize an antisemitic political party dedicated to the repeal of emancipatory laws and to combating Jewish influence in politics, the economy, and culture as well as their social prominence and racial “menace.”

The racial ideology or biological racism has roots in the Enlightenment but was not fully developed until the mid-nineteenth century and after by writers like Count J.A. de Gobineau, Ernst Haeckel, H.S. Chamberlain, and the Social Darwinists. Most students of Jewish persecution in the past century, in particular of the Holocaust, interpret it as rooted essentially in the racial ideology. They ignore racism’s continuity with age-old religious antisemitism, failing to grasp that it is largely an overlay and rationalization that confirms the deep-rooted hatred and fear that go back nearly two millennia. That Jews are congenitally

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1 This section is based principally on work with my long-time collaborator: Marvin Perry and Frederick Schweitzer, *Jewish-Christian Encounters over the Centuries* (New York: Peter Lang, 1994); idem, *Antisemitism: Myth and Hate from Antiquity to the Present* (New York: Palgrave Macmillan, 2002); idem, *Antisemitic Myths* (Bloomington: Indiana UP, 2008); and also Léon Poliakov, *The History of Anti-Semitism*, 4 vols. (New York: Vanguard 1965–1986).

and unreformably degenerate was a view, although not the dominant one, expressed by many medieval theologians beginning with the Church Fathers and especially by Spanish inquisitors. Christian racism finds precedents in, among other examples, the Marranos, forced or voluntary converts and their descendants who were pursued for centuries by the Spanish and Portuguese Inquisitions because they lacked "purity of blood." The racial ideology's biological vocabulary and conceptions rendered it "scientific" and lethal in that race is presumed to be immutable. Accordingly, neither baptism nor education could overcome the Jews' evil nature, and logic required, variously, their identification by badges or distinct clothing and quarantine by ghettoization, or their mass expulsion from Europe or their mass annihilation. These solutions were already being advanced, for example, by the German economist and philosopher Eugen Dühring, who was possibly the first to demand the "killing and annihilation" of the Jews in a work of 1865, *Life's Worth*. Although the racial ideology's prescription of genocide far exceeded medieval Christianity's expedients of ghettos, badges, forced baptisms, confiscation of "usurious" wealth, burning the Talmud, expulsions, or periodic massacres, these were the foundations on which genocide was erected. With the exception of massacre, all these measures enjoyed the sanction of the Church's canon law. As scholars have observed, the Holocaust would not have occurred, or not occurred in the way it did, without the appalling heritage of centuries of Judaeophobia in word and deed.

The paradox of Jewish life in Christian Europe is that Jews were at once protected and persecuted. A key factor in the status of Jews and Judaism was the witness theology, propounded principally by St. Augustine, that by their suffering and degradation and by their holy scriptures the Jews testify to the truth of Christianity. They therefore should be tolerated, not killed; they should be preserved in ignominy until judgment day and the gathering-in at the end-time. Judaism was the only other religion tolerated. By law Jews could practice their religion, maintain synagogues and schools, enjoy residence, travel and commercial rights, and except in times of stress or violence were better off than the great mass of the peasantry. They were barred from holding public office of any kind on the grounds that Jews must not exercise authority over Christians, were generally excluded from holding land, had to take demeaning oaths in legal proceedings, and were forbidden to bear arms. This uneasy balance between legally secured but minimal rights and the enveloping contempt and resentment for the perceived privileges and protection given to Jews undoubtedly fueled hatred and antisemitic animosity. The Augustinian curb on persecution may well have saved the Jews from annihilation under Christian rule, but in the modern era that restraint was extinguished by the racial ideology

and the way was thus opened to extermination once a regime came into power with the will, organizational capacity, technology, and resources to carry it out.

The main elements of antisemitism may be enumerated. First, its centerpiece is deicide or the charge that Jews are “Christ-killers.” It is the unique accusation that Christianity leveled at the Jews, for no other world religion charges a people with killing its god and does it solemnly in its holy scriptures. The crucifixion thus made the Jews guilty of the arch-crime for which there is no expiation or forgiveness. They are cursed as an eternally criminal people who, in accordance with their depraved nature, murder and poison, pillage and steal, and foment disease and epidemics like the Black Plague; they are the authors of wars, famines, depressions, and every calamity.

Second, the idea of the Wandering Jew or Eternal Jew has its origin in the Gospel story of a passerby taunting Jesus to “Walk faster” on the pathway to crucifixion; in later renderings of this theme, under various names and titles, the villain becomes an emblem of the Jewish people: he, like them, is cursed to be eternally punished and homeless in the Diaspora, like Cain a “fugitive and wanderer.” Well before the end of the Middle Ages but continuing long afterwards, the antisemitic tone and temper becoming ever more vicious, the Wandering Jew is equated with Satan, Antichrist, bloodsucking usurer, ritual murderer, conspirator, communist, and the like. Some two thousand writings and numerous works of art and music disseminate the image of the Wandering Jew as a cosmic fugitive and menace to Christendom.

Third, the Antichrist myth, a two-thousand-year-old embodiment of evil, is another of the phantasmagorical elements of antisemitism that originates in the New Testament. Elaborated over time into a kind of parody of Jesus’ virgin birth, Antichrist is depicted as a Jew or the son of the devil by a Jewish prostitute. He and his Jewish followers are destined to rule the world for three and a half years of terror, inflicting great destruction and tribulation until a vast war of revenge defeats him and the Jews, who are either killed or converted to Christianity, and thereupon Christ returns to inaugurate the rule of heaven. A great many medieval plays and liturgies dramatize the idea and image of the Antichrist, and negative images of Jews were widely propagated as well by liturgical dramas representing Jesus’ suffering in Passion Week, the Wandering Jew, ritual murder, and host desecration—an important medium in an illiterate age. Films such as Mel Gibson’s that portray *The Passion of the Christ* or sermons by Evangelical preachers like the late Jerry Falwell that proclaim Antichrist to be a male Jew dwelling in Israel testify to the endurance of such fictions.

Fourth, *Foetor Judaicus* or Jewish stench, supposedly deriving from the traitorous disciple Judas, was the medieval belief that Jews gave off a malodorous

odor and was associated with decay, contagion, bearing diseases and poisons as in the mid-fourteenth century Black Plague. It was also associated with the religion, equating Judaism in the view of some nineteenth-century antisemites with illness and pathology. The prescribed way to be freed of the *Foetor Judaicus* was for Jews to accept conversion and baptism, but popular superstition had it that Jews escaped their misery by committing ritual murder, enabling them to drink the purifying blood of murdered Christian children.

Fifth, dehumanization, which makes Jews into parasites, bacilli, vermin, lice, pigs, goats, dogs, rats, apes or monkeys or mythical basilisks, and demonization, which equates Jews with Satan, and thus armed with his superhuman powers and allied with him in committing colossal evil, signify that antisemitism creates a double denial to Jews of human status. Demonization finds its charter text in the Gospel of John 8:43–47.

Sixth, Jewish conspiracism to effect any evil aim is virtually coterminous with antisemitism, implicit, for example, in the Antichrist motif. As depicted in the forgery, *The Protocols of the Learned Elders of Zion*, the Jews are bent upon ruling the world, enslaving all religions but Judaism, and much else. The insidious notion of Jewish world power and domination is so pervasive that it pops up in the most unexpected times and places; for example, in 1916, when Lord Robert Cecil—an undersecretary for foreign affairs and tireless worker for Jewish minority rights in the 1919 peace settlement who would have been aghast to be thought of as antisemitic—nevertheless wrote to the foreign secretary, his famous uncle Arthur James Balfour, who shared the sentiment, “I do not think it is easy to exaggerate the international power of the Jews.”<sup>2</sup>

Seventh, one of the most bizarre examples of antisemitism is the charge of ritual murder, which remains rife in today’s world, especially Islamic societies. In annual replays of the crucifixion, Jews purportedly kidnap Christian children and slaughter them for their blood to make Passover matzos or Purim pastries or to effect medicinal cures or practice magic. This most lethal form of antisemitism finds its charter text in the Gospel of Matthew 27:23–26.

Eighth, a parallel superstition makes Jews guilty of stealing the communion wafer of the Eucharist to punish and torture it as “the body of Christ” or to employ it in magical formulas to harm Christians. Ritual murder and host desecration dotted Christendom with shrines to “martyrs” and “blessed sacraments,” and inflicted enormous suffering on Jews.

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2 Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (Cambridge: Cambridge UP, 2004), 67.



Ninth, capitalism, when it is perceived as evil and exploitative, is blamed on the Jews as its founders and worst exemplars; Christ's "cleansing of the Temple" and the expulsion of the moneychangers (Mark 11: 15–19) has been used by a long line of commentators to condemn Jewish business activity, contrasting the purportedly crass materialist mentality of Judaism to the spirituality of Jesus and Christianity. As explicated by Marx, Judaism is pure "huckstering" and "money" is Judaism's god; as expressed by Hitler, the Jews invented capitalism, "an invention of the devil's own genius." By a more recent permutation, Jewish greed and cruelty made them the slave traders and slave holders who initiated and dominated the Atlantic slave system for nearly five centuries.

Tenth, by antisemitic reckoning communism is "Jewish" since Marx presumably created it, and its only difference from Judaism in Hitler's view is some "added metaphysical tinsel," but in another Nazi version communism has really menaced humanity "from Moses to Lenin." In some antisemitic diatribes the international Jews as the world's capitalist bankers conspire with the international Jewish communists to manipulate the world economy and topple governments in revolution and civil war.

Eleventh, nationalism, especially racial nationalism, made modern antisemitism extremely virulent and turned Jews into "aliens," into an "anti-national nation" and an "anti-race," a lower and wicked race, a racial pollutant and biological menace. Intolerant of minorities, racial nationalism was especially so of the putatively sub-human, alien, rootless, treasonous Jews. "Jewish supremacy"—attained despite being an inferior race—threatens the nation with "complete moral, intellectual, and material ruin" unless extreme countermeasures are taken. When they are perceived as cosmopolitan, as rooted in "world Jewry" rather than the national community Jews become vulnerable to attack as anti-national, unpatriotic, and the like. On the other hand, Jewish nationalism in the form of Zionism makes them a target to internationalists, whether socialists, Muslims, or those Westerners who look upon the nation-state as a dangerous anachronism and source of conflict.

Twelfth, holocaust denial is a neo-Nazi mythology that reproduces many of the components of antisemitism outlined above, such as the Jewish proclivity for mendacity in fabricating the "Auschwitz lie" to extort reparations from Germany; their control and manipulation of the media, governments, and financial institutions; and their capacity for massive bribery, all of which follow from their inescapably criminal nature. It is remarkable that Supreme Court Justice Robert H. Jackson, the American chief prosecutor at the Nuremberg trial, anticipated attempts at Holocaust denial but felt assured that "with such authenticity and in such detail that there can be no responsible denial of these

crimes in the future,” that the trial record and massive documentation provide overpowering proof “of incredible events by incredible evidence.”<sup>3</sup>

Thirteenth, Israel is subject to criticism like any other state or society, which can often be severe without necessarily straying into antisemitism, but in the form of “anti-Zionism” it often does stray when grossly disproportionate criticism of Israel attacks all Jews and utilizes elements drawn from the historic corpus of anti-Jewish stereotypes and weapons presented above. Thus Israel is asserted to have been created by the Zionists using the fabricated Holocaust as a tool to enlist world public opinion and UN sanction. Israel is denounced as a criminal state that treats Arabs and Muslims in the way the Nazis treated Jews; it is a “racist state” as in the 1975 UN Resolution that equated Zionism with racism. Thus, some apply a standard of conduct to Israel to which no other country is held. The Nazis wanted to make the world *Judenrein*, free/clean of Jews; their heirs today seek to make the world *Judenstaatrein*, free/clean of a Jewish state.

There are many variations on these antisemitic motifs demonstrating the strength and protean character of an antique demonological myth, and its extraordinary capacity to persist and be adapted to different times, places, and cultures, as in its resurgence worldwide since the 1980s. In pondering the ninety or so major treatises written over nearly two millennia that constitute the corpus of antisemitism, one is made conscious of an intensely bitter and fanatical hatred and loathing for the Jews and Judaism on the part of the authors and presumably many of their readers. The extreme paranoid fear and dark suspicion that animate almost all such treatises make annihilation seem plausible and acceptable as the solution for so grave a menace, whether by forced conversion in the Middle Ages or genocide in Hitlerite Europe. A particularly dangerous situation arises when a battery of antisemitic legislation is enacted, as by the medieval Church, tsarist Russia, Nazi Germany and most fascist states, or when governments undertake as official policy outsized antisemitic propaganda campaigns, as several Muslim states have done.

At the present time, the most menacing expressions of antisemitism are found in the Arab-Muslim world and the Muslim diaspora in the Western world. While there is an antisemitic infrastructure extent in Islam, it is clear that Jews were much better off under Islam than in medieval Christendom. References to Jews in the Qur’an are mostly negative and the positive ones were consistently ignored or explained away over the centuries by Muslim interpreters and commentators. The Qur’an requires the Jews’ “abasement and poverty,”

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3 *Encyclopedia of Genocide and Crimes against Humanity*, ed. Dinah L. Shelton (Detroit/New York: Thomson Gale, 2005), 33.

and Muhammad's expulsion of Jewish tribes from Medina was a compelling precedent much invoked by later Muslim authorities. The *Hadith* (the body of tradition, law, and legend that grew up in the century following Muhammad's death in 632) is scathing in attacking Jews as debased, cursed, anathematized forever by God; cheats and traitors; defiant and stubborn; murderers of the prophets; liars who falsify scripture and take and give bribes; ritually unclean infidels with a foul odor emanating from them—such is the image of the Jew in classical Islam, degraded and malevolent, and derived in considerable measure from Christian sources. Although in Muslim tradition they allegedly tried to poison him, “the Jews” could not be condemned as “killers” of Muhammad, who, in any event, was neither a Jew nor a god.<sup>4</sup>

Under Muslim rule Jews (and Christians) had the status of *dhimmi*s (protected minority as non-idolaters or people of the book). The *dhimma* system and Jewish status in Islamic society have been the subject of very varied judgments, from the older “golden age” school to the more recent revisionists’ “persecution and pogrom” interpretation. The *dhimma* code was intended to degrade and humiliate individuals as well as the religious community. It specified that *dhimmi*s must pay heavier taxes. They must wear clothes and insignia distinguishing them from Muslims; the yellow badge and distinctive clothing originated in Islam and were brought to Europe by Crusaders. *Dhimmi*s were barred from holding public office, bearing arms, riding a horse or mule, or intermarrying with Muslims. They were disqualified as witnesses in litigation involving Muslims and had to swear a demeaning oath. They could not erect new or repair old synagogues or proselytize, or hold public religious processions (including funeral corteges), among other provisions. But in life and in law, Muslim antipathy for Jews was a much more normal form of antagonism of one people, or one religion, for another than the Christian-Jewish encounter. *Dhimma* discrimination was often merely theoretical, and *de facto* toleration frequently prevailed. Nevertheless, the code constituted a perpetual potential hazard to the *dhimmi*s—a danger that not infrequently materialized in the form of polemics, forced conversions, expulsions or massacres when a revolu-

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4 For the Jews under Islamic rule, in addition to citations in n. 2, see Andrew G. Bostom, *The Legacy of Islamic Antisemitism* (New York: Prometheus Books, 2007); Mark R. Cohen, *Under Crescent and Cross* (Princeton: Princeton UP, 1994); Bernard Lewis, *Race and Slavery in the Middle East: An Historical Inquiry* (New York: Oxford UP, 1990); idem, *Semites and Antisemites* (New York: Norton, 1986); idem, *The Jews of Islam* (Princeton, Princeton UP, 1984); Norman A. Stillman, *The Jews of Arab Lands in Modern Times* (Philadelphia: Jewish Publication Society of America, 1991); idem, *The Jews of Arab Lands* (Philadelphia: Jewish Publication Society of America, 1979); Robert S. Wistrich, *Muslim Antisemitism: A Clear and Present Danger* (New York: American Jewish Committee, 2002); see the historiographical exchange between Cohen and Stillman in *Tikkun*, 6/3 (1991): 55–64.

tionary or pious ruler came to power. One such eruption so horrified the great sage Maimonides that he lamented that “a more hating nation [than Ishmael] has never risen against Israel, nor one which has come to degrade us and decimate us and make hating us their chief desire.”<sup>5</sup> According to Arab-Muslim claims, frequently reiterated since 1948, Jews had always enjoyed equality and social harmony under Islam. Under the yoke of *dhimmitude*, according to this line of argument, Muslim-Jewish relations were good because Jews were held in check and Muslims were thus “protected”; the demise of the system—first under Western colonial rule, then with the growth of Zionism and the rebirth of Israel—is taken to mean that Jews became “dangerous” to Muslims and Islam.

Contemporary Muslim antisemitism derives ultimately from the Qu’ran and the *Hadith*, but it should also be seen as reflecting local and national religious and political clashes, including but not confined to the Arab-Israeli conflict. Yet equally important, perhaps more, are the Christian, European, and Nazi forms of antisemitism that have been imported from the West and grafted onto traditional Muslim attitudes towards Jews and Judaism. Classic antisemitic texts—such as the *Protocols of the Learned Elders of Zion*, first translated into Arabic by a Lebanese Maronite Christian priest in 1925; the equally pernicious *Talmud Jew* by Canon August Rohling, first published in Arabic translation as early as 1899 (it usually appears as *Treasures of the Talmud* by Yusuf Hana Nasrallah but is actually a translation of Rohling); Hitler’s *Mein Kampf*; Henry Ford’s *International Jew*; and numerous others—are readily available, often quoted, and circulate widely in the Muslim world. Interpreted and applied in the light of Qur’anic and other Muslim texts, this antisemitism, foreign though it is, is rendered Islamically persuasive and acceptable.

A parallel development, equally insidious though less studied and evaluated, is what Robert Wistrich calls the “Marxist-Islamist alliance.” Left wing antisemitism in Europe dates from the 1830s and the onset of the modern socialist movement. Socialist critics of religion and capitalism turned Judaism into a “fossil” and “hucksterism,” and made Jews usurers, worshippers of Mammon, etc. Transmitted by Marx and others, antisemitism was endemic to all the socialist parties with the exception of a few persons by the end of the nineteenth century. It was clearly intrinsic to the communist party that came to power in Russia in 1917, despite the seeming paradox that many major figures as well as rank and file were Jews, as had been the case since the 1830s. Well before 1917 anti-Zionism was as inseparable from the socialist or

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5 Avraham Grossman, “The Economic and Social Background of Hostile Attitudes toward the Jews in the Ninth and Tenth Century Caliphate,” *Antisemitism through the Ages*, ed. Shmuel Almog (New York: Pergamon Press, 1988), 184, n. 3.

communist ideology as were anti-capitalism and anti-religion. Early on, initiated by Lenin himself, the communist rulers looked to mobilize Arab/Muslim societies by exporting revolution to them and igniting revolts against their colonial masters. They would readily, as Stalin thought, “Bolshevize” the Arab/Muslim masses. Thus at the 1920 meeting of the Communist International in Baku, Russian spokesmen fired up the delegates representing the “enslaved popular masses of the East” to launch “a really holy war [jihad] against the [colonial] robbers and oppressors,” to be inspired by the warrior spirit of their ancestors and the example of Genghis Khan (*sic*), and “the great conquering Caliphs of Islam.” Together, they would “create a new civilization under the banner of Communism.” The “Manifesto” issued that same year repeatedly—like an instrument with one string sounding one note—called for jihad (“Holy War”) on the part of the “Peoples of the East” and blasted the British Mandate of Palestine as “imperialism.” Visceral anti-Zionism made its debut. Though radically different in belief, Marxists and Islamists share a Manichean outlook in dividing the world into capitalists and exploited, into oppressors and oppressed who are locked in apocalyptic war until the messianic vision of universal social justice is inevitably achieved. By the 1950s the melding of Marxism and Islam had proceeded sufficiently to produce Egyptian President Nasser’s fairly typical example of “Arab socialism,” an amalgam that included nationalization of the Suez Canal, his murderous intent toward Israel, antipathy for the US and the West, and alliance with Soviet Russia. An even more toxic fusion of Marxism and fundamentalist Islam, “Red Shiism,” was assembled by Ali Shariati, the Paris-educated Iranian who exercised great influence over the future totalitarian dictator of Iran, the Ayatollah Khomeini. Shariati’s “Marxifying” made much of the example of the iconic Latin American Marxist revolutionary Che Guevara and greatly emphasized martyrdom, imparting to that idea the morbid addiction to suicide and death so familiar in the Middle East at present. Central to Khomeini’s worldview is the apocalyptic class warfare of oppressed vs. oppressor to which he annexed the Leninist model of a centrally directed revolutionary vanguard that seizes power, mobilizes the masses, and launches the world revolution by messianic jihad, which he topped off with notions akin to the Trotskyite conception of “permanent revolution.” For Khomeini the great obstacle and threat to fulfillment of Islam’s teleological goal are, unsurprisingly, the Jews: his antisemitism was as livid and fierce as any of the proponents of “Red Jihad.”

Other examples of this bizarre Islamist-Marxist mix will be found in Lebanon (Hezbollah), Palestine ( Hamas and others), and Pakistan (*Jamaat-i Islami* and others). It also has not a few aficionados in Europe, academics and intellectuals of the stature of Michel Foucault as well as some NGOs in Britain

and France and elsewhere. It is exemplified in Spain by the former socialist Prime Minister Zapatero; and, perhaps the strangest exemplar, the late dictator-president of Venezuela, Hugo Chávez. His state-sponsored antisemitism replayed the whole cacophony from “Christ-killers” to Holocaust denial and condemnation of Israel as “racist” and “Nazi”; he took many a cue from the Iranian propaganda mill and found flattering allies and diplomatic leverage in fraternizing with Presidents Ahmadinejad and Bashar al-Assad as well as the Hezbollah head Hassan Nasrallah. Chávez’s “Bolivarian” socialism is more along the lines of state capitalism and nationalization-confiscation of businesses and industries.<sup>6</sup> Chávez’s successor, Nicolás Maduro, continues in the same rut but is increasingly distracted by financial and political crises.

While these hybrid forms of Islamic antisemitism (Islam-Marxist and Islamo-Nazi) run the whole gamut of Judaeophobia, their most salient features are conspiracism, Mammonism, demonization, ritual murder, Holocaust denial, and a ferocious anti-Zionism that utterly delegitimizes Israel. In Iraq the Baathist party and Saddam Hussein combined both hybrids, a weird eclecticism that drew on Arab-Muslim, Marxist-socialist, Stalinist, and Nazi motifs. These hybrids enjoy widespread official favor in the Middle East and beyond on state radios and television, state newspapers and magazines, in schools and universities, and in speeches and books by statesmen, intellectuals, and religious leaders. The Egyptian theologian Sayyid Qutb, 1906–1966, was the chief formulator of a destructive, totalitarian, fundamentalist version of Islam, which in the mind and practice of its followers assumes a genocidal and fanatical stance toward Jews and Judaism and Israel. In Europe and North America many an imam indulges in outright incitement or “camouflaged incitement” to hatred and violence. Over the past few years, a growing number of Muslim intellectuals have begun to take on the dangerous task to counter these destructive voices and the radical misinterpretation of Islam. The latest international agreement of Iran and the United States, Germany, France, China and Britain to curb Iran’s nuclear bomb making capacity in return for easing economic sanctions may be a harbinger of better things to come, though as of 2015, the Supreme Leader repeats statements like, “In a quarter century, Israel will cease to exist.”

The motivation of antisemites is difficult to determine since they normally depend on resounding generalizations, universal theories, and massive accusations, and they are as impervious to fact, evidence, and logic as they are

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6 Robert S. Wistrich, *From Ambivalence to Betrayal: The Left, the Jews, and Israel* (Lincoln: University of Nebraska Press, 2012), 563–92; idem, *A Lethal Obsession: Anti-Semitism from Antiquity to the Global Jihad* (New York: Random House, 2010), 845–51.

prone to repeating, often in the most literal plagiarizing way, what their predecessors have said. Their obvious motivation is to injure Jews by thought and/or action in reputation, rights, property, and/or body. Christians long justified such intentions because the Jews rejected Christianity and were believed to be guilty of the crime of deicide and all the criminality that allegedly followed from it. As a source of danger and contamination, whether spiritual or physical (including sexual), Jews were compelled to wear identifying clothes or badges and live in isolated curfewed communities. On the other side of that equation and partly owing to dietary laws, Jews have often been criticized as clannish and aloof, that they are in the biblical phrase, "a people that dwells apart." To antisemites, in a much used phrase, Jews constituted an "imperium in imperio"; it is the suspicion expressed by the French revolutionaries in the 1790 debate supporting Jewish emancipation, that they would give "everything" to the Jews as individuals but "nothing" to them as a community. Another set of motives appears in the resentment and envy generated by Jewish success in commerce and finance, often believed to have been won by illicit means and by violating the precept of the "just price" and prohibitions on "usury." Hence the many demands that often resulted in decrees and legislation barring Jews from these callings and confiscating their wealth. In the early modern period privileged Jews in the service of monarchs as ministers and counselors (known as Court Jews), or of nobles and prelates as estate managers, or as chartered merchants residing and trading in towns, also roused rancor because of their exceptional privileges or because they exercised authority over Christians or simply their great wealth.

Political antisemitism, which dates from the later nineteenth century, reflects the achievement of emancipation and the emergence of the Jews from ghetto seclusion, poverty, and backwardness to make their presence prominently felt in a mere two or three generations in all areas of European and Western life: politics, the economy, the professions, art and culture, science, journalism, education. This too generated envy among those displaced or fearful of being displaced, and reinforced old suspicions and hatreds as well as old explanations that Jews were successful and powerful because they enlisted demonic powers or were organized in a great international conspiracy to take over and dominate. To some degree the Israeli-Palestinian struggle is a straightforward political dispute, and it may not be surprising that the Arab-Muslim side employs antisemitic weapons in some of the ways familiar from antisemitic political parties in Europe at the end of the nineteenth century and after. As nationalism gained in emotional appeal in the course of the nineteenth century, especially in central and eastern Europe where nationality tended to be

defined in racial terms, Jews were seen as treasonous and inassimilable aliens, as a threatening race, and as a source of national or racial decomposition. Perils to the nation like communism or national catastrophes, like defeat in war or economic crashes, require explanations which often fastened on scapegoats, roles for which Jews were fitted by historic myths and stereotypes and seem to be always ready at hand. Hitler was no magician: he simply exploited antisemitism and the Jewish question—according to Hannah Arendt's keen insight—as “the catalytic agent for first the Nazi movement, then a world war, and finally the establishment of the death factories.”<sup>7</sup>

In sum, the motivations for inflicting disabilities and persecution on Jews were inferences drawn from non-Jews' perceptions of them as dangerous and evil. It was not until the Roman Catholic Church's Second Vatican Council of 1962–1965 that fundamental changes began radically to transform Catholic attitudes toward Jews and Judaism, and to cleanse the Church's teaching and in time its theology of the antisemitism that has so long vitiated them and from which other forms of antisemitism derive, changes which are being adopted in varying degrees by other denominations and churches. Essentially symbolic but nevertheless significant, the 1993 treaty between Israel and the Vatican, *Fundamental Agreement*, commits both parties to “combating all forms of antisemitism and all kinds of racism and of religious intolerance”; in particular, “the Holy See takes this occasion to reiterate its condemnation of hatred, persecution and all other manifestations of antisemitism directed against the Jewish people and individual Jews anywhere, at any time and by anyone.”<sup>8</sup> National legislation in many countries of the world, regional institutions such as the European Court of Human Rights that enforces the Convention on Human Rights and Fundamental Freedoms, and international law under UN auspices as well as education at many levels are among the numerous ways pursued to combat antisemitism or avert it from taking hold of the mind and imagination, especially of the young. That reformulation and the drafting of corrective legislation and treaties are extremely difficult tasks will come as no surprise to anyone familiar with antisemitism in all its longevity and tenacity and mutability. It is the only form of hatred that is global in its dimensions and requires a panoply of organizations and law—international, regional, national,

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7 Quoted from *The Origins of Totalitarianism* in Jennifer Moore, “From Nation State to Failed State: International Protection from Human Rights Abuses by Non-State Agents,” *Columbia Human Rights Law Review*, 31 (1999): 85, n. 7.

8 Stephen J. Roth, “The Legal Fight against Anti-Semitism—Survey of Developments in 1993 and 1994,” *Israel Yearbook on Human Rights*, 25 (1995): 369.



local—to understand, define, condemn, prosecute, and ultimately extinguish this human affliction.

### Early Diplomatic Efforts to Secure Jewish Rights

Attempts to checkmate antisemitism and vindicate Jewish civil and religious rights had to wait until the modern era. Their history can be traced in diplomatic congresses that addressed in varying measure the suffering or status of Jews, sometimes by definite mention of them, more often by reference to groups or categories that implicitly included Jews—in more recent decades by citation of universal categories such as human rights, democracy, racism, freedom of religion, and so on. Thus, the 1941 Atlantic Charter proclaimed the universal Four Freedoms, of speech and religion, and from fear and want; in planning for peace and the United Nations participants in the 1944 Dumbarton Oaks conference urged creation of a world body that would “promote respect for human rights and fundamental freedoms”; the 1945 UN Charter calls for “universal respect for, and observance of, human rights and fundamental freedoms for all” (although there is no provision for minority protection).<sup>9</sup>

There were at least ten diplomatic conclaves from the 1814–15 Congress of Vienna (the treaty included a stillborn requirement of the new Germanic Confederation that its constitution stipulate Jewish emancipation) to the 1913 Bucharest Conference that addressed the question in some form. In 1867 a British diplomat informed the United Principalities (as Romania was then known), “The peculiar position of the Jews places them under the protection of the civilized world,” and, indeed, as it developed down to the minorities treaties of 1919 and under the League of Nations, the international system of minority rights had been brought into existence largely to protect the Jews of east central Europe.<sup>10</sup> By 1878 diplomats invoked “the standard of civilization” in treaty settlements, meaning the rule of law, civil liberties, and minority guar-

9 Such universal categories are no guarantee that particular issues like the Jews, antisemitism, or Holocaust denial will not be ignored, swept aside and forgotten under grand generalities about prejudice, racism, human rights.

10 Nathan Feinberg, “The International Protection of Human Rights and the Jewish Question,” *Israel Law Review*, 3 (Oct. 1968): 490; Natan Lerner, “Anti-Semitism as Racial and Religious Discrimination under United Nations Conventions,” *Israel Yearbook on Human Rights*, 1 (1971): 105–106; Fink, *Defending the Rights of Others*, xv; Jennifer Jackson Preece, *National Minorities and the European Nation-States System* (New York: Oxford UP, 1998), 55–66.

antees. Examples of diplomatic intervention in behalf of Jews include: in the Ottoman Empire over the 1840 Damascus ritual murder accusation, Napoleon III's attempt to include emancipation of Romanian Jews in the 1856 treaty of Paris ending the Crimean war and again in 1858, the several diplomatic intercessions from the 1860s to 1902 in Romania over denial of citizenship to Jews as "foreigners" because only those of "Christian persuasion can obtain naturalization," and in Russia in 1911–13 in the Beilis case. In 1945 it was trenchantly argued, in an attempt to broaden the jurisdiction of the upcoming Nuremberg trials to include indictments for persecution of Jews in Nazi Germany prior to the war, because, "for the last century there have been many interventions for humanitarian reasons. All countries have interfered in [the internal] affairs of other countries to defend minorities who were being persecuted."<sup>11</sup>

The 1878 treaty of Berlin settling the Russo-Turkish war was a landmark. The great powers declared legal equality for Jews to be a binding principle of international law, although the treaty provided no mechanism for enforcement. Jews worked assiduously and lavished funds to mobilize the press, parliamentarians, and governments to support minority rights, and they energetically lobbied delegates at Berlin, Gerson von Bleichröder, Bismarck's banker and confidential advisor in the lead, together with Alphonse-Isaac Crémieux, head of the first Jewish defense organization, the *Alliance Israélite Universelle*. The famous Article 44, on Romania, and ten other of the treaty's 66 articles guaranteed to the—unnamed—Jews of Romania, Serbia, Montenegro, and Bulgaria religious freedom, equality of civil and political rights, entry into the professions, and commercial and industrial rights in return for recognition of the sovereign independence of the four new nations by the great powers; the Ottoman Empire also subscribed to the guarantees. Romania defied Article 44 by its relentless persecution of Jews, and a cynical Bismarck and the increasingly preoccupied European powers did not trouble to intervene, of which they were reminded from time to time by the American government, such as the 1902 protest to Romania of its violations of the Berlin treaty and a summons—punctuated by copies of the treaty text—to the seven signatories to do their duty under international law. Britain expressed some interest, the rest were indifferent or opposed. More failed diplomacy ensued: the treaty of London, March 1913, concluding the First Balkan War, recognized the independence of newly created Albania and reiterated, *pro forma*, the principles of Article 44. It was in effect torn up by the treaty of Bucharest, August 1913, concluding the Second Balkan War: the belligerents negotiated among themselves,

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11 William A. Schabas, *Genocide in International Law: The Crime of Crimes* (New York: Cambridge UP, 2000), 35.

quite indifferent to the great powers and made no pretense of including the principles of Article 44 despite the determined lobbying of Jewish NGOs. So Romania continued its antisemitic persecutions with impunity, gained the northern part of Dobrudja, while Greece acquired the port of Salonika and its 90,000 Jews, both at Turkey's expense.

In practice, the system of minority rights created at Berlin was a dismal failure, since the persecution of Jews persisted and increased, and antisemitism mounted as a backlash to Jewish demands for "special rights" as well as on the growing strength of the racial ideology and the national crises of war and depression. In theory, however, a significant breakthrough had been achieved. The Berlin treaty established the legal principle that, to be recognized as independent, "new" or "expanded" states, as in 1878 and again in 1919, had to adhere to treaty agreements guaranteeing Jews and other minorities religious freedom and political equality and civil rights, and to be subject to intervention in cases of violation of the guarantees. Such interventions went against the most powerful force of the nineteenth century, nationalism or national sovereignty, and violated the diplomatic principle—almost a taboo—of non-intervention. The 1878 precedent and, more generally, the hundred or more years of humanitarian interventions by force or threat of force by the great powers acting on "the principles of humanity," have been interpreted by some jurists as the source in international jurisprudence of the idea of crimes against humanity.<sup>12</sup>

The collapse of four multinational empires—Russia, Ottoman Turkey, Austria-Hungary, Germany—in World War I threw an unprecedented number of minorities into new and old states, where many of them, Jews in particular, were regarded with suspicion and hostility that inspired massacres, expulsions, and pogroms in the new Poland as badly as in the old Romania, and in the frightful civil war between Reds and Whites in Russia and Ukraine. For the Jews it was a situation that cried out for the creation of a system of minority protection to be guaranteed by the new League of Nations. The postwar climate was favorable to safeguarding minorities in the possession of fundamental rights, partly because the peace treaties reduced the number of Europeans living under alien rule from about 60 million before 1914 to between 20 and 25 million.<sup>13</sup>

At the 1919 Paris Peace Conference western Jewish NGOs played an extraordinarily important role in enlisting and sustaining support through many crises

12 L.C. Green, "Strengthening Legal Protection in Internal Conflicts: Low-Intensity Conflict and the Law," *Journal of International & Comparative Law*, 3 (1997): 493–97.

13 Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century* (New York: Oxford UP, 1985), 69–70.

for minority rights in east central Europe, partly because the defeated nations together with communist Russia were barred from the conference, but also because representatives of minorities, whether new or existing ones, failed to show up. While Jewish leadership was divided and often riven by personal quarrels, it is likely that except for their strenuous efforts a more defective or incomplete minority rights system would have emerged. Indefatigably, they published documents and statistics, lobbied the press and public forums, and plied the great powers and minority states with numerous proposals and draft treaty provisions. Jewish NGOs fell into essentially two groups. One, "nationalists" that included Zionists, pressed for religious, language/cultural, and political rights, proportional representation in local and national elections, autonomy for communal organizations, protection of Sabbath observance and the right to trade on Sundays, a central Jewish bureau functioning as part of the central government, and the right of representation at international organizations like the League of Nations. The other group of Jewish NGOs can be designated non-nationalists or anti-nationalists and were similar in outlook to their counterparts of 1878: they sought religious, civil, and social rights and freedoms for Jews as citizens rather than as a community. Among the diplomats and delegates at Paris the prevailing conceptions of minority rights focused on the group or community rather than the individual.

Jewish NGOs' plans and proposals were submitted to the Big Four (the leaders of the United States, Britain, France, Italy), who deleted many and watered down others in the face of fierce resistance to what the representatives of the new and enlarged minority states resented as a "diktat." They angrily denounced "special privileges" for Jews/minorities as an infringement of their sovereignty that would expose them to foreign intervention in their internal affairs. They were determined to be, as Romania's constitution proclaimed, "national, unitary, and indivisible," and wanted to treat their minorities as they saw fit. As in previous peace settlements, so in those concluding World War I, international recognition of the independence of the "new" states hinged on their legal and constitutional guarantees of minority rights. The Polish treaty was the model for others, and as the president of the Paris Peace Conference, Georges Clemenceau, explained in the covering letter as he presented the treaty for signature by the hostile premier-foreign secretary, composer-pianist of Poland, the "moderate" Ignacy Paderewski: the proviso that recognition of Polish independence is contingent on the guarantees to the minorities "is an accepted part of European public law" for which "there are many precedents," particularly as "explicitly approved by the [1878] Congress of Berlin."<sup>14</sup> More

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14     Feinberg, "The International Protection of Human Rights," 497.

resentment was generated by the great powers' refusal to commit themselves to a program guaranteeing rights and liberties for their own minorities, such as, it was noted, the blacks in America.

The failure to insert President Woodrow Wilson's proposal (owing to lack of unanimity) in the League's Covenant to define minority religious and civil rights so as to empower the Council to guarantee and enforce them uniformly in all states was a great setback, for it meant that, as in the past, minority status would depend on separate agreements or treaties with each of the states, which, as exemplified by the 1913 treaties ending the Balkan wars, were bent on evading the guarantees as much as possible. Another portentous failure in 1919 was visited upon Japan's proposal, the first attempt in history, to incorporate the principle of universal racial equality in the League's Covenant, which won a majority but failed because Wilson as chairperson arbitrarily decided the vote had to be unanimous.

Various Jewish representatives pressed for the right of minorities to appeal directly to the League's Council but it was rejected. Their demand that minorities be enabled to appeal judicial decisions in national courts on minority rights to the Council was much debated but ultimately rejected also after vituperative opposition. Only member governments could appeal to the Council; contested decisions were to be resolved by the Permanent Court of International Justice that was established under the League in 1922. As finally worked out in complex detail, enforcement of the minorities provisions fell to the member states of the Council, where a single member could veto any plaintiff's petition, an arrangement parallel to that under the Berlin treaty that, in practice, made enforcement extremely difficult, as had been experienced after 1878. The Permanent Court was empowered to intervene in disputes or provide guidance on minority rights and took a few modest steps toward establishing universal jurisdiction in certain types of cases. On occasion it was able to remind conflicting parties of their obligations, as in 1935 when it eloquently stipulated that the minorities treaties were intended to

secure for certain elements incorporated in a State, the population of which differs from them in race, language or religion, the possibility of living peaceably alongside that population and co-operating amicably with it, while at the same time preserving the characteristics which distinguish them from the majority, and satisfying the ensuing special needs.<sup>15</sup>

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15 Schabas, *Genocide in International Law*, 23–24; the UN's International Court of Justice superseded the PCIJ in 1946.

The Covenant allowed for amendment (“reconsideration”) of the treaties by League members. By 1929 there were some 25 bilateral agreements that weakened the minority system.

On the whole, the new formulations were less specific and less stringent than the language of the treaties, were limited to general principles and mechanisms to handle disputes, and tended to nudge the great powers out of their enforcement role. It is the too familiar story of the states that are supposed to be regulated but who instead take the machinery of enforcement captive. While the League established elaborate procedures for investigation and evaluation, it lacked adequate recourse procedures for redress of violations of minority rights, whether the victims were individuals or collectivities, a weakness that was and remains a perennial failing of institutions enforcing international humanitarian law. Another serious shortcoming was the lack of real penalties or punishments for infractions, which when added to complex procedures that resulted in interminable delays, induced minorities to give up hope and refrain from seeking redress. Early on, the League rejected the far-seeing proposal of Lord Robert Cecil that violations be treated as threats to international peace, that the League’s Council take steps to “put an end to the evil in question,” a principle which would have made forceful action and intervention more distinctly imperative, as prevails today under the UN Charter.<sup>16</sup>

By the summer of 1920, the minority states Poland, Czechoslovakia, the Serb-Croat-Slovene State that became Yugoslavia, Romania, and Greece had signed treaties, and minority provisions were also inserted in the peace treaties with Austria, Bulgaria, and Hungary. Jews were specifically mentioned in four of the peace treaties, five minorities treaties, and several unilateral declarations concerned with protecting minority religious and civil rights. Yet most of the agreements made no specific mention of special Jewish rights. Rather typically, very minor cultural rights inserted in the Greek treaty did not prevent harsh Hellenization of Salonika’s large Jewish population. The Romanian treaty recognized all Jews resident in Romania as citizens and prohibited their relegation to “alien” status, reiterating, though in vain, the provision in the Berlin treaty that had been consistently flouted. Not surprisingly, the treaty framers and the international jurists dedicated to implementation anticipated the danger of genocide and the general persecution of minorities (they had only to look about the Continent) by their affirmation of the “right to life” of vulnerable national, ethnic, or religious groups in at least four peace treaties, those with Poland, Romania, Czechoslovakia, and the future Yugoslavia. Thus,

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16 Fink, *Defending the Rights of Others*, 153, n. 130, 154; see his autobiography, Viscount Cecil, *A Great Experiment* (New York: Lewis, 1941).

“Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.”<sup>17</sup> By 1924 Albania, Finland, Estonia, Latvia, and Lithuania were admitted to the League, but only light demands were put on them, often they had only to issue a *pro forma* declaration to protect minority rights; Turkey was also brought into the League’s minorities regimen. By 1925 the League’s Minority Section was responsible for fifteen states and fifty minorities. Though it was one of the defeated nations, under the Versailles treaty, Weimar Germany was not compelled to guarantee minority rights within its shrunken boundaries, and it was barred from the League until 1926, when it was admitted and became a permanent member of the Council. With an irredentist eye to its former citizens and territories lost to the new or expanded states on its borders, Germany quickly became the foremost advocate of minority protection. It submitted proposals to make the League’s procedures fairer and more open and speedier, and to extend the minority system, even urging that it be universal. But in 1929, although hailed in some quarters as “the year of minorities,” opposition by the powers, the minority states, and the League’s secretariat beat the proposal down.

Jews celebrated the minorities treaties as a great victory, but one assumes their elation did not last long amidst continued hostility and persecution in Poland and Romania and elsewhere, the default of the isolationist United States (the League’s main creator and author of the minorities treaties), the withdrawal of Japan, Soviet Russia outside and hostile, fascist Italy inside and hostile, Britain and France increasingly aloof and paralyzed, and the mounting enmity of the minority states. Germany withdrew from the League in October 1933, which meant that there was no international mechanism to protect German Jews from Hitler’s persecutions, except in Upper Silesia where a special convention under the League ran until 1937 and held Nazi persecution there somewhat in check. In September 1934 Poland declared it would cease to abide by the minority treaty; thereupon General Felicjan Skladkowski launched his “necessary cruelty” of “economic war” against Polish Jewry. In quick succession the other minority states except Czechoslovakia renounced all responsibility under the minority treaties. By a grim irony Hitler got away at the Munich conference in 1938—as two of the architects of the minority system, Britain and France, looked on either in approval or helplessness—with the destruction of Czechoslovakia under the pretext of vindicating the rights of the German minority in the Sudeten area of that unfortunate country, in whose destruction he was joined by two beneficiaries of that system, Poland

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17 Schabas, *Genocide in International Law*, 23.

and Hungary, under the same pretext in behalf of their nationals. As was clear at the time, 1938 was the death knell of minority protection, and the obvious lesson was that the minority guarantees were only as strong as the peace settlements, and would stand up only as long as those settlements endured and the great powers remained united to enforce them through the machinery of the League of Nations.<sup>18</sup>

By 1940 the system of protection of minorities' rights, as a theory, had forfeited the credence it had long enjoyed (in good measure owing to the resentment and resistance by those states that were supposed to abide by it but also to the governments that feared granting minority rights would stimulate demands for national self-determination). In its place emerged the concept of universal protection of the human rights of individuals, as proclaimed in the 1945 United Nations Charter (which has no clause for minority protection) and its 1948 Universal Declaration of Human Rights. It would take until 1966 and Article 27 of the International Covenant on Civil and Political Rights for general rights of minorities to be recognized—though cautiously and restrainedly—in international law.<sup>19</sup> Nevertheless the post-World War I minorities treaties, together with nineteenth-century diplomatic precedents, provided important models and helped set the pattern for the development of international human rights law after 1945. The ultimate failure in practice notwithstanding, the necessity of special protection of national minorities was recognized, both morally and juridically, and those years saw the first attempt to launch an international criminal court, an idea that had taken fairly definite shape by 1937 in a treaty adopted by the League of Nations but was a casualty of the world crisis.

The interwar experience is the starting point of Raphael Lemkin's pioneering treatise, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (1944) in which he coined the term *genocide* and made the case that it be designated a crime under international law and prosecutable in an international court. In many ways the creation of the modern international human rights legal system represents a resumption of the ground-breaking efforts of the interwar period, and owes much to Lemkin's heroic activism.<sup>20</sup> Lemkin was a one-man lobbying machine, interceding with

18 Jacob Robinson, "International Protection of Minorities: A Global View," *Israel Yearbook on Human Rights*, 1 (1971): 63–75; this is a searing account by a close observer and participant.

19 Benedict Kingsbury, "Claims by Non-State Groups in International Law," *Cornell International Law Journal*, 25 (1992): 489–90.

20 For this line of interpretation, see Schabas, *Genocide in International Law*, 23–30 and generally chap. 1.



heads of state and delegates, urging on the deliberations of planning committees, and plying all and sundry with articles, memoranda, letters to the editor, and much else. In the aftermath of the disintegration of the Soviet Union, 1989–1991, some observers saw a striking parallel between the new states that emerged with new boundaries and minorities trapped in hostile settings, and the aftermath of World War I when the disintegration of multinational empires saw the emergence of new states with new boundaries and minorities trapped in hostile settings. Witnessing the renewed horrors of ethnic persecution and denial of human rights, Mikhail Gorbachev was not alone in advocating the revival of the interwar minorities treaties.<sup>21</sup>

### Precedent-Setting Trials

While the 1919 Versailles treaty called for the trial of Kaiser Wilhelm II and other German war leaders for violations of international morality and treaties in an international court, it was not implemented. The treaty also required German courts to prosecute German soldiers charged with war crimes, but these Leipzig Trials turned into fiascos. Only about twelve men were actually tried; some were acquitted, while those convicted were given very light sentences and the whole proceeding gave a decided boost to the superior orders defense. The international amnesty for Turkish persecutors of Armenians meant that no trials were held, later emboldening Hitler to feel that his genocidal actions could be pursued with the same impunity.

The great milestone in establishing international authority to punish heinous crimes committed in wartime was the Nuremberg Trial or International Military Tribunal (IMT) 1945–46. It prosecuted twenty-one major German war criminals in three categories of indictment, conspiracy to commit aggressive war, plus the two that covered the annihilation of Europe's Jews although their fate was not a main focus of the IMT, war crimes and crimes against humanity. The IMT was partially stymied by the legal-diplomatic principle that barred intervention in the domestic affairs of a sovereign nation. Thus, it did not prosecute the Nazi regime's crimes committed in Germany against its own nationals, Jews and political opponents. The IMT also refrained from prosecuting Nazi crimes committed before the onset of war on September 1, 1939; this restriction stemmed from the IMT's Charter. Thanks in considerable measure to strenuous lobbying by Jewish NGOs the Charter made Nazi atrocities against civilians prosecutable under the category of crimes against humanity,

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21 Fink, *Defending the Rights of Others*, xv.

but it hedged that in severely by the stipulation that only those crimes against humanity and war crimes perpetrated in the conduct of the war were to be prosecuted. Lacking that link, atrocities were unprosecutable or prosecutable only with great difficulty.<sup>22</sup> These limitations did not thwart IMT inquiry and voluminous documentation of prewar Jewish persecution but there were no trials or convictions on that basis. And so the proud claim of the American chief prosecutor, Justice Robert Jackson, that the IMT established

that to persecute, oppress, or do violence to individuals or minorities on political, racial, or religious grounds in connection with such a war [of

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22 An often ignored body, the United Nations Commission for the Investigation of War Crimes (UNCIWC), 1943–48, was set up to compile evidence of war crimes, and ultimately accumulated over 8,000 files for some 36,000 individuals and what it designated “criminal organizations” like the Gestapo. The UNCIWC was directed, as international law then stipulated, to limit itself to war crimes committed against Allied nationals and exclude those committed by Germany against its own nationals and those of its Axis allies, which would have meant that atrocities against Polish Jews would, but against Romanian and Hungarian Jews would not, constitute war crimes, a narrow definition which was insisted upon by the US State Department and the UK Foreign Office, and was modified only with great difficulty late in the war. The UNCIWC sought to define war crimes, to establish whether aggressive war was a war crime, and whether German atrocities committed before the outbreak of the war were subject to prosecution; it recommended the creation of a treaty-based international military court to try war criminals jointly with national courts, and proposed that “crimes committed against any person without regard to nationality, stateless persons because of race, nationality, religious, or political belief, irrespective of where they have been committed,” that these be punishable as war crimes or, in some instances, as “crimes against humanity,” a term which it helped make current, *Encyclopedia*, ed. Shelton, 1103. The London Charter and thus the IMT followed in the wake of the UNCIWC, adopting its wider definition of war crimes, of crimes against humanity (though a narrower definition than the UNCIWC’s), its concept of aggressive war, of criminal organizations, prosecution of the enemy for crimes against its own nationals, and contributed its lists of war criminals and organizations as well as the evidence for the crimes they committed to the IMT and later courts. The Charter and thus the IMT did not follow the UNCIWC in the matter of war crimes/atrocities committed before 1939, nor war crimes/atrocities committed by the Allies (discussed extensively within the UNCIWC), which were excluded from the IMT’s jurisdiction. Basing itself on the League of Nations treaty of 1937, the UNCIWC also prepared a “Draft Convention” for an international criminal court. In any event, the UNCIWC should be remembered for traveling some distance towards universal jurisdiction of a permanent international criminal court. (Its 184 reels of microfilmed documents are held by the UN, not secret but difficult of access and rarely used by historians.)

aggression], or to exterminate, enslave, or deport civilian population, is an international crime

loses some of its luster in the light of the necessary “connection” with the war. What has been called “the Jackson nexus” made those crimes he enumerates, if committed before or apart from the war or in the territories of Germany’s allies, unprosecutable or less prosecutable, and meant also that such crimes as may have been committed by the Allies were out of bounds.<sup>23</sup> Jackson noted what has come to be seen as an essential element of all such trials, that the documentary record was compiled “with such authenticity and in such detail that there can be no responsible denial of these crimes in the future.”<sup>24</sup> In after years the “nexus” limitation was abolished but finally gave way definitively to universal jurisdiction only in the 1990s.

Raphael Lemkin (in a strategic position as advisor to Jackson) had succeeded in having “genocide” added to the indictment under war crimes—referring to extermination of “Jews, Poles, and Gypsies and others”—but not with regard to crimes against humanity. In their summations the British and French prosecutors did use “genocide” as a formal, legally defined term for the first time. Lemkin hoped that the IMT would employ the term in its judgments; but the tribunal did not do so and it convicted no one of that crime, yet the terminology it employed in the sentences it pronounced is frequently synonymous with “genocide.” Lemkin concluded that the IMT only made “an advance of 10 or 20 percent” in outlawing genocide.<sup>25</sup>

The IMT was responsible for several precedents and innovations. It made the first formal use of “crimes against humanity” in legally binding documents and decisions. At the time and since there was much ado that the term had never been part of international criminal law; that fact exposed the IMT to allegations that its proceedings were *ex post facto* justice, violated the ancient principle of *nullam crimen nulla poena sine lege*, and were therefore illegal. But the IMT’s Charter cites treaties and customary international law that were binding on Germany at the time, thus disposing of the issue, and in this the IMT has been followed by all comparable courts since.

23 Robert H. Jackson, *The Nürnberg Case* (1947; reprint, New York: Cooper Square Publishers, 1971), xv; *Encyclopedia*, ed. Shelton, 593.

24 Dinah L. Shelton, *Remedies in International Human Rights Law*, 2nd ed. (New York: Oxford UP, 2005), 397.

25 Samantha Power, *“A Problem from Hell”: America in the Age of Genocide* (New York: Basic Books, 2002), 50–51.

In fact, atrocities which today would be classified as crimes against humanity were tried and punished in the later Middle Ages and early modern period as violations of the laws of man and God and “as a normative concept finds its very origins in ‘principles of humanity’ first invoked in the early 1800s.”<sup>26</sup> The IMT also set the example—confirmed by the Tokyo War Crimes Trials—that crimes against humanity and genocide were so heinous that trial and punishment of perpetrators ceased being the sole prerogative of the country where they were committed and became the duty of an international body representing the humanity against whom crimes had been committed. The principle was confirmed and extended by the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and other UN documents as well as later trials. The IMT also established the precedent by which the plea of perpetrators that they were not responsible for crimes they committed in obedience to superior orders (“Ich habe kein Schuld.”) was inadmissible, that superiors and subordinates alike are liable.

Some precedents set by the IMT have disappeared from international jurisprudence, although only after long debate and not beyond revival. One was the criminalization of whole organizations like the Nazi party, the Gestapo, and SS, making members automatically guilty or subject to trial. Another that has been abandoned in later trials was the IMT’s trial, conviction, and sentencing of an accused (Martin Bormann) *in absentia*. Also gone is the conception of *conspiracy* to commit aggressive war (the IMT itself had discarded *conspiracy* as a necessary element of indictments for war crimes or crimes against humanity).

In 1946 the famed American columnist Walter Lippmann expressed high hopes that have not been fully realized but are certainly, as this essay bears out, not beyond fulfillment:

For my own part, I do not think it rash to prophesy that the principles of this trial will come to be regarded as ranking with the Magna Carta, the habeas corpus and the Bill of Rights as landmarks in the development of law. The Nuremberg principle goes deeper into the problem of peace, and

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26 Green, “Strengthening Legal Protection,” 493–94, 500–501; in 2010, reviewing the reconstructed film of 1948, *Nuremberg: Its Lessons for Today*, Ian Buruma repeated the old saw about “victors judging the vanquished according to laws that did not exist when the crimes were committed,” *The New York Review of Books*, Nov. 21, 2010, 42.

its effect may prove to be more far-reaching than anything else that has yet been agreed to by the peoples of the world.<sup>27</sup>

In his retrospective sixty years after, Yoram Dinstein testifies to substantial progress: “It is impossible to overestimate the contribution of the IMT to the development of international criminal law,” it represents an “immense achievement.”<sup>28</sup>

While the IMT was still in session, in December 1945 the Allies modified the Charter in a document known as Control Council Law No. 10 (Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity) by which the nexus linking aggressive war and crimes against humanity was severed. Control Council Law No. 10 served the United States Military Tribunal, 1946–1949 as the basis for a series of trials in its zone of occupied Germany prosecuting members of the Nazi political, judicial, military, economic, and medical professions and leadership. The Law opened the way to prosecution of Nazi crimes against German Jews and others in Germany for the entire span of 1933 to 1945. Some perpetrators were found guilty of genocide—the term attaining more frequent and formal use in these later trials—committed in prewar years. Britain proved less dedicated to the cause of vindicating human rights. It proclaimed to the Commonwealth countries (Australia, Canada, New Zealand, South Africa, and others) that as of August 31, 1948 it planned to stop prosecuting German war criminals in its occupation zone, though no public announcement was to be made. The Commonwealth countries went along. A British cabinet policy document that remained secret for many years contended that “Punishment of war crimes is more a matter of discouraging future generations than of meting out retribution to every guilty individual,” and that “It is now necessary to dispose of the past as soon as possible.” Britain even opposed the enactment of the Genocide Convention, arguing at the assembly deliberating its provisions, “Nuremberg was enough.”<sup>29</sup> This reluctance to prosecute was widespread in the West and lasted through the Cold War.

27 Leila Nadya Sadat, “The Nuremberg Paradox,” *The American Journal of Comparative Law*, 58 (Winter 2010): 152, n. 1.

28 Yoram Dinstein, “The International Military Tribunal,” *Israel Yearbook on Human Rights*, 37 (2007): 1, 18.

29 Rudolph Braham, “Canada and the Perpetrators of the Holocaust: The Case of *Regina v. Finta*,” *Holocaust and Genocide Studies*, 9 (1995): 296, 311 n. 2; Samuel Totten and Steven Jacobs, *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction Publishers, 2002), 390–91.

The United States could not legally bring criminal actions against persons who committed crimes outside the country except if they were against American citizens. As of 1979, however, under the law creating the Office of Special Investigations, civil suits, resulting in deportation, have been brought against persons who entered the country and/or gained citizenship by concealing their criminal past. In the 1980s Britain, Australia, and Canada, rather than follow the American example, instituted procedures to try alleged Nazi war criminals in their national courts but with disappointing results.

As of 1955 West Germany and then the reunited Federal Republic of Germany undertook to conduct trials of Nazi perpetrators in its own courts under Control Council Law No. 10. Total jail-time imposed on Nazi perpetrators of genocide or crimes against humanity is miniscule. Willi Dressen, a former German chief prosecutor at Ludwigsburg, estimated that up to 2005 the total number of persons investigated in criminal proceedings by German courts was 106,000, but only 6,500 defendants were tried, of whom 166 were sentenced to life imprisonment. "The plain statistics," he said, "show therefore that the sentences imposed for murder was ten minutes each."<sup>30</sup>

It is the same dismal failure of justice that the first UN High Commissioner for Human Rights, José Anala Lassa, lamented in observing that "a person stands a better chance of being tried and judged for killing one human being than for killing 100,000." But at least mass murder did constitute the crime of genocide, which was an advance over the situation which Lemkin had famously decried: "Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual?"<sup>31</sup>

Adolf Eichmann (1906–1962) was the high-ranking Nazi and SS officer who directed the mass deportation of Jews to ghettos and extermination camps. He escaped to Argentina until he was abducted in 1960 by Israeli secret agents and tried by an Israeli court. Eichmann could not be tried under the Genocide Convention, which prescribes an international court such as the IMT or a court in the country where the crimes were committed, and, therefore, he was indicted for crimes against humanity and war crimes under customary

30 Willi Dressen, speech at the Politische Akademie in Tutzing, Bavaria, *Akademie-Report*, Nr. 3/2005, 31.

31 Michael P. Scharf, "Conceptualizing Violence: Present and Future Developments in International Law," *Albany Law Review*, 60 (1997): 862; Raphael Lemkin, "Totally Unofficial Man?" in Totten and Jacobs, *Pioneers of Genocide Studies*, 371. Though it may be an editor's sharper rewording of the quotation, Lemkin is also said to have asked, "Why is it a crime for one man to murder another, but not for a government to kill more than a million people?"

international law that can be tried in the court of any nation. Argentina protested the “violation of the sovereign rights of the Argentine Republic” and the UN Security Council passed a resolution declaring the abduction illegal and requiring “appropriate reparation,” but it also acknowledged that “this resolution should in no way be interpreted as condoning the odious crimes of which Eichmann is accused.” Sixteen states submitted depositions in Eichmann’s defense on the grounds that his abduction violated international law. On conviction, his appeal to the Israeli Supreme Court failing and to the president for mercy being rejected, he was hanged. While the trial was a purely national undertaking, the court adhered to the principles and precedents of the IMT, but like trials before and since, it broadened the scope of crimes against humanity. The Eichmann trial is comparable to the IMT in the full historical record it compiled, adhering to standard rules of evidence and procedure and providing documentary material for later trials as well as historians.<sup>32</sup>

Klaus Barbie (1913–1991) was the Gestapo chief known as the “Butcher of Lyon” in occupied France, 1942–44. Barbie fled from France as the war ended and served the US as a secret intelligence agent until he fled again, this time with American and Vatican help to Colombia, where he prospered for thirty years and evaded the death sentence twice imposed on him *in absentia* by French courts. French Nazi hunters traced him and eventually he was extradited to France. Barbie was tried according to the Nuremberg principles in 1987 for crimes against humanity—the first such trial in French courts. He was found guilty of personally torturing prisoners whom he interrogated, 4000 deaths, and 7,500 deportations, including Jews, and was sentenced to life imprisonment. His attorney Jacques Vergès argued that Barbie’s actions were comparable to those of collaborationist Vichy French officials and European colonial administrators, thus effacing all differences between Nazi crimes and the crimes of any and every government: “Barbie has been promoted to the rank of an expiatory victim, a scapegoat so that France can try and shed its own responsibility.” But the court rejected this *tu quoque* argument and went out of its way to dismiss Vergès’s relativitization of the Holocaust as no different from other heinous crimes.<sup>33</sup>

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32 Matthew Lippman, “Genocide: The Trial of Adolf Eichmann and the Quest for Global Justice,” *Buffalo Human Rights Law Review*, 8 (2002): 45–121; Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale UP, 2001), 97–182.

33 Douglas, *ibid.*, 188–96; “National Law,” *Encyclopedia*, ed. Shelton, 727–32; “National Prosecutions,” *ibid.*, 732–40.

Two possibly more significant trials, because they were trials of Frenchmen in French Courts for crimes against humanity committed in France, were those of Paul Touvier and Maurice Papon. Paul Touvier, called “the hangman of Lyon” and “the French Barbie,” was a Vichy Milice (militia) leader and was responsible for the murder, torture, and roundups of Jews and others; he too was sentenced to death *in absentia* in 1946 for treason and collaboration but disappeared into hiding until 1966 when he petitioned for pardon since the twenty year time limit on prosecutions of such crimes had expired. Touvier received a presidential pardon in 1971 (it was time “to draw a veil over the past”) but uproar ensued when it appeared that property he claimed as his own had been stolen from Jews. Meanwhile, by a law of 1964 France incorporated into its legal system the IMT principle of crimes against humanity, making them imprescriptible but stipulating that the crimes must have been committed in support of German interests or ideology. (This was seen at the time as immunizing French officials against liability for torture and repression in the Algerian or Vietnam wars.) Indicted for participation in a massacre of Jews as a crime against humanity—the first application of the 1964 law—Touvier was ordered to be arrested in 1981, but again went into hiding and was again secluded by anti-Vatican Council II reactionary Catholic groups. Touvier was finally apprehended in 1989. Charged with many crimes, the accusation that stuck to Touvier was his massacre of Jews “because they were Jews”—a crime against humanity for which there is no time limit. Owing to judicial wrangling the case ran for three years, was dismissed twice on grounds that his crimes were committed under French rather than German auspices (nullified by the argument that as a Milice commander Touvier had taken an oath of allegiance to Hitler) and insufficient evidence, and twice resumed on grounds that the 1964 law did apply. It took until 1994 for his trial and conviction of “complicity to commit crimes against humanity” to be resolved; sentenced to life imprisonment, he died there in 1996, age 81.<sup>34</sup>

Maurice Papon, a high civil servant and police official of the Vichy government, was responsible for the deportation of 1600 Jews and “dejudaizing” (confiscation) property in the Bordeaux area. He had or manufactured Resistance credentials that served him well after the war when he became a Gaullist, headed the Paris police, was elected to the national assembly, became a cabinet minister, played his hand in repression and torture in Algeria, and was awarded the Legion of Honor. In 1981 documents turned up proving his role in Jewish deportations and collaboration with the Germans. His trial and conviction for crimes against humanity proceeded off and on from 1995 to 1998, apparently

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34 Richard J. Golsan, *Memory, the Holocaust, and French Justice: The Bousquet and Touvier Affairs* (Hanover, NH: University Press of New England, 1996).



the longest such trial in French history. It lasted so long because of investigation and wrangling over the 1964 law, the 1992 law—removing limitations on crimes against humanity jurisdiction—and the 1997 ruling that crimes against humanity need not have been pursued in behalf of German interests or ideology. The trial was notable for the numerous historians who testified, among them the American expert on Vichy France, Robert Paxton. Sentenced to ten years imprisonment, Papon appealed but was rejected because he had fled to Switzerland. He was quickly extradited and appealed to the European Court of Human Rights, arguing that his appeal had been refused on a technicality rather than the merits of his case, to which the ECtHR agreed and granted Papon legal fees but not damages and did not disallow the conviction. Papon appealed for presidential pardon but was rejected. Then he appealed for release on grounds of illness which was granted in 2002, after having served less than three years. His release caused much resentment because in the French prison system as virtually no sick prisoners were ever released. Papon died in his bed in 2007, age 96. In his final speech to the court Papon complained that the prosecution has “cast aside the law to obey higher orders.”<sup>35</sup> By then France had taken the very long step to ratify the International Criminal Court and modify the French constitution to extinguish immunity to investigation and prosecution of high officials, so that even the president of the Republic is not above the law; committing international crimes subjects all perpetrators at all levels of authority to prosecution under international law, whether before the ICC or French courts. This outcome marks the sharpest imaginable contrast with American jurisprudence.<sup>36</sup>

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35 Wikipedia article on Maurice Papon; Simon Kitson, “Bousquet, Touvier and Papon: Three Vichy Personalities,” University of Portsmouth French History Interview series, <http://www.port.ac.uk/special/france1815to2003/chapter8/interviews>; René Bousquet was head of the Vichy police at the time of the notorious 1942 Vel d’Hiv roundup of 13,152 Parisian Jews, when “Not one German soldier was needed to accomplish this hideous crime,” a French premier acknowledged 55 years later; Bousquet’s police arrested 60,000 of the 75,721 French Jews deported from France and was one of the highest Vichy officials collaborating with the Germans; after the war he was found guilty of treason but got off with the slightest penalty and became a very successful businessman with friends in high places until 1978 when his role in the deportations came out; it took until 1992 before he was indicted for crimes against humanity, but he never came to trial because a mentally disturbed man assassinated him in 1993, robbing French jurisprudence of what was likely to have been a momentous case showing how fully engaged in antisemitic and genocidal policies the Vichy state had been.

36 Sadat, “The Nuremberg Paradox,” 195–99.

Imre Finta, a former Hungarian police captain charged with robbery and roundups, imprisonment and deportation of Jews to German death camps, was found “not guilty on all counts” by Canadian courts, first in a jury trial and, then, despite violations of procedure, by the Court of Appeal and twice by the Supreme Court, 1989–94, even though Finta had been convicted *in absentia* in Hungary and sentenced to five years hard labor for “crimes against the people.” The jurors who acquitted him were allowed by the judge to consider Finta’s plea that he was obeying superior orders (which the IMT had barred). They may have felt he was too old, believed his actions too remote in time and place, or given way to antisemitic feelings. They may, additionally, have accepted the defense’s argument, which hinged not on Finta’s commission of crimes against humanity and war crimes, but on the lack of proof that he knew they were such. The defense contended that he had acted in a climate or “air of reality” that justified his obedience to “superior orders” and that he could not be expected to know that what he was doing was wrong and criminal. This, however, is hard to believe since the educated Finta had studied law at the University of Szeged and graduated from the Hungarian Military Academy. Human rights scholars and the justice ministry concluded that Finta’s acquittal made prosecution of such crimes virtually impossible, since an accused murderer would be acquitted because he believed antisemitic propaganda was true. In fact, Finta was Canada’s only war crimes trial, which left two hundred or so possible cases of war criminals unindicted and untried and free.<sup>37</sup> The dead-end (similar failures to convict occurred in Australia and Britain) prompted recourse to civil procedures—principally, as in the United States, to deport immigrants who lied about their involvement in the Holocaust—which are prolonged and often inconclusive. Canada remedied its jurisprudence with the Crimes against Humanity and War Crimes Act of 2000, and though for some years no criminal prosecutions occurred, by the end of 2005 Canada indicted a Rwandan under the new legislation.

Two *ad hoc* tribunals, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were created respectively in 1993 and 1994 by the UN Security Council under Chapter VII of the Charter empowering it to preserve or restore “international peace and security.” They too set important precedents. The civil war and ethnic persecution that punctuated the disintegration of Yugoslavia had a vivid impact on the West. The scale of the atrocities, and their visibility on

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37 Rudolph Braham, “Canada and the Perpetrators of the Holocaust,” 307, 310.

nightly TV reporting of “death camps” encircled with barbed wire and “ethnic cleansing” that laid out rows of corpses, and the fact that the barbarity went on in Europe within living memory of the horrors of World War II, brought the Holocaust once more powerfully to mind and galvanized world opinion to take forceful action. The ICTY trials—pursuing indictments for crimes against humanity, war crimes, genocide, and aggression—refined the definition of genocide with regard to “intent”; since demonstrating proof of motive or intent is extremely difficult, and the ICTY failed in some instances, in appeal proceedings it created a lesser but still very serious charge, “aiding and abetting” genocide. That refinement enabled the court to avert the imbroglio of intent and to convict rather than release the accused for insufficient evidence. Also part of ICTY’s jurisprudence was its decision that ethnic cleansing, together with additional evidence, could suffice to establish genocidal intent. Signaling the advance since the IMT half a century earlier, the ICTR was empowered by its statute to prosecute genocide, conspiracy to commit genocide, incitement to commit genocide, attempting to commit genocide, and complicity in genocide.

Two very significant achievements of ICTY were its convictions of bar-owner and traffic cop Duško Tadić, a low level perpetrator, and General Radislav Krstić, near the commanding heights. Tadić’s defense hinged on his atrocities being committed over a small area and short time and personal to him, and therefore did not constitute crimes against humanity; the prosecution countered by presenting a full-bodied historical account (over sixty pages that went back to the Middle Ages) demonstrating that his action was not an isolated or random incident but part of an organized plan of persecution centrally directed and carried by a sustained propaganda campaign.

Krstić, as commander of forces at the scene, was accused of genocide in connection with the 1995 Srebrenica massacres on the basis of massive forensic evidence and a comprehensive historical rendering of events since 1992, demonstrating the existence of a genocidal plan intended to “cleanse” this Muslim enclave sandwiched in between two Serb territories in pursuit of the historic “Greater Serbia”; on appeal, Krstić’s conviction (though not without dissent) was reduced from a paramount role to “aiding and abetting genocide” that brought a sentence of 35 years imprisonment. In both cases history served the law and the law was able to provide an illuminating historical narrative for the benefit of the judges, historians, and later generations. Both historians and jurists have long insisted that in legal proceedings law and history are incompatible and must be kept strictly separate, that they only get in each other’s way, vitiating the process and distorting the outcome. But both ICTY

and ICTR contradict those mutually denigrating assertions, showing that “the demands of justice and history reinforce one another.”<sup>38</sup>

ICTR’s conviction of the prime minister of Rwanda, Jean Kambanda, made him the first head of state to be found guilty of genocide. In its media (Nahimana) case, ICTR convicted leading journalists, editors, and radio and TV moguls of incitement to genocide—the first time since Julius Streicher and the IMT that such a case had been brought. The defense lawyers’ invocation of freedom of speech was rejected on the grounds that “promotion of ethnic hatred” is hate speech and, therefore, unprotected. Perhaps ICTR’s most significant advance was its ruling that mass rape and other forms of sexual brutality can be construed as genocide, the first time that an international court made such a finding.<sup>39</sup> Together the ICTY and ICTR firmly established the precedents of jurisdiction over such crimes whether committed in wartime or peacetime, and whether committed within a sovereign state or across international boundaries.<sup>40</sup> Two other important international criminal tribunals were created by the Security Council, the Khmer Rouge Tribunal for Cambodia and the Special Court for Sierra Leone. Charles Taylor, the warlord president of Liberia, was convicted by the Special Court in April 2012 of crimes against humanity and war crimes committed at his behest in neighboring Sierra Leone, a milestone as the first head of state to be convicted since the IMT convicted Admiral Karl Dönitz who had briefly succeeded Hitler; Taylor was given a sentence of fifty years, and may yet undergo trial for comparable crimes in Liberia.

The ICTY and ICTR were not without their critics, during and since: excessive dependence on hearsay evidence and permitting anonymous testimony, the proceedings dragged on for far too long—so that the president of Serbia, Slobodan Milošević, died well before his trial could be concluded; they were too much concerned to get the small fry and not the big fish; the chief

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38 The brilliant article by Richard A. Wilson, “Judging History: The Historical Record of the International Criminal Tribunal for the former Yugoslavia,” *Human Rights Quarterly*, 27/3 (2005): 908–42, quotation, 940.

39 Diane F. Orentlicher, “Criminalizing Hate Speech in the Crucible of Trial: Prosecutor v. Nahimana,” *American University International Law Review*, 21 (2006): 557–596; she is critical of ICTR’s claim that hate speech that results in hatred is criminalized in international law, arguing that it is so only if it threatens or results in violence.

40 Articles on the ICTR and the ICTY in *Encyclopedia*, ed. Shelton, 547–564; William A. Schabas, *An Introduction to the International Criminal Court*, 2nd ed. (New York: Cambridge UP, 2004), 10–13; Wilson, “Judging History,” 908–42.

prosecutors came and went in too rapid a succession; the tribunals did too little to effect reconciliation of the parties in the aftermath of the conflict, and the like. Two of the biggest fish, the authors of ethnic cleansing, Radovan Karadžić, president of the Bosnian Serb Republic of Srpska, and the commanding general of its army, Ratko Mladić, were indicted by ICTY in 1995 on multitudinous crimes against Bosnian Muslims and Bosnian Croats, disappeared into hiding, but have since come into custody and are being tried by the ICTY in The Hague. The UN's decision to conclude the work of both tribunals in 2008 (for trials) and 2010 (for appeals) did not interdict the ICTY from resuming its prosecutorial work, especially since the UN had extinguished time limitations for prosecution of such crimes, rendering them imprescriptible, in 1968 (came into force in 1970) by the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Europe followed with an analogous convention in 1974.

The IMT and other pivotal trials helped sustain efforts to create a permanent international criminal court, efforts that persisted long though to no avail. In 1946 a resolution of the UN General Assembly declared genocide a crime under international law and launched the process to create such a court. In 1948 a General Assembly resolution directed the International Law Commission to prepare a statute creating the "international penal tribunal" anticipated in the Genocide Convention. A draft was presented to the UN in 1954 that took its cue from the League of Nations treaty of 1937, but the effort was suspended in the teeth of Cold War animosities and distrust. Finally, a long half century later, spurred on by the experience of the ICTY and ICTR, the International Criminal Court (ICC) was born, enacted in 1998 by the treaty of Rome as a permanent rather than *ad hoc* tribunal and designed to implement the Genocide Convention's imperative to apprehend, try, and punish perpetrators of genocide, crimes against humanity, war crimes, and aggression in an "international penal tribunal." Its Statute (its 128 articles read like a *précis* of a century's strivings) came into force in 2002 with ratification by sixty states, not including the United State. Initially the US was one of only seven votes opposed versus 120 in favor, but then the Clinton administration signed, presumably, as a first step to ratification. The Bush administration "de-signed" and campaigned against the ICC in ways that can only be called sabotage. Thus the treaty never came before the Senate for ratification where it undoubtedly would have failed to attain the required two-thirds majority.

Beginning with the IMT, "no country [USA] has invested more in the development of international jurisdiction for atrocity crimes and no country has worked harder to make sure that the law it seeks for others does not apply to

itself.”<sup>41</sup> The ICC’s Statute proclaims that crimes within its jurisdiction are not subject to any statute of limitations but, still something of a handicap, it has no authority over offences before 2002 when its Statute came into force, and Security Council referral of cases can be vetoed by Council members, as in the instance of Syria by Russia and China in spring 2012. One of the compelling features of the ICC is its independence, for while it has important links to the UN and can be stymied by the Council, it is fundamentally untrammled, subject essentially only to the Assembly of State Parties that created it. Although it took six years, the ICC reached a milestone in 2012 and set a precedent in international criminal law, with its first conviction, that of the Congolese warlord Thomas Lubanga for recruiting children for fighting and brutality.

The memory of the Holocaust has inspired efforts, not only to punish perpetrators of heinous human rights violations, but to recompense victims. Virtually all the nearly one hundred regional and global human rights treaties promulgated since 1945 have provisions for redress, although there is little definition of what constitutes effective redress, nor what means are to be used under international law if a particular state fails in its obligation to afford appropriate rectification. Remedies in the form of war reparations can be traced as far back as the seventeenth century, normally in agreements between states such as those required of Germany in the Versailles treaty of 1919. A distinct new form of claim began to take shape in the course of World War II, when Shalom Adler-Rudel became director of the Central British Fund to assist Jewish refugees. He was himself a refugee who had suffered Nazi outrages and fled Germany. From 1939 on he initiated and participated in preparing a series of precise compilations of Jewish losses and in formulating a program for collective indemnification. In 1941 he presented exact figures for Jewish losses suffered in Germany and Austria. Adler-Rudel also laid out the unprecedented nature of the situation. Reparations were not being demanded by one state of another, but by a people whose government was inflicting a war of destruction and atrocity on them. Hence, as German occupation engulfed more and more of the Continent, demands arose for restitution not only to individuals but to the (stateless) Jewish people for the loss of cultural assets and institutions such as libraries, synagogues, and schools, the obliteration of whole communities, and the “damage done to the very fabric of the Jewish people’s existence.” In the course of the war the Allies accepted in considerable measure the

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41 Michael Ignatieff reviewing David Scheffer, *All the Missing Souls: A Personal History of the War Crime Tribunals* in *The New York Review of Books*, April 5, 2012, p. 6; for the Rome statute, Schabas, *International Criminal Court*, 167–247.

principle of collective claims, and by 1945, when calculations of losses totaled in excess of six billion dollars, collective reparations had become a key aim.

In time Israel was recognized by the Allies as the claimant in behalf of the Jewish people and a succession of West German compensation laws and agreements were concluded between 1948 and 1965, most notably the treaty of 1952. East Germany—the DDR—rejected acknowledgement of Jewish claims. More recent agreements have been worked out or claims settled in courts pertaining to slave labor, stolen art, expropriated businesses, and the like.<sup>42</sup> In 2012 the German government agreed to compensate Jewish victims living primarily in the former Soviet Union (approximately 80,000 persons); also, the minimum time to be eligible that survivors had to be endangered under Nazi occupation was reduced from a year to six months. This is the first time claims by survivors in the eastern area have been recognized, making good in some measure for the refusal by the DDR.

The innovative plan of collective compensation that began with Shalom Adler-Rudel found its way into the growing number of human rights treaties and set the paradigm for later claimants, such as the OAU when it appointed a group “to explore the modalities and strategies of an African campaign for restitution [for slavery or slave trade] similar to the compensation paid by Germany to Israel and to survivors of the Nazi Holocaust.”<sup>43</sup> A further development may be seen in the creation of the UN Compensation Commission by the Security Council in the 1990s, which was established in response to the catastrophic invasion and occupation of Kuwait by Iraq. Much of the Commission’s concern is directed to human rights violations—among other things, loss of life and physical injury including disfigurement, medical and rehabilitation costs, being held hostage, assault and rape, torture, being forced to flee into exile—and property loss, environmental destruction, damage and injury to governments in addition to Kuwait’s as well to foreign nationals and corporations doing business in Kuwait. Both the institution of compensation for Jewish claims against Germany and the UN Claims Commission for Kuwait were *ad hoc* organizations. A further significant step may have been taken with Article 79 of the ICC’s Statute. It created a Trust Fund for “restitution, compensation and rehabilitation” to benefit (future) victims, and their families, of crimes within the ICC’s jurisdiction. The Funds stem from the fines and forfeitures imposed by the tribunal.<sup>44</sup>

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42 Shelton, *Remedies*, 400–404.

43 *Ibid.*, 451.

44 *Ibid.*, 404–12.

In sum, the Holocaust has had a profound impact on international law, under which imprescriptible crimes are punishable and compensation awarded worldwide in courts that enjoy universal jurisdiction. As Louis Henkin observed, “[T]he abiding and ineradicable memory of the Holocaust has made it impossible for any state to insist that, in principle, how it behaves toward its own people is no one else’s business.”<sup>45</sup> The Canadian immigration attorney David Matas exaggerates but not by much when he says, “The whole contemporary human rights structure had its foundations in revulsion to the Holocaust.”<sup>46</sup> Another lesson of the Holocaust and important milestone might be seen in NATO’s military intervention in 1999 to defend the Albanians in Kosovo, the first time that massive force was used to defend a threatened minority. The fact that in 1999 the former president of Chile was arrested in Britain to be extradited to Spain for trial for crimes against humanity indicates that heads of state no longer enjoy immunity and impunity (even though his medical condition thwarted the order). Milošević’s arrest and trial, the conviction of Kambanda, and the arrest of former Ivory Coast president Laurent Gbagbo to face charges of crimes against humanity confirm the precedent, which is incorporated in the ICC’s Statute. The institutional framework for international human rights law is the ICC, “a benchmark in the progressive development of human rights” and “perhaps the most innovative and exciting development . . . since the creation of the United Nations.”<sup>47</sup> It has its roots in Article 1 of the UN Charter, the Convention for the Prevention and Punishment of the Crime of Genocide, and the Universal Declaration of Human Rights half a century earlier.

In time it may become possible that genocide, crimes against humanity, war crimes, aggression, and ethnic cleansing could all be subsumed under a unified law of atrocities, one advantage of which may be to avert pedantic equivocations over definition and application. As things stand we have the greatest hope so far in history that heinous violations of international humanitarian law and human rights law will not be tolerated by the international community, the prospect that more adequate remedies for violations will be provided through enhanced norms for indictment, trial and punishment, restoration and compensation, rehabilitation, deterrence, and reconciliation.

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45 Louis Henkin, “Human Rights: Ideology and Aspiration, Reality and Prospect,” in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York: St. Martin’s Press, 2000), 17.

46 David Matas, “Canada Properly Adopts New Anti-Semitism, Holocaust Positions,” *Winnipeg Free Press Story*, January 27, 2008.

47 Schabas, *International Criminal Court*, vii, 20.



## The United Nations and the International Protection of Human Rights

The long struggle in the international arena against antisemitism and for Jewish rights contributed significantly to the general recognition in international law of human and minority rights.<sup>48</sup> Since the 1870s Jewish groups and organizations—reluctant to be singled out for special pleading or seen as an irritating public presence to give openings to antisemitic agitators—characteristically pressed for human rights for all. “Human rights are indivisible” became a Jewish motto.<sup>49</sup> This helps explain why such terms as antisemitism or Jews or Jewish community rarely appear in the documents. Not long into the Cold War, Jews, antisemitism, and like terms dropped out of diplomats’ vocabulary. Sparse use of the terms in treaties or other forms of international law was, no doubt in part, owing to antisemitic biases in the drafters. On the other hand, the terms are subsumed or implicit in such terminology as “human/minority rights” or “elimination of racial or religious intolerance” in documents intended to prevent or punish “incitement” of religious, ethnic/racial, or political/national discrimination and violence. Such terms appear in the UN Charter of 1945; the Genocide Convention and the Universal Declaration of Human Rights, both of 1948; the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, both of 1966, intended as one document but inability to agree brought forth two; and, in 1965, came into force in 1969, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) whose Committee on the Elimination of Racial Discrimination (CERD Committee) does good work in monitoring compliance and prompting improvements. These instruments long set the global standard for human rights and automatically included Jews without specifically mentioning them. Jewish suffering was sometimes the occasion for documents to be initiated, a notable example being the Genocide Convention, particularly notable in that once it was ratified by twenty nations on October 16, 1950, it became the first human rights treaty to be adopted by the UN, notable also because there had been strenuous opposition to defining genocide as a crime punishable under international law on the argument that to do so was to deflect international law into an area where it had, supposedly, no business. As emerges from the *travaux préparatoires*, Jewish concerns were often in

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48 All the UN documents dealt with here are available online: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx> OR at the University of Minnesota Human Rights Library: [www.umn.edu/humanrts/center/hronline](http://www.umn.edu/humanrts/center/hronline).

49 Feinberg, “The International Protection of Human Rights,” 497–98.

the minds of the documents' framers or brought to their attention by Jewish organizations. Such circumstances led to human rights guarantees being inserted in the peace settlements with Bulgaria, Hungary, Romania, and Italy in 1947 and Austria in 1955. Implicitly all these documents outlaw antisemitism. But steadfast attempts to include specific reference to antisemitism long failed. According to UNESCO's eloquent 1978 Declaration on Race and Racial Prejudice, "mass media and all organized groups within national communities" ought to refrain from offering "a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups," that "states ought to prohibit and eradicate racism [and] racist propaganda" and "combat racial prejudice," but its authors could not be induced to specify antisemitism.<sup>50</sup>

Except in hortatory language, UN efforts to address antisemitism as racial and religious discrimination in one comprehensive document were thwarted by thoroughgoing Soviet indifference to the religious issue and Arab insistence on jettisoning concern with antisemitism entirely. Similar attempts to introduce the term in the two separate conventions, when legal logic and prior outbreaks of "Swastika epidemics" appeared to make it imperative, also failed. Although it makes explicit mention of *apartheid* and antisemitism was in the mind of its authors, CERD makes no reference to antisemitism, owing to Soviet attempts to link the document to Zionism and Arab resistance to what they thought would be a manifestation of support for Israel. This unfortunate political wrangling notwithstanding, the Convention forcefully condemns unnamed antisemitism. Article 4 takes a powerful stand against racial hatred, whether spoken or written, and requires signatories to condemn all propaganda and organizations based on ideas of inferior races, makes punishable incitement of racial hatred and dissemination of ideas of racial superiority (here the drafters had in mind the Nazis' prodigious output of works—from pamphlets to treatises—on "scientific" racialist biology trumpeting Aryan superiority), and outlaws all organizations that utilize propaganda to incite racial discrimination, hatred, or violence, and demands prosecution of those who participate in or finance such organizations. This strong stand is difficult to reconcile with the CERD's citation of Article 19 of the Universal Declaration of Human Rights, an absolute guarantee of freedom of expression which can complicate or even nullify the Convention's implementation.<sup>51</sup> In recent years CERD's Committee, which implements the Convention, has handed down decisions concerned

50 Natan Lerner, "Group Libel Revisited," *Israel Yearbook on Human Rights*, 17 (1987): 195.

51 Natan Lerner, "Incitement in the Racial Convention: Reach and Shortcomings of Article 4," *Israel Yearbook on Human Rights*, 22 (1992): 4–10; idem, "Curbing Racial Discrimination—Fifteen Years CERD," *Israel Yearbook on Human Rights*, 13 (1983): 170–188.

with antisemitism, such as the Jewish Community of Oslo v. Norway in 2005. In this case, the Committee examined a complaint regarding a Supreme Court of Norway decision that overturned a lower court's conviction under a section of the Norwegian Penal Code prohibiting "a person from threatening, insulting, or subjecting to hatred, persecution or contempt, any person or group of persons because of their creed, race, color or national or ethnic origin." The conviction was based upon a racist speech by the leader of a neo-Nazi group haranguing marchers honoring Rudolf Hess, whom the IMT had imprisoned for life. The Norwegian Supreme Court dismissed the conviction on the grounds that the speech did not sanction Jewish persecution and genocide; the CERD Committee reversed the decision, concluding that the speech violated the Convention by its message of racial superiority and hatred, and as incitement to racial discrimination.<sup>52</sup>

Parallel preparatory work on CERD's counterpart, a 1981 resolution of the General Assembly, the Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination Based on Religion or Belief went on at a much slower pace and with more input initially from Jewish organizations. Political tension among the UN blocs again made agreement extremely difficult. The Arabs feared that anyone opposing Israel or Zionism would be branded as antisemitic under the Declaration, and other parties argued that it was unnecessary to specify antisemitism since the Racial Convention already dealt with it and that antisemitism was merely a Western or European issue. Yet it remains true that even though it is unspecified, antisemitism stands condemned in the 1981 Declaration, which recognizes the claims of religious minorities and groups and some of the rights and protections afforded to racial/ethnic groups by CERD. The Declaration's Article 7 urges states to enact laws so "that everyone shall be able to avail himself of such rights and freedoms in practice." The Declaration was adopted by consensus of the General Assembly and is not legally binding as a treaty as CERD is, and it remains unclear whether it qualifies, or will eventually qualify, as customary international law. Violation of religious freedom is so widespread that proposals arose to try again to draft a convention that would be binding, but difficulties in reaching agreement continued and the idea of a convention was abandoned in favor of enforcement and public reportage of violations, essentially by national governments rather than under UN auspices.<sup>53</sup> The unavailability of adequate recourse procedures

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52 Robin Edger, "Are Hate Speech Provisions Anti-Democratic? An International Perspective," *American University International Law Review*, 26 (2011): 138–39.

53 Natan Lerner, *Group Rights and Discrimination in International Law*, 2nd ed. (London: Martinus Nijhoff, 2003), 84–107.

for victims of prejudice and discrimination of any kind remains a perennial problem. Many nations, as stipulated by international law, are pledged to tolerance and equality for all, but fail to afford the necessary judicial and administrative procedures and institutions to victims or, where such mechanisms do exist, are too little known or excessively complicated and time-consuming or prohibitively expensive.<sup>54</sup>

For many years attempts to enact specific prohibitions on antisemitism continued to be short circuited by the Cold War and the Arab-Israeli conflict, culminating in the General Assembly's action in 1975, Resolution 3379 equating Zionism with racism. The resolution, which Senator Daniel Moynihan attacked for "giving the abomination of antisemitism the appearance of international legal sanction," violated international law and human rights law as well as the UN Charter and other UN instruments that outlaw discrimination. Resolution 3379 was intended to delegitimize Israel in preparation for its expulsion from the UN and, ultimately, its destruction.

Since the 1960s nearly one-third of the resolutions issued by the UN Commission on Human Rights, in condemnation of specific violations by states, have been directed against Israel. In 2003 eighteen resolutions concerned with infractions of human rights singled out Israel, while all other states were the subject of only four such resolutions. Six of the ten emergency sessions summoned by the UN General Assembly were aimed at Israel. The 56 Muslim nations in the UN normally vote as a bloc against Israel. Delegates expressing opprobrious antisemitic or "anti-Zionist" opinions were never called to order; nor did they seek to delete or soften their invectives in the UN's public record, although many of those verbal assaults constitute incitement or hate speech. Nor was President Idi Amin Dada of Uganda reproved for a speech to the General Assembly in 1975 that was laced with allusions to the notorious forgery *The Protocols of the Learned Elders of Zion* and his call for "the extinction of Israel." A new term has had to be added to our vocabulary, "politicide." Such facts and statistics reveal a deep prejudice against Jews and the State of Israel, which remained undiminished until the 1975 Resolution's repeal in 1991. Yet the repeal's significance is easily overemphasized, because in those sixteen years, antisemitism and its twin anti-Zionism seeped in so as to permeate much of the UN structure, and the General Assembly remained

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54 Mary Robinson, *A Voice for Peace*, ed. Kevin Boyle (Philadelphia: University of Pennsylvania Press, 2006), 30.

an anti-Jewish bastion legitimizing antisemitism from its rostrum at least until 2004.<sup>55</sup>

An auspicious development was a 1992 Report of the Secretary-General to the Sub-Committee on the Prevention of Discrimination and Protection of Minorities that makes repeated reference to antisemitism as a form of racism and calls Holocaust denial “a new form of antisemitism.” The follow-up 1993 UN Conference on Human Rights in Vienna added genocide to its list of infractions, yet owing to wrecking amendments there was no mention of antisemitism as dangerous and a source of violence. The situation was salvaged in some measure by the NGO Forum in attendance, which issued a statement designating antisemitism as danger and evil that must be effectually condemned and combated. In the same year the General Assembly established the position of the High Commissioner for Human Rights; a later commissioner declared human rights to be “universal, indivisible, interrelated and interdependent.”<sup>56</sup>

The 2001 UN Durban Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, was in many respects a debacle. Despite the furious antisemitic rhetoric and the boycott by the United States and Israel, the proceedings were not nearly so bleak as casual reading of the media leads one to conclude. The Durban Conference’s intended focus was Africa and discussion of slavery and colonialism in quest of reparations for what African and Caribbean delegations wanted to brand “crimes against humanity.” The furious antisemitic rhetoric, distribution of Nazi-inspired propaganda and cartoons, and antisemitic incidents were the doings at the NGO Forum—they were condemned by the UN leadership—rather than the Conference. The attempt by Iran and Syria to derail the Conference—with a separate “hate-feast” devoted to antisemitic rhetoric again equating Zionism with racism and resolutions calling for Israel’s destruction—fizzled. The last stages in preparations for the Conference brought the deletion of antisemitic and anti-Israel phrasing, and the text of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (issued in March 2002 with General Assembly resolution 56/206) was agreed upon, reading in part:

¶58 the Holocaust must never be forgotten, ¶61 We recognize with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements

55 See the report of the International Legal Conference on Anti-Semitism, and Anti-Zionism and the United Nations, in *Israel Yearbook on Human Rights*, 17 (1987): 9–147.

56 Roth, “The Legal Fight against Anti-Semitism,” 352; Robinson, *A Voice for Peace*, 9.

based on racism and discriminatory ideas against Jewish, Muslim and Arab communities, ¶63 [parallels concern with the Palestinians with] we recognize the right to security of all states in the region, including Israel, and call upon all states to support the peace process and bring it to a successful conclusion.

The Declaration has been called the “first global document under the auspices of the UN General Assembly that specifically mentions antisemitism,” and Shimon Peres, Israel’s foreign minister at the time, praised it as “an accomplishment of the first order for Israel” and a “comedown for the Arab League”—although the Conference did issue a declaration that claims Palestinians are victims of Israeli racism. In the all-too-familiar way, Israel is the only country singled out as racist. The 9/11 terrorist attacks on the United States occurred while the Conference was underway and did much to obscure and vitiate its achievements.<sup>57</sup>

The follow-up UN Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban II, held in Geneva in 2009, was a fiasco, though one lesson applied was to eliminate the reprobate NGO Forum. Preparations went through a similar process of weeding out of the Conference’s proposed agenda the antisemitic/anti-Israel invective that originated with Arab-Islamic countries, and steering back to its fundamental concern with slavery and colonialism (topics which are as problematic for Arabs and Muslims as for Western countries).<sup>58</sup> UN protocol, however, requires that conferences begin with speeches by heads of state, all of whom *pro forma* are invited; the only one to come was President Mahmoud Ahmadinejad of Iran, who effectively sabotaged the conference in delivering a vicious antisemitic/anti-Israel speech, wielding every weapon in the arsenal of Jew-hatred and calumny, and confirming the refrain of protesters that “Durban is a joke.” To the end of his presidency the onset each year of the UN Assembly’s new session brought Ahmadinejad to its rostrum to spew forth the same rabid antisemitism and anti-Zionism.

The UN did finally begin to reverse itself as a bastion of antisemitism in 2004, when it sponsored its first conference to address antisemitism directly and approved a resolution intended to combat religious intolerance. In memorable words Secretary-General Kofi Anan urged member states to take action to combat the “alarming resurgence” of Jew-hatred: “This time, the world must

57 Naomi Klein, “Minority Death Watch,” *Harper’s*, Sept. 2009, 53–67.

58 Bernard Lewis, *Race and Slavery in the Middle East: An Historical Inquiry* (New York: Oxford UP, 1990).

not, cannot be silent,” and he called for a resolution condemning all antisemitic acts and violence and declaring that political developments, in Israel or elsewhere, can never justify antisemitism. The General Assembly’s 2004 resolution (a similar proposal failed in 2003) is limited to religious intolerance and, though morally compelling, is not binding in law. It

recognizes with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, antisemitism and Christianophobia.

The resolution originated with proposals and initiatives emanating from the European Union, which sponsored the resolution at the UN. Attempts to weaken it were defeated and it ultimately passed unanimously. Anan said, again in memorable words, that in the UN’s efforts to combat religious intolerance,

antisemitism is certainly a good place to start because throughout history it has been a unique manifestation of hatred, intolerance and persecution. Antisemitism has flourished even in communities where Jews have never lived, and it has been a harbinger of discrimination against others. The rise of antisemitism anywhere is a threat to people everywhere. Thus, in fighting antisemitism, we fight for the future of all humanity.

One legal scholar, with hopes that a new era was underway, told the conference that the UN had long been “the leading global purveyor of antisemitism, intolerance, and inequality against the Jewish people and its state,” and that it has provided “a platform for those who cast the victims of the Nazis as the Nazi counterparts of the 21st century.” Another speaker urged that the UN follow the lead of the Organization for Security and Cooperation in Europe at its Conference on antisemitism, held in Berlin two months earlier, and establish a program for tracking antisemitic propaganda and incidents worldwide and for a special official to report and initiate or suggest responses to manifestations of antisemitism. In 2005 the General Assembly followed the precedent of the Council of Europe in 2001 in voting to establish an annual UN commemoration of the Holocaust; in January 2007 it passed a virtually unanimous resolution that “condemns without reservation any denial of the Holocaust” and “urges all member states unreservedly to reject any denial of the Holocaust as a historical event, either in full or in part, or any activities to this end.”<sup>59</sup>

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59 <http://www.un.org/holocaustremembrance>.

Despite this sweeping reorientation with regards to Jews and antisemitism, the UN General Assembly essentially adheres to its longstanding anti-Israel stance, and the “anti-Zionism” expressed at its rostrum—when speakers utilize the arguments, emblems, stereotypes, and aims of historic antisemitism—often serves as a fig leaf for antisemitism. In the years 2005 and 2006, reiterated in September 2009, 2010, 2011, the president of Iran repeatedly called for Israel to be “wiped off the map,” which clearly constituted “direct and public incitement” to commit genocide that is prohibited by the Genocide Convention and violates the UN Charter. Secretary-General Ban Ki-Moon reacted critically to the Iranian president’s mockery of the Holocaust and sponsorship of a Holocaust denial conference in Teheran, and added in his remarks, “Nor is it acceptable to call for the elimination of any State or people.” Some NGOs urged indictment and trial of Iran’s president before the ICC but no action was taken. Critics assert that the UN persists in its Manichaeism, that it forcefully addressed antisemitism as a threat to Jews but ignores it as a threat to Israel. Delegates to the General Assembly represent governments more than nations or peoples; they can say what they like and enact resolutions as they like. Yet, one has to distinguish the harangues spoken with impunity by delegates at the rostrum of the General Assembly from the activities of UN officials and employees of the Secretariat and other UN agencies, where one finds distinguished public servants who would be insulted to hear their work impugned as antisemitic or anti-Israel, although there certainly are some international civil servants who do not measure up to the standard of impartiality and the greater good of the community at large. It still remains to be seen whether the hope of many at the time will be borne out that the 2004 conference and resolution mark the dawn of a truly new era at the UN.

## Europe

The Council of Europe, founded in 1949, was a pioneer in promulgating the European Convention on Human Rights and Fundamental Freedoms the following year and nine years later establishing the European Court of Human Rights to enforce it. In many ways the Convention preceded and established the pattern for the UN system of human rights. The Council of Europe set the example for two other regional bodies, the Organization of American States, 1948 (the OAS is a reorganized institution dating from the nineteenth century), and the Organization of African Unity, 1981. In the early 1990s renewed concern with antisemitism in Europe generated considerable progress by the Conference on Security and Cooperation in Europe (CSCE), the Council of



Europe (COE), and the European Union (EU). CSCE's 1990 Copenhagen conference issued the first international instrument since 1945 concerned with anti-semitism, positing that its member states "clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds," and member states pledged themselves to combat these phenomena by various steps, including laws to protect individuals and groups against "incitement to violence."<sup>60</sup> In the same year, CSCE made similar commitments in its Charter of Paris for a New Europe "to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination against anyone, as well as persecution on religious and ideological grounds."<sup>61</sup> (In 1993 these "Paris Principles" were adopted by the UN in its endeavor to define the powers, composition, and *modus operandi* appropriate for human rights organizations.) These actions have been aptly characterized as "deliberately norm-creating."<sup>62</sup> CSCE's Experts on National Minorities followed up, urging adoption of laws by member states to prohibit incitement of violence founded on "national, racial, ethnic or religious discrimination, hostility, or hatred, including antisemitism." These sentiments were reiterated (with reference to the crisis in the former Yugoslavia) by CSCE's Council in Rome in 1993 in its Declaration on Aggressive Nationalism, Racism, Chauvinism, Xenophobia, and Antisemitism. For its part and for the first time in its history, COE at its 1993 Vienna meeting declared antisemitism to be a great evil, and was joined by CSCE and other institutions working in tandem to issue and adopt several human rights standard-setting texts, among them NATO's 1994 "Partnership for Peace," EU's 1995 "Stability in Europe," and COE's 1995 Framework Convention for the Protection of National Minorities, significantly enhancing its bedrock Convention on Human Rights and Fundamental Freedoms of 1950.<sup>63</sup>

This 1995 COE Framework Convention offers a much more robust program for enhancement of minority rights and status than the 1992 UN General Assembly's Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (although this non-binding declaration was the first international human rights instrument dedicated solely to minority rights since before World War II). The Framework spelled out for Europe that

60 Lerner, *Group Rights and Discrimination*, 130.

61 Lerner, "Incitement in the Racial Convention," 3.

62 Malvina Halberstam, "Comment: The Copenhagen Document: Intervention in Support of Democracy," *Harvard International Law Journal*, 34 (1993): 163-75.

63 Preece, *National Minorities*, 50.

the protection of national minorities and of the rights of persons belonging to those minorities forms an integral part of the international protection of human rights and as such falls within the scope of international co-operation [and is not an internal affair subject exclusively to the sovereign state concerned].

Following the example of the European Parliament in 1993, the Framework also condemned Holocaust denial in “emphasizing the insidious nature of revisionist theories, some of which go so far as to claim that the Holocaust did not take place,” and urges member states to adopt legislation condemning “any denial of the genocide perpetrated during World War II and any justification and attempt at rehabilitation of the regimes and institutions which were responsible parties to it.” An important step by CSCE was its creation in 1992 of the post of High Commissioner on National Minorities to provide “early warning” and “early action,” the next year adding to the Commissioner’s mandate the requirement to address “all aspects of aggressive nationalism, racism, chauvinism, xenophobia, and anti-Semitism.”<sup>64</sup> In 2000 COE member states held a special conference in preparation for the 2001 UN Durban Conference. It drew up a “Political Declaration” that expresses alarm at manifestations of “racism, racial discrimination, xenophobia, anti-Semitism and related intolerance,” presses all states “to reject ethnic cleansing, religious persecution, and genocide,” and exhorts members “never to forget the Holocaust” and to make Holocaust denial a punishable offence, insisting that the issues of violence against Jewish communities and dissemination of antisemitic propaganda must be dealt with forcefully. COE’s human rights commissioner is mandated to promote awareness and respect for human rights by visitations to member states, cooperation with national human rights organizations, and protection of human rights activists.<sup>65</sup>

The Office for Democratic Institutions and Human Rights (ODIHR), an arm of the Organization for Security and Cooperation in Europe (OSCE, established in 1995 replacing CSCE that dated from the early 1970s), provides early-warning tools in its vast region of 56 nations from “Vancouver to Vladivostok” as part of its efforts to combat and prevent hate crimes and confrontations. It gives due attention (in the street, media, political discourse) to antisemitism in word and deed, anti-Israel propaganda, Holocaust denial, and the like. Its “Toolbox” contains educational guidelines and curricular materials for combating hatred, Holocaust denial, and antisemitism in the classroom. ODIHR’s

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64 Lerner, *Group Rights and Discrimination*, 24–25.

65 <http://www.commissioner.coe.int>.

data collection, comparative presentations of conditions, policies, legislation, and law enforcement efforts are intended to inspire cooperative efforts by governments, NGOs, and grassroots organizations to strengthen efforts to combat hatred and intolerance. In recent years it has been more concerned to follow up, to goad member states to fulfill their commitments, especially in educational provision as the optimum way to prevent antisemitism and xenophobia. It also puts increasing emphasis on monitoring and restricting hate speech on the Internet. Some experts and participants associated with ODIHR have proposed that future contacts with Muslim states tackle questions concerning hate speech and antisemitism in the Middle East, and possibly open the way to discussions and initiatives that would begin to extend this design, or something comparable, for the international protection of human rights to societies desperately in need of it. The Arab Spring was auspicious for a time but soon turned into widespread civil war, terrorism, and despotism restored. The fact that increasing numbers of moderate or liberal Muslims—clerical, lay, academic—are coming forward might be a harbinger that, over time, ODIHR and other organizations will be able to initiate meaningful dialogue.

The culmination to date of such efforts to contend with antisemitism is OSCE's 2004 Berlin Declaration. It recognizes that antisemitism,

following its most devastating manifestation during the Holocaust, has assumed new forms and expressions, which, along with other forms of intolerance, pose a threat to democracy, the values of civilization and, therefore, to overall security, [and goes on to declare] unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify antisemitism.

The OSCE member states committed themselves to insure that their legal systems foster an environment free from antisemitic harassment, violence or discrimination; promote educational programs for combating antisemitism; initiate remembrance of and education about the Holocaust; and combat racist, xenophobic and antisemitic propaganda in the media and on the Internet that fuel hate crimes. OSCE's work has been greatly facilitated in the last few years by the "Personal Representative of the OSCE Chairman-in-Office on Combating Antisemitism," particularly in organizing international conferences on antisemitism, the preparation of educational materials for teaching the Holocaust, antisemitism, and Jewish history, and energizing the governments of the member states.

OSCE held a conference on this theme in Prague in March 2011 on "Confronting Anti-Semitism in Public Discourse," about which, it was observed

beforehand, “so far, no consensus has emerged” and none emerged in the course of the meeting. Apart from OSCE member states, a large number of representatives from the media and NGOs participated at Prague, conferring great importance on the meeting, which was essentially a continuation of efforts launched at the 2004 Berlin conference to promote international co-operation in combating antisemitism in all forms. It reiterated its desire to promote dialogue between religions and cultures, particularly dialogue between Jews and Muslims, and to reach out to communities in the Middle East. While they could report significant progress in responding to hate crimes, the most insidious form at present of antisemitism, conferees acknowledged that increased expressions of antisemitism in public discourse and the media generally had not been addressed in many OSCE countries, that “often governments have been slow in responding or have failed to respond adequately to antisemitic incidents.” A further indication that progress remains slow and difficult was the reminder that “member states that have not yet done so should enact laws that establish hate crimes as specific offenses or provide enhanced penalties for bias-motivated violent crimes.”<sup>66</sup>

In 1997 the EU established its Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna to provide comparative data on all forms of hatred, antisemitism among them, in the member states as a basis for legislation and policy development. EUMC, absorbed in 2007 into the Fundamental Rights Agency (FRA), operates with a wide-ranging Working Definition of Antisemitism (adopted in 2005) that has proved useful to other organizations, including the US State Department and the OSCE, that have adopted it for purposes of compilation and analysis. It enumerates as litmus tests the principal elements of antisemitism in word and action that are closely comparable to those outlined at the outset of this essay:

Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

While focusing on “anti-Semitism in public life, the media, schools, the workplace, and in the religious sphere,” it is quite exceptional in its reference to Israel and in dealing with the way “anti-Zionism” often degenerates into antisemitism, such as, “Applying double standards by requiring of [Israel] a

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66 <http://www.osce.org/odihr/76202>.

behavior not expected or demanded of any other democratic nation,” among other stereotypical manifestations targeting Israel “as a Jewish collectivity.”<sup>67</sup> The Working Definition is intended to provide a practical template for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation combating antisemitism. In addition, the European Forum on Antisemitism (representatives of Jewish groups and NGOs, founded in 2008) fosters FRA’s work (making the Working Definition available in 33 languages) and created the Rapid Reaction Force to respond to antisemitic threats and attacks on Jewish communities and individuals as quickly as possible with legal assistance and the support of local coalition groups, drawing upon the International Association of Jewish Lawyers and Jurists and other organizations like the Secure Community Trust in Britain.<sup>68</sup>

A remarkable development under EU auspices is the creation of “equality institutions” to enforce its equality and anti-discrimination law in the member states. They are modeled on the American Equal Employment Opportunity Commission (EEOC) under the 1964 Civil Rights Act, and function independently with administrative and judicial powers. Emulated by Britain with its Equality Opportunity Commission and a few other countries in Europe, their scope has been broadened to include racial, gender, and other anti-discrimination provisions. One of the articles of the treaty of Amsterdam, which came into force in 1999, empowers the Council of the EU to enact legislation to enforce equality and combat discrimination. The original fifteen EU members agreed, for the most part willingly and with practically no compulsion, and each has created its “equality institution”; the requirement has been imposed on the twelve new EU members, some of them resistant, as part of the price of admission. While the list varies from country to country and EU directives extend and refine it in a process of “leveling-up,” almost all EU countries provide for equal treatment and relief from discrimination with regard to employment, religion or belief, racial or national or ethnic origin, age, gender, and disability. In France eighteen specific categories of discrimination are subject to its equality institution. The creation and continuing development and diffusion of the equality institutions by easy give and take—“bricolage”—

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67 <http://fra.europa.eu>; <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/english>.

68 [http://ec.europa.eu/justice-fundamental-rights/agency/index\\_en.htm](http://ec.europa.eu/justice-fundamental-rights/agency/index_en.htm); <http://www.european-forum-on-antisemitism.org>.

between members and with the Council testifies to the emergence in Europe of a culture of equality and non-discrimination.<sup>69</sup>

Since 2001 the EU Commission has been inconclusively negotiating a Framework Decision on Combating Racism and Xenophobia, a proposal that clearly includes antisemitism; it came close to an accord in 2005 specifying that,

It is necessary to define a common criminal law approach in the European Union to this phenomenon of racism and xenophobia in order to ensure that the same behavior constitutes an offence in all [27] Member States and that effective, proportionate and dissuasive penalties and sanctions are provided for natural and legal persons having committed or being liable for such offences.

In the judgment of some NGOs and other observers, the provisions were steadily weakened until negotiations stopped altogether in 2005. In January 2007 the rotation of the EU presidency came to Germany, which, according to a press briefing,

committed itself to returning the combating of racism and xenophobia throughout Europe to the political agenda. It will revive the negotiations on the Framework Decision to combat racism and xenophobia, which have been frozen since 2005. The Framework Decision was on the verge of a compromise. The goal is to attain minimum harmonization of provisions on criminal liability for disseminating racist and xenophobic statements. These include, for example, public incitement to violence and hatred or the denial or gross minimization of genocide out of racist or xenophobic motives.

In responding to the Iranian president's repeated denials of the Holocaust and his calls for Israel's destruction, Germany proposed the criminalization of genocide denial (citing the Armenian, European Jewry, and Rwandan examples) and a three-year jail term as penalty. Although Germany's term ended without enactment of the Framework Decision, the matter remains on the EU's agenda although with the worldwide economic recession it has lost momentum. The EU is also concerned about the dangers of hatred disseminated on

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69 Bruno de Witte, "Evolutions in Antidiscrimination Law in Europe and North America," *The American Journal of Comparative Law*, 60 (2012): 49–74.

the Internet, but such activity is not usually part of the public record and challenging Internet-based criminal activity remains legally problematic.<sup>70</sup>

Although an emerging post-Cold War human rights regime in Europe that benefits Jews and condemns antisemitism is a clear and persuasive development, few of these compelling instruments are legally binding. Nevertheless, they reiterate legal principles and peremptory norms specified in other, including UN treaties and conventions, and thus possess a great deal of moral and political weight as “soft law.”

### The Western Hemisphere and Africa

Before World War II, steps were taken in the Western Hemisphere to combat antisemitism. The 1938, 1942, and 1945 meetings of the International Conference of American States (transformed in 1948 into the Organization of American States, OAS) produced texts that were further reaching than anything elsewhere on human rights. In 1938, it adopted texts on the defense of human rights and persecution for racial or religious motives; in 1945, the texts promulgated were “International Protection of the Essential Rights of Man” and “Persecution of the Jews.” In 1948, a half year before the UN proclaimed the Universal Declaration of Human Rights, the OAS adopted its American Declaration of the Rights and Duties of Man, proudly designated “the world’s first general human rights instrument.” Following European models in some degree, in 1969, the OAS published the American Convention on Human Rights, which was ratified as a treaty and came into force in 1978. Additional protocols and conventions enacted from 1988 to 1999 enunciate economic, social, and cultural rights and deal with the death penalty (abolished), forced disappearances, violence against women, and discrimination against the handicapped. Implementation and enforcement are the responsibility of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The commission receives petitions from states, individuals, groups, and NGOs, establishes the facts, and works to persuade the parties to an amicable settlement; failing that, the case may go to the court if the state in question has ratified the convention and accepted the court’s jurisdiction; for other states, the commission is the final tribunal. The importance of human rights as a criterion for political legitimacy has grown in recent years

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70 [http://europa.eu/about-eu/index\\_en.htm](http://europa.eu/about-eu/index_en.htm).

and violations of human rights incur higher costs than previously, although the overall picture remains mixed.

The African Charter on Human and Peoples' Rights was approved by the Organization of African Unity (OAU) in 1981 and came into force in 1986; in 1998, the OAU established the African Court of Human Rights, which came into permanent session in 2004. The African charter is wide-ranging in scope, proclaiming economic, social, cultural, civil, and political (but not religious) rights of individuals but also of peoples. In Asia there are no regional organizations dedicated to the protection of human rights comparable to those of Europe, the Americas, or Africa.

### **Anti-Hate Speech Jurisprudence and Legislation**

Hate speech is notoriously difficult to define: everything depends on the content and the context. As a working proposition it may be defined as propagating ideas and claims of the inferiority of a person or group based on race, religion or other comparable traits that threatens or encourages violence—even if unintentional—against an individual or group. Such speech generates an atmosphere of intolerance and inequality by employing, it has been said, “words that are used as weapons to ambush, terrorize, wound, humiliate, and degrade” not only the person or group attacked but society as a whole. Attempts to restrict hate speech date largely from after 1945 and in considerable measure reflect the experience of Nazi propaganda and efforts to prevent a recurrence. Article 29 of the Universal Declaration of Human Rights specifies that

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

While this provision does not specifically call for anti-hate speech laws, it can be argued and has been argued, as well as the contrary, that Article 29 provides scope for such laws as will secure “due recognition and respect for the rights and freedoms of others.” Article 20 of the 1966 International Covenant on Civil and Political Rights (ICCPR) provides a far-reaching exception to the Covenant’s ringing guarantees of freedoms of political speech and expression by requiring signatory states (there are some 160) to outlaw hate speech when



it constitutes incitement: “any propaganda for war shall be prohibited by law” and “any advocacy [written or spoken] of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Thus the international community has collectively acted to condemn hate speech, and through ICCPR (also CERD, as we have seen) to obligate signatories to prohibit such expression. Yet there is still no international human rights court to implement decisions of the UN Commission on Human Rights or work with its Human Rights Committee, as there is no court to enforce the Universal Declaration of Human Rights.

The European Court of Human Rights (ECtHR), established in 1959, is the only permanent human rights court in the world and is also unique in that all signatories of its Convention for the Protection of Human Rights and Fundamental Freedoms, usually cited as the European Convention on Human Rights (ECHR), are legally obligated to accept its decisions and most of them have incorporated the Convention in their domestic law. “The Supreme Court for Human Rights in Europe,” as it is hailed, is the pioneer in its procedure enabling individuals to bring complaints of human rights violations in its courts. ECtHR has developed the most significant jurisprudence in limiting hate speech, what it condemns particularly as “hate speech glorifying violence” and threatening democratic society and institutions. It recognizes not merely the possibility but the necessity to interdict hate-speech language or the right of assembly, provided its actions, or those of member states, are proportionate to the reason for imposing restrictions. Article 10, freedom of expression, declares that

Everyone has the right to freedom of expression. . . . The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of [among other things] public safety, for the prevention of disorder or crime, . . . for the protection of the reputation or rights of others. . . .

Nazi-style rhetoric and “all expressions that seek to spread, incite or justify hatred based on intolerance, including religious intolerance,” are rejected. ECtHR has almost always found Holocaust deniers’ claims of violations of free speech or academic freedom to be specious, and views their writings and speeches as threats to other rights and freedoms set forth in the Convention and the values—democracy, equality, and justice—on which ECHR is based. ECtHR has most often restricted hate speech in the form of Nazi or neo-Nazi propaganda, for as one of its judges remarked, “the Convention was born not in

Rome [where it was opened for signature in 1950] but in Auschwitz.”<sup>71</sup> Article 17, in prohibiting abuses of rights like the propaganda and street violence that undermined the Weimar Republic of Germany, stipulates that

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth [in the Convention] or at their limitation. . . .

That is to say, it is not necessary that the right or freedom in question actually be destroyed but that the intention, the aim, of the accused be such destruction, and thus Article 17 puts incitement of hatred “beyond the pale” of democratic rights.<sup>72</sup>

In their proceedings both ECtHR and the EU’s European Court of Justice (ECJ)<sup>73</sup> not infrequently draw upon each other as well as on the judicial experience of other countries, including Israel, invoking precedents, decisions, laws, academic studies, and the like in fashioning their own judgments. The two institutions are complementary in defending human rights in the courtroom and in extending commitment to human rights by requiring nations applying for EU membership to qualify by acceptance of COE’s and EU’s human rights regimen; this stipulation brought some improvement in human rights law and practice in the former members of the Soviet bloc. The use by ECtHR and ECJ of comparative method in human rights adjudication, opposed though it is by traditionalists as the emergence of “a global judicial priesthood” imposing foreign “supra-national values,” appears to bode well for international human rights jurisprudence.<sup>74</sup> ECtHR in particular strives to bring the judicial practice of member states into line with the prescriptions of its Convention and its case law. ECtHR’s innovative developments along with the work of other

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71 Leto Cariolu, “The Right Not to Be Offended by Members of the British National Party: An Analysis of *Serco Ltd v Readfearn* in the Light of the European Convention of Human Rights,” *Industrial Law Journal*, 35 (Dec. 2006): 415–30, n. 21.

72 Rowel Genn, “Beyond the Pale: Council of Europe Measures against Incitement to Hatred,” *Israel Yearbook on Human Rights*, 13 (1983): 199–200.

73 The ECJ adjudicates between member states and is not a human rights court *per se* but it has pronounced that “international treaties for the protection of human rights . . . can supply guidelines which should be followed within the framework of Community law.” Quoted in Shelton, *Remedies*, 203.

74 Christopher McCrudden, “A Common Law of Human Rights? Transnational Judicial Conversations on Constitutional Rights,” *Oxford Journal of Legal Studies*, 20 (Dec. 2000): 499–532.

international bodies hold the promise of setting a universal norm for the protection and promotion of human rights. Since all human beings are equal, it follows, as the COE's Vienna Declaration and Programme of 1993 states, that "All human rights are universal, indivisible, and interdependent and interrelated."<sup>75</sup>

Partly spurred by ECtHR, there has been a growing trend among national governments to incorporate human rights treaties and international agreements into their national legal systems, and to adapt domestic law to the decisions of international tribunals, even in some cases when to do so requires amending the constitution. This development is facilitated in countries "where international law and domestic law comprise one unitary system of law," but is inhibited "where international law and domestic law comprise two distinct legal orders," that is, monism, of which France is a notable example, and dualism, as exemplified by the United States.<sup>76</sup> Again partly spurred by ECtHR, there has been a growing trend among national governments to enact legislation outlawing hate speech on the grounds that it often incites the rabid anger that begets violence and threatens democratic society. The example of Nazi Germany suggests the danger of a progression that culminates in violence and genocide: in sequence, antisemitism, racism, stereotype, prejudice, xenophobia, and scapegoating. One precedent for outlawing hate speech as incitement to violence can be found in the trial of Julius Streicher, who was indicted and executed by the IMT for, among other things, "the incitement of the persecution of the Jews." His pornographic weekly *Der Stürmer* was read by millions of Germans from 1924 to 1945, and even though he was under house arrest from 1940 and Nazi bigwigs—with the notable exception of Hitler, however—were utterly contemptuous of him, for the masses and such groups as the Hitler Youth his demagoguery relentlessly fanned the flames of antisemitism. Streicher probably was the first Nazi to propose (in a 1925 speech) Jewish annihilation. Prohibition and punishment of incitement would seem to be a stark imperative in the light of instances, as in the 1990s in Bosnia-Herzegovina, where terrible massacres and torture were perpetrated by and among people who had lived in social harmony (including intermarriage) for generations until they were provoked into violence by hate speech and fanatical propa-

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75 James A. Sweeney, "Margins of Appreciation: Cultural Relativity and the European Court of Human Rights in the Post-Cold War Era," *International and Comparative Law Quarterly*, 54 (April 2005): 469.

76 Martin A. Rogoff, "Application of Treaties and the Decisions of International Tribunals in the United States and France: Reflections on Recent Practice," *Maine Law Review*, 58 (2006): 413.

ganda. The historical record provides plentiful evidence that the Holocaust and other genocides and ethnic cleansings were all enveloped in hate speech.

Every major Western democracy has enacted anti-hate speech laws. But in the United States, where there is a strong constitutional suspicion of government authority that favors individual liberty and a weak constitutional basis for supporting equality, anti-hate speech legislation and court decisions have almost always been overturned under the First Amendment by the Supreme Court, even such examples as burning crosses placed on an African American family's lawn by white supremacists. For many decades if not from the beginning of the Republic there has been a constitutional disposition to value freedom of speech above all others, a preference to defend the individual against the state rather than for the state to protect the individual or group against verbal assault, calumny or physical danger. The famous 1919 dictum of Justice Oliver Wendell Holmes still stands: unless there is "a clear and present danger" of imminent violence or "Fighting Words" are in question, all speech must be permitted. Since the 1952 case of *Beauharnais v. Illinois*, confirming by five-to-four the constitutionality of a criminal libel statute (what today would be called hate speech law), the Supreme Court has not judged any speech to have met the Holmes test and subsequent cases have eroded much of the 1952 decision's strength.<sup>77</sup>

Hate crime laws have been adopted in almost every state of the union, but expressions of hate remain protected by the First Amendment and are not criminalized by these laws; rather, by the 1969 Local Law Enforcement Hate Crimes Act, it is criminal behavior that is motivated by hate speech that is made subject to a severer sentence than would be imposed if hate speech were not involved. This "sentence enhancement" was confirmed as constitutional by the Supreme Court, on the grounds that the defendant "intentionally selects the person against whom the crime [is committed] because of the race, religion, color . . . of that person." Subsequent juridical developments, such as the 1999 Hate Crimes Prevention Act, have fortified state laws and made them less likely to be disallowed as unconstitutional. Nevertheless, what was said in 2001 by the attorney defending an antisemite and white supremacist remains

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77 Jeremy Waldron, *The Harm in Hate Speech* (Cambridge: Harvard UP, 2012), 47–56, 61–64; Edger, "Are Hate Speech Provisions Anti-Democratic?" 150–51; Holmes' actual words are, "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre."

accurate: "Demonizing Jews is still legal under the First Amendment. It is still legal in this country to be a bigot. It is still legal to hate."<sup>78</sup>

One may hazard the suggestion that the United States could appropriately overcome its First Amendment absolutism by emulating Britain's complex of hate speech laws, culminating with the 2006 Racial and Religious Hatred Act, which effectively curb hate speech without undermining freedom of expression: no prosecution is initiated without the attorney general's consent, attacks on persons are prohibited but not on ideas or beliefs or institutions, and since what is said in private or without intent to stir up hatred is not prosecutable.

Ironically, one of the obstacles to moderating the absolutist First Amendment jurisprudence is the claim by many American legal scholars that British efforts to regulate hate speech have failed and have weakened free speech, that hate speech trials and sentences have been ineffective in restraining racism, that hate speech laws drive racist speech underground, that the government has enforced the law harshly and abused its wide powers under the law, that the courts have interpreted the law unreasonably, and the like, plying the venerable First Amendment jurisprudence that seems indifferent to addressing the harm inflicted by hate speech. However, as Philip Rumney concludes in his careful analysis of the workings of the 1998 Human Rights Act, in Britain the anti-racist laws buttress the social norm that racism is an unacceptable attitude and behavior. Racist campaigns, he demonstrates, have been decidedly curtailed and

the law has not led to any significant erosion in free speech and yet [it] has had a [restraining] impact on the content of more virulent racist expression, it has severely restricted the public dissemination of such material and may have also adversely impacted upon the support for some organized racist groups.

In short, much of the corpus of American legal scholarship on British hate law is "riddled with errors, misrepresentations and exaggeration" and does not "withstand critical scrutiny."<sup>79</sup> One might also appropriately remind the absolutists that the most violently demagogic newspaper that relentlessly hounded

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78 Kevin Boyle, "Hate Speech—The United States Versus the Rest of the World?" *Maine Law Review*, 53 (2001): 489; Bird, "Racist Speech or Free Speech?" 405.

79 Philip N.S. Rumney, "The British Experience of Racist Hate Speech Regulation: A Lesson for First Amendment Absolutists?" *Common Law World Review*, 32/2 (April 2003): passim, especially Conclusion, 151.

Captain Dreyfus and brought France to the brink of civil war called itself *La Libre Parole*, that is Free Speech, literally The Free Word.

A recent situation at the University of California's Irvine campus illustrates the ease with which the names that proverbially "will never hurt me" turn into "the sticks and stones" that do. At Irvine Jewish students were subjected to antisemitic intimidation and verbal harassment that used the ancient stereotypes of "dirty Jews" who should "go back to Russia" or "burn in hell," that it is necessary to "slaughter the Jews," that "Jews should be finished off in the ovens," they are "the plague of mankind," and much more of the same; physical threats and attacks that took the form of shoving, stalking, and rock throwing; vandalism of a Holocaust memorial and swastikas plastered on Jewish property. This happened in a campus atmosphere of antisemitic hatred generated by a series of Israel-bashing speakers who were seemingly condoned by the administration under the spell of the First Amendment. The complaint filed with the Office for Civil Rights of the federal Department of Education in 2004, the first major case under the antisemitism policy adopted in 2004, got nowhere: to the consternation of many, particularly the author of the 2004 memoranda that set forth the criteria for enforcement, OCR's finding in 2008, after prolonged investigation, was that the matter was beyond its jurisdiction and that there was insufficient evidence to proceed against Irvine. The investigators were unable to recognize the outlawed racial discrimination that was staring them in the face, nor the massively documented correlation between the expression of traditional antisemitic epithets and anti-Jewish bias incidents and violence.<sup>80</sup> And so, as Natan Sharansky remarked in 2005, "In America, Jews feel very comfortable, but there are islands of anti-Semitism: the American college campus."

Under the 2004 Global Antisemitism Review Act and the appointment in 2006 by the Secretary of State of a Special Envoy to Monitor and Combat Antisemitism, the United States government committed itself to periodic reports, beginning with "Contemporary Global Antisemitism: A Report Provided to the United States Congress" of March 2008. From 2009 to 2012 the Special Envoy was Hannah Rosenthal, who energetically expanded the initiatives taken by her predecessor: she issued a more far-ranging report, *2010 Anti-Semitism Compendium: A Country and Theme-based Approach to Monitoring Global Anti-Semitism*; she spoke here and abroad at numerous conferences on antisemitism, intolerance, human rights, and Holocaust education, working closely with her counterparts in the EU and OSCE and the newly formed

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80 Kenneth L. Marcus, "Jurisprudence of the New Anti-Semitism," *Wake Forest Law Review*, 44 (Summer 2009): 383–86, 416 & n. 83.

Inter-Parliamentary Coalition for Combating Anti-Semitism (ICCA). She and the Special Representative to Muslim Communities initiated the “2011 Hours Against Hate” program, which is addressed to youth worldwide to put the brakes on bigotry and promote pluralism and mutual respect across lines of culture, religion, tradition, class, and gender. Her exuberant manner and (to some, problematic) criticism of Israeli policies and appearances with the Special Representative to Muslim Communities jointly denouncing antisemitism and Islamophobia explain her departure. Her successor is Ira Forman, a less dynamic but capable envoy. A Combating Anti-Semitism Bill was introduced in the House of Representatives in September 2010. It would have amended the 2004 Act by providing for additional, more elaborate reporting (every other year), requiring responses to trends and developments, enhancing funding for the agency, training foreign service officers and other State Department staff about issues raised by antisemitism, and elevating the Special Envoy to Ambassador at Large for Monitoring and Combating Anti-Semitism. Unfortunately, the Bill languished in the House Foreign Relations Committee and ultimately died there.

Canada's jurisprudence is deeply concerned with multicultural diversity and the equality and protection of social groups, and restricts hate speech by both criminal and civil provisions in its Criminal Code and the 1985 Human Rights Act. Canada had set an early precedent in halting an individual from distributing antisemitic “messages” via the telephone and post office and rejected the defendant's claim of freedom of expression, decisions that were confirmed in 1981 on appeal to the UN Committee of Human Rights. The Canadian Charter of Rights and Freedoms subjects its assurance of “freedom of thought, belief, opinion and expression” to “reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” The Human Rights Act prohibits and makes punishable exposing a person or group identifiable by “race, national or ethnic origin, colour, religion, age, sex. . . . to hatred or contempt.” In the 1990 James Keegstra case—decided in the Supreme Court by a four-to-three vote—a teacher engaged in Holocaust denial and antisemitic propaganda forfeited his teaching post on the grounds that, by vilifying and degrading Jews, he was “unlawfully promoting hatred against an identifiable group” and thereby exposed society at large to contemptuous attitudes that over time might poison minds and behavior, causing lasting harm to society. Noting the weakness of reason and fact in countering prejudice, the majority opinion compared the dangers likely to arise from antisemitic propaganda to the effectiveness of modern advertising and Hitler's antisemitic campaigns; in reaching their decision the majority noted that their analysis and judgment

were consistent with CERD and ICCPR, whereas the minority hewed closely to First Amendment absolutism as practiced south of the border.<sup>81</sup>

Ernst Zündel arrived in Canada, a German immigrant, in 1958 and soon embarked on his neo-Nazi career as self-styled “führer” of “Concerned Parents of German Descent” and co-author of *The Hitler We Loved and Why*. By the early 1980s Zündel’s extreme antisemitism, Holocaust denial, and Nazi activities were sufficiently public that attempts to prosecute him began. In 1985 he was tried in criminal court for knowingly spreading “false news” (originally a prohibition on maligning the aristocracy) that was likely to harm a recognizable group of people, specifically his distribution on his website of that denial chestnut, *Did Six Million Really Die?* by Richard Harwood. Zündel himself testified and the prosecution attempted to show that he did not believe his own antisemitic propaganda, but simply used it maliciously to justify his Nazi ideology and rehabilitation of Hitler. His defense counsel, Douglas Christie, a veteran defender of Canada’s antisemites like Keegstra, tried to trap witnesses, especially Holocaust survivors, in seeming inconsistencies and falsities; he used such tricks on the historian Raul Hilberg, who had to establish the factual truth of the mass murder, since the court did not accept the Holocaust as a given or common knowledge, with regard to casualty statistics and death camp operations. And while Christie may have undermined the effectiveness of Hilberg’s testimony, as he did that of survivors whom he rattled with his sarcastic language, the jury found Zündel guilty of spreading “false news” and he was sentenced to fifteen months in jail. In 1987 the Appeals Court found that the law making “false news” punishable was constitutional but granted a retrial on grounds of irregularities by the judge. The second trial in 1988 reprised the first. This time, however, no survivors testified and the historian Christopher Browning served as the leading expert for the prosecution. Zündel was again found guilty and sentenced to nine months in prison. Two years later the Appeals Court upheld the decision, the sentence, and the constitutionality of the “false news” law. In 1992, however, the Supreme Court overturned the conviction on the grounds that the “false news” law was too vague and therefore unconstitutional. Zündel was jubilant and celebrated his victory for “free speech” and resumed his incendiary activity as the media mogul operating the world’s biggest distribution system online and in other media of antisemitic, anti-Israel, and Holocaust denial material—books, pamphlets, newsletters, tapes, and videos, his own and those of others like David Irving. In the

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81 Edger, “Are Hate Speech Provisions Anti-Democratic?” 139–43; Waldron, *The Harm in Hate Speech*, 57–58, 84–85.



third attempt to deal with Zündel, 1996–2002, the Canadian Human Rights Commission dispensed with a jury trial in preference for a hearing on the merits before a three—and then two—(because one had to return to his university) person tribunal; this time Zündel did not testify in his own behalf but brought in “experts” most of whom the tribunal rejected as “unqualified and unreliable.” The prosecution invited the present author to serve as its historical expert. I testified to a list of lethal stereotypes similar to what is outlined in the first section of this essay and presented an aide-memoir of two columns, the first listing antisemitic theories, rhetoric, and propaganda since 1100, paralleled in the second by antisemitic outbreaks and violence demonstrating that history exhibits a long-term correlation between antisemitic propaganda and violence inflicted on Jews. The second step was to cite verbatim a mass of claims and assertions from Zündel’s publications making obvious how they replicated all the lethal stereotypes, and to conclude that that since such execration over many centuries had inflicted persecution on Jews, Zündel’s reprise of it would likely, though not inevitably, injure Jews. Gary Prideaux, a professor of linguistics and discourse analysis, expounded Zündel’s rhetorical devices, demonstrating how they are calculated to denigrate Jews and expose them to hatred and peril. The tribunal accepted these arguments and concluded that Zündel’s Nazi-inspired vituperation was dangerous, that his website was “malevolent in its depiction of Jews” in violation of the Human Rights Act. In its decision the tribunal had to reconcile its perception that Zündel exposed Jews to hatred and contempt and thereby danger, with the Charter of Rights and Freedoms, by which, as noted earlier, everyone enjoys “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication,” subject only to “reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” Noting that hate mail does double damage, to the “listener” as well as the party attacked, and that preventing “serious harms caused by hate propaganda remains a matter of pressing and substantial importance,” the tribunal ordered that the “Zündel site” be shut down and barred him from the Internet. By then, 2002, he had fled to the US and, benefiting from his wife’s Green Card and the “double criminality” principle or what some Canadians regard as “First Amendment imperialism,” resumed his nefarious activities on the Internet securely ensconced behind the shield of the First Amendment. Subsequently, he violated his visa and was deported back to Canada, which deported him to his native Germany, where he was arrested and tried for Holocaust denial, neo-Nazism, and fomenting racial hatred, and was sentenced in 2007 to a five-year jail term but was released after three years. In conclusion, let it be said that Canada’s guarantees of freedom of speech are almost as fundamental as the First Amendment’s, but there is a

much greater awareness that, as the tribunal stated, “There are indeed limits to freedom of expression [and] that hate propaganda presents a serious threat to society,” and requires preventative action.<sup>82</sup> In retrospect, it is perfectly clear that in the US Zündel would have been acquitted on all charges.

Britain’s experience in containment of violence incited by hate speech dates to the seventeenth century, when, among other actions, promoting “feelings of ill-will and hostility between classes” was punishable as seditious libel. In the remarkable Osborne case of 1732 publishers were punished for criminal libel, in one report, for “Breach of the Peace” by riots, in another, for their pamphlet causing “the whole community of the Jews [to be] struck at” by the accusation of ritual murder, for which some were beaten up and threatened with death.<sup>83</sup> By 1900 convictions for seditious libel were difficult to win because courts required proof of “direct incitement to violence” or breach of the peace. But the 1936 Public Order Act made speech that was “likely” to incite violence as well as the “intention” to incite violence punishable, even if no actual violence erupted in either case. By its power to curtail “threatening, abusive or insulting words or behaviour,” the act effectively throttled fascism in Britain prior to and during World War II as well as neo-Nazism in the 1960s. In 1986 the 1936 Act was amended to make hate speech punishable if it threatened racial “harassment,” whether directed against a group or individual, and it prohibits the possession, publication, and distribution of racially inflammatory materials on the Internet—which was already littered with neo-Nazi and Holocaust denial sites—as well as other media; it also makes employers and corporate executives liable in some instances for violations by their employees and Internet service providers liable for transmitting such materials—being “mere conduits” is no assured defense. The 1998 Human Rights Act that for the first time creates a written guarantee of freedom of speech, represents a major constitutional change. Courts in human rights cases must reckon with the jurisprudence of the ECtHR and judges are obligated to interpret legislation in ways which are compatible with rights under the ECHR: “It is unlawful for a public authority to act in a way that is incompatible with a Convention right.” The act incorporates Article 10 of the ECHR into British law, thus placing limitations on freedom of speech. The Crime and Disorder Act, also 1998, introduced

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82 Frederick M. Schweitzer, “Canada Attempts to Curb Hate Mail: The Lessons of the Zündel Case” in *The Genocidal Mind*, ed. Dennis B. Klein et al. (St. Paul, MN: Paragon House, 2005), 69–80; Marvin Perry and Frederick M. Schweitzer, *Antisemitism: Myth and Hate from Antiquity to the Present* (New York: Palgrave Macmillan, 2002), 269–77; Douglas, *The Memory of Judgment*, 227–56.

83 Waldron, *The Harm in Hate Speech*, 204–207.

the principle of “racial aggravation,” making penalties more severe for racially aggravated assault, criminal damage, and harassment. Since the 1990s Britain, like other states, has sought to render its human rights law compatible with international human rights instruments and thereby to attain a fuller realization of human rights. A further step was taken with the 2006 Racial and Religious Hatred Act, consolidating public order legislation: No prosecution can be undertaken except with the attorney general’s approval (to assure non-partisanship and seriousness), cases must involve hatred (not merely criticism, antipathy, ridicule, dislike, insult, and such), and persons are immune to prosecution if hatred is expressed in private, the accused does not realize his activities would rouse hatred, and other limitations on the law’s operation to assure that the remedy will not be worse than the malady. The act limits “religious hatred” to persons, “a group of persons defined by reference to religion,” for it expressly permits “discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents.”<sup>84</sup> Britain’s is one of the strongest legal frameworks in the world for protecting people against discrimination and hate crimes. Until new energy and commitment came in 2008 and the ICCA’s London Conference of 2009, enforcement of this remarkable armory of hate speech laws dawdled a good deal, except those occasions when racial or religious hatred was imminent and expressed in “a threatening, abusive or insulting manner.” In 2003 a Muslim cleric was found guilty of incitement to murder and racial hatred, and was sentenced to nine years’ imprisonment. While there have been discussions and proposals, Britain has not criminalized Holocaust denial. If denial is interpreted as a form of antisemitism or hate speech, it can be prosecuted, but no cases have so far been brought. The one spectacular suit involving Holocaust denial was the David Irving trial of 2000, in which the court branded this revisionist historian a Holocaust denier, racist, antisemite, neo-Nazi, and manipulator of evidence and falsifier of history on the basis of ideology. However, this verdict resulted not from an indictment for Holocaust denial, but from the failure of his libel suit against an American historian who had accused him of extreme bias and distortions. In 2005 Irving was arrested in Austria for Holocaust denial and served a jail sentence of a little over a year.<sup>85</sup>

Germany’s vigilance against hate speech reflects the experience of the Nazi regime’s propaganda war against the Jews that culminated in the Holocaust; the concepts in the 1949 Basic Law (the constitution) of human dignity and

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84 Ibid., 119–20.

85 Marvin Perry and Frederick M. Schweitzer, *Antisemitic Myths: A Historical and Contemporary Anthology* (Bloomington: Indiana UP, 2008), 283–90.

personal honor flourishing in a pluralist democratic society are paramount values. The Criminal Code contains provisions by which the freedoms of the Basic Law's elaborate bill of rights, particularly freedom of expression, can be circumscribed or denied altogether: the freedom of speech of the speaker must be balanced by the dignity and self-respect of the hearers. The Code and criminal and civil laws criminalize incitement to hatred as attacks on human dignity; instigation of racial hatred by writings or public speech that threaten violence; "insult," whether verbal or physical, as an offence against personal honor; disparaging the memory of the dead; and glorifying, approving, denying or minimizing Nazi genocide. Various, neo-Nazis, antisemites, and Holocaust deniers have been convicted, fined, and in several instances jailed in cases brought in these categories. The German Constitutional Court felt justified in restricting antisemitic speech partly, because "nothing has damaged Germany's reputation so much as the cruel persecution of the Jews."<sup>86</sup> In cases involving Holocaust denial, the Court has established the principle that "the courts judge this mass destruction to be commonly known" and are, therefore, not compelled to hear testimony from witnesses who say it never happened; or when they do, that the judges are warranted in dismissing testimony. The Frenchman Robert Faurisson and the American Arthur Butz, two notorious deniers, were dismissed on the grounds that doing so did not risk impugning "historically secure and thus generally accepted knowledge."<sup>87</sup> By taking judicial notice of the Holocaust, the courts have avoided the trap of judicial truth-finding in that they have recognized that scholarly interpretation of the Holocaust will change and develop over time and that courts should not adhere to a static view of history. A compelling reason that Germany scrupulously prosecutes hate speech and continues extending the scope of what is prosecutable as hate speech is, as the Constitutional Court avowed in 1979, that "the [Nazi] past is still present," that the Holocaust has not become "merely a part of the historical process," a perception that still prevails in some lower courts if not in the national legislature.<sup>88</sup> One of the most striking Holocaust denial suits was that involving David Irving in 1994. The Court sustained a lower court's decision to bar Irving from speaking in public in Germany because Holocaust denial would constitute "denigration of the memory of the dead, criminal agitation, and, most

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86 Michel Rosenfeld, "Hate Speech in Constitutional Jurisprudence: A Comparative Analysis," *Cardozo Law Review*, 24 (April 2003): 1551.

87 Eric Stein, "History against Free Speech: The New Law against the 'Auschwitz'—And Other—'Lies,'" *Michigan Law Review*, 85/2 (1986): 290.

88 *Ibid.*, 304, 319.

important, criminal insult, all of which are prohibited by the Criminal Code.”<sup>89</sup> Germany continues almost routinely to curb antisemitic propaganda. Virtually every court verdict expresses something like the necessity to accord to Jews

recognition and respect on the part of the citizens of the land burdened by the past. . . . Whoever attempts to deny these events deprives [Jews] the personal worth to which they are entitled [and] continues the [National Socialist] discrimination against them, [that the decision is essential] in the light of the historical experience.<sup>90</sup>

To permit assertions of Holocaust denial would undermine the Basic Law and threaten the Federal Republic itself.

For many years German governments sought to have the neo-Nazi Gary Lauck, the “Farm Belt Führer,” extradited from Nebraska where he sent out great quantities of antisemitic propaganda and Holocaust denial materials to Germany, but were thwarted because of the “double criminality” principle—requiring that to be extradited the actions of the accused have to constitute crimes in both countries. What Lauck did was and remains legal in the United States, and it was not until he traveled to Denmark, was arrested there and extradited that he became subject to a German court. Germany successfully prosecuted an Australian in the Toben case of Holocaust denial and racial hatred on the Internet because both countries proscribe hate speech. (Australia’s Racial Discrimination Act of 1975 prohibits activities that insult, intimidate or humiliate persons owing to their race, color, or national or ethnic origin, and while Australia gives statutory sanction to free speech, it does not afford it constitutional primacy the way the First Amendment does.) As we have seen, after deportation from Canada and year-long proceedings in a trial for Holocaust denial, neo-Nazism, and inciting racial hatred, Ernst Zündel was sentenced to jail. In reviewing appeals of hate-speech cases, international bodies generally follow the more rigorous German precedents and positions.

France, where constitutional tradition since 1789 supports equality and government protection of civil rights, has the precedent of the 1939 Marchandeu decree that, by fines and imprisonment, effectively suppressed antisemitic articles in the French media until the Vichy government rescinded it in 1940. It was reinstated in 1945 and—spurred on by France’s ratification of the UN’s Racial Convention (CERD)—replaced in 1972 by the Pleven Law (passed unanimously by the legislature) that criminalized racial discrimination and racist

89 Rosenfeld, “Hate Speech in Constitutional Jurisprudence,” 1553.

90 Stein, “History against Free Speech,” 303, 293.

speech, whether against members or non-members of ethnic, national, racial, or religious groups, and made incitement of racial hatred or use of libelous or abusive language punishable. The Gayssot Law enacted in 1990 builds on it and makes public denial of crimes against humanity (as defined by the IMT in 1945) or the Holocaust punishable with fines, imprisonment, forfeiture of some civil rights, and even publication in newspapers of the names of those convicted.<sup>91</sup> After the Holocaust denier Robert Faurisson lost his professorship under the law in 1991, he challenged the decision before the UN Human Rights Committee as a violation of his rights of freedom of expression under the International Covenant on Civil and Political Rights. ICCPR's Human Rights Committee upheld the Gayssot law and stated in its decision that judicial action is essential to counteract antisemitism and racism. Faurisson persists in his assertion that there were no gas chambers at Auschwitz and was tried, fined, and given a probationary jail sentence in 2006. The Holocaust denier and Muslim convert Roger Garaudy was fined a very large sum for denying crimes against humanity in general and the Holocaust in particular in his book *The Founding Myths of Israeli Politics*: in confirming the decision the European Court of Human Rights also upheld the view that the Holocaust is a fact, not a matter of debate or opinion:

There can be no doubt that denying the reality of clearly established historical facts, such as the Holocaust... does not constitute historical research akin to a quest for the truth. The aim and the result of that approach are completely different, the real purpose being to rehabilitate the National-Socialist regime and, as a consequence, accuse the victims themselves of falsifying history. Denying crimes against humanity is therefore one of the most serious forms of racial defamation of Jews and of incitement to hatred of them.<sup>92</sup>

Jean-Marie Le Pen, the extreme right National Front leader who minimizes and trivializes the Holocaust and accuses the government of being “hostages to a Jewish conspiracy” centered in New York, has been convicted and fined several times for racist speech as have numerous higher-ups in his party. (He has retired and been replaced by his daughter). Several editors and newspapers were also fined and several imprisoned for incitement and slander. A French court in 2000 compelled the American Internet provider Yahoo! to desist from the display and sale of Nazi memorabilia on its auction sites in France, calling

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91 Bird, “Racist Speech or Free Speech?” 406–13.

92 Edger, “Are Hate Speech Provisions Anti-Democratic?” 132–33 (Faurisson), 146 (Garaudy).

it a criminal violation, but, owing to the “double criminality” principle that makes the decision unenforceable in the United States, was unable to block French users from using American Yahoo! sites. Yahoo! claimed the action was a breach of its right of free speech, but did not appeal because, as members of the court wryly put it, Yahoo! has no “First Amendment right to violate French criminal law.” When the French government sought to impose a large fine on Yahoo!, a US federal court invoked the First Amendment and refused to enforce the order.<sup>93</sup> Efforts to extend the Gayssot law to make it more effective in prosecuting Holocaust denial have so far been unsuccessful. In 2005 the editor-in-chief of one of France’s premier newspapers, *Le Monde*, and both authors of an op-ed article entitled “Israel-Palestine: The Cancer,” were found guilty of antisemitism by an appeals court. In the first decision of its kind in Europe, the court ruled that the article “targeted a whole nation, or a religious group in its quasi-globality, and [therefore] constituted racial defamation.” The three had to pay token fines of only symbolic damage.<sup>94</sup> In the same year a court took note of inflammatory preaching that is dangerous, erroneous, and/or incendiary, which listeners might find compelling and authoritative because delivered by a cleric, in this instance a Muslim: such sermons, when they are exhortations to violence, “can exert an influence on young Islamists and therefore constitute an incitement that can induce them to join violent groups.” Intervention in such cases anywhere in the West remains difficult and uncertain, since it collides with a strong constitutional tradition of freedom of religion as well as of speech. In company with France and Germany, Canada, Denmark, and the Netherlands are the most vigorous in enforcing hate speech laws. So far, the efficacy of anti-hate laws elsewhere is mixed: uncertainty of prosecution, long delays, ambiguous verdicts, and light punishments raise misgivings about their capacity for deterrence.

### The Internet

The Internet stands at the front line of the struggle for human rights and has been called a more powerful instrument for freedom of expression than the United States Constitution’s First Amendment, although the freedom it promises against dictatorial regimes must be weighed against the hazards it presents to open societies. The Internet’s flow of messages is the proverbial two-edged sword: it can both increase and diminish freedom. Since the Internet reflects,

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93 Richard Pike, “www = World Wide Worries?” *New Law Journal*, 156 (March 2006): 356.

94 Kenneth Lasson, “Incitements in the Mosques: Testing the Limits of Free Speech and Religious Liberty,” *Whittier Law Review*, 27 (Fall 2005): 50–51 & n. 177.

though it may also intensify, the antisemitism already present in society, we should not condemn it outright for antisemitism but note that the Internet and newer networking social media can serve as teaching devices in the cause of tolerance. Still, whether for good or evil, in today's global world, any person is a potential publisher, any group can have its own website, and any demonstration, meeting or rally can place its message and image online. Yet, the massive amount of material that flows on the Internet and the multiple boundaries and jurisdictions it crosses make monitoring it practically impossible. It includes traditional print, news items, video, audio, interactive conversation that are provided by intermediaries like Google, Microsoft, Mozilla Firefox, Internet Explorer, Facebook, MySpace, YouTube, Twitter, and others. Such intermediaries are not bound by First Amendment guarantees of free speech. They are private actors and have the right to refuse or censor or remove online speech, whether out of business-profit calculations or ethical motives if they fear that advertisers will pull out or that parents will object to intolerance like "Kill a Jew Day," "Execute the Gays," "Murder Muslim Scum" or "How to Kill a Beaner," and switch to other sites. Using filters, zoning, "acceptable use policies," and other devices, many intermediaries have interfered to censor, remove, or counter hate speech, but many more have not, and the tens of thousands of hate sites make it virtually impossible and too expensive for intermediaries or other agencies to monitor them. Some of them, indeed, are dedicated to hate speech, whether for profit or out of ideological fanaticism. As things stand, advances in technology threaten to nullify national and international efforts to regulate hate speech. Wikipedia offers an example of how a site can be monitored to assure accuracy and wholeness: it sets a standard for submissions that are reviewed by its editors and subject to evaluation by users, so that articles get corrected, extended, enhanced and rendered more authoritative by additional or better sources in a continuing process that never ends. Such an elaborate process, however, is not workable or suitable to most intermediaries because of the investment in time and costs it requires.<sup>95</sup>

Defenders of the absolutist interpretation of the First Amendment insist that emphasis should be put on conduct rather than speech, that no new test need be applied to the Internet other than those that apply to radio and television, that we should not let fear of "a new technology get the better of us," that "the public sphere [should be] open to all," and that "First Amendment challenges posed by the twenty-first century are not really new [or, presumably,

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95 Danielle Keats Citron and Helen Norton, "Intermediaries and Hate Speech: Fostering Digital Citizenship for Our Information Age," *Boston University Law Review*, 91 (July 2011): 1479.



more dangerous].<sup>96</sup> These views ignore the fact that the “clear and present danger” doctrine and jurisprudence were not developed in a global theater, that a speaker shouting fire falsely in the global theater is a quite different phenomenon from a speaker who does so in the national or domestic one. Unbound by time or space, the Internet can easily provide the cover of anonymity or pseudonymity, while the fact that servers subject to prosecution can simply be moved to the US means that the US enacts the First Amendment in full absolutist measure for all the world. When Canada throttled his website for imperiling a vulnerable “Identifiable Group,” the antisemite Ernst Zündel relocated to the US and resumed his nefarious activity with impunity until he violated immigration law. Moreover, the belief that under present conditions the Internet threatens no new or strengthened dangers represents a fundamental misreading of the workings of the marketplace of ideas, a much used but false analogy with economic conceptions.

The free play of competition among ideas and attitudes does not assure that hate speech will eventually fail and fall by the wayside, and that truth and goodness will always ultimately triumph. Too often it is quite the opposite because “hate speech can produce a process defect in the marketplace of ideas.” Evil ideas and programs are able to prevail and inflict harm when they resonate with historically rooted hatreds and images that can awaken latent racial and/or religious prejudices and myths. Antisemitism is an obvious example, and we have learned that in certain circumstances even fairy tales can kill.<sup>97</sup> That understanding has led Germany along with Austria, Belgium, Canada, the Czech Republic, France, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Poland, Portugal, Romania, the Slovak Republic, Spain, Sweden, and Switzerland, but not the US, to make antisemitism and/or Holocaust denial, online and other media, punishable according to different definitions of hate crimes under criminal law. Several challenges to laws punishing Holocaust denial brought before the ECtHR have failed.

The secretary general of the UN observed in 2000 that the use of the Internet to spread hate speech was one of the most important challenges to have arisen from modern technology development, for by then it was estimated that the one racist website of 1995 had mushroomed to about 4,000. All too clearly, the number has continued to rise rapidly ever since with more than half the total situated in the US. In 2001 COE took the first steps to establish an inter-

96 Lynn Adelman and Jon Deitrich, “Extremist Speech and the Internet: The Continuing Importance of Brandenburg,” *Harvard Law and Policy Review*, 4 (Summer 2010): 73.

97 Citron and Norton, “Intermediaries and Hate Speech,” 1451; Steven K. Baum, *When Fairy Tales Kill* (New York: iUniverse, 2008), passim.

national standard of prohibition of computer-based racial hatred at its Forum on Harmful and Illegal Cyber Content, which formulated the Convention on Cybercrime that entered into force in 2004. The Preamble states its purpose as attaining “a common criminal policy aimed at the protection of society against cybercrime, *inter alia* by [member states] adopting appropriate legislation and fostering international co-operation.” This first international treaty on crimes committed via the Internet or other computer systems confined itself to such matters as infringement of copyright, computer-related fraud, and child pornography, but it also affords procedural powers for the interception and retention of data. The Convention was broadened in scope by the “Additional Protocol to the Convention of Cybercrime, Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems” that entered into force in 2006. Specifically, it criminalizes posting racist and xenophobic materials; threatening violence to a person or group distinguishable by race, color, national origin, and the like; denial or minimization or justification of acts of genocide or crimes against humanity; aiding and abetting such offences. Both documents have been signed, the Convention by at least 43 states including the United States and some 21 have ratified it, the Additional Protocol by at least 20 and ratified by at least 11 of the 47 member states plus several observer countries. To be enforceable and attain the goal of an internationally consistent level of prohibition of race hatred, it remains essential to limit member state reservations on the Additional Protocol (First Amendment inspired reservations just about nullify the commitment of the US), to conclude international agreements bringing national legislation into line with standard definitions of criminal Internet hate speech, and to harmonize national laws with each other for more uniform enforcement.<sup>98</sup> The OSCE first addressed the issue of combating hate speech on the Internet at its meeting at Athens in 2009 and again at Prague in 2011, but was unable to go much beyond spelling out the scale and difficulties in creating a workable balance of free speech and freedom of the press with the necessity to curb whatever incites and foments group hatred but stopping short of criminalizing hate speech.

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98 <https://wcd.coe.int/ViewDoc.jsp?id=1167033>; <https://wcd.coe.int/ViewDoc.jsp?id=1304067>; LaShel Shaw, “Hate Speech in Cyberspace: Bitterness without Boundaries,” *Notre Dame Journal of Law, Ethics & Public Policy*, 25 (2011): 281 & n. 12; Jane Bailey, “Private Regulation and Public Policy: Toward Effective Restriction of Internet Hate Propaganda,” *McGill Law Review*, 49 (2004): 78–80; on RUD—Reservations, Understandings, Declarations—see Lasson, “Incitements in the Mosques,” 65–69.

The London Conference and Summit of the Inter-parliamentary Coalition for Combating Antisemitism of February 2009 was the founding meeting of this group (ICCA), of what may prove to be an historic landmark. It brought together about 125 parliamentarians from 40 countries and 75 or more non-governmental experts and academics, and was the first such conference to assemble legislators. Its "Declaration on Combating Antisemitism" is promulgated to draw attention to the dangerous resurgence of antisemitism:

We call upon national governments, parliaments, international institutions, political and civic leaders, NGOs, and civil society to affirm democratic and human values, build societies based on respect and citizenship, and combat any manifestations of antisemitism and discrimination.

The London group required governments to use, or expand their use, of the EU's Monitoring Centre's "Working Definition of Antisemitism" as a standard instrument to identify, denounce, and prosecute manifestations of antisemitism and hatred, whether in word or deed. The Declaration asks legislators to work against antisemitism by word and action; to urge action by their governments, international bodies, and the UN; and to enact appropriate hate crime legislation. It urges governments to take action to prevent broadcasts of incendiary antisemitic programs, especially state-sponsored programs; to add teaching the Holocaust, antisemitism, racism, and discrimination to the national curriculum; to reaffirm commitment to the Genocide Convention; to adopt the OSCE's Law Enforcement Program for training police, prosecutors, judges so as to enhance national efforts to apprehend, prosecute, convict, and sentence perpetrators. The Declaration also calls for the creation of a task force of technical and legal experts to track and measure antisemitism on the Internet and prepare legal frameworks for prosecuting cybercrime, and presses member states of COE to enact enabling legislation under its Protocols for Hate Speech and Cybercrime that will criminalize racist and xenophobic activities committed on the Internet. Impressive as the London Declaration is, one must acknowledge that it is not a treaty binding in international law; its injunctions go no further than *should* and *can* with only an occasional *must* or *will*. Whether it will become international law if enough heads of state follow the British prime minister's lead with their signatures is not yet clear. Its impact might be limited to atmospherics but if the governments and organizations called upon to act do so act, it will build up the arsenal of "soft law." It is certainly exhortation of a very compelling kind that follows upon and energizes actions and initiatives taken or contemplated earlier by the EU, OSCE, and COE as well as the UN,

most conspicuously OSCE's 2004 Berlin Declaration dealing with antisemitism. Felt by commentators at the time to be auspicious (although American media paid almost no attention to the ICCA) were the facts that two non-Jewish MPs were responsible for launching the ICCA after their disappointment with the results of the Global Forum on Antisemitism in Israel the previous year, and that the majority of the delegates were non-Jews. As one participant noted, "This document is not just for Jews. There are fundamental principles involved that can be applied to any form of race hate."<sup>99</sup>

The ICCA held its second meeting in Ottawa, Canada, November 2010, and issued the Ottawa Protocol for Combating Antisemitism. It was a larger group with over 140 legislators from over 50 countries; many of the new participants were from African countries, which inspired the desire to increase "working relationships with parliamentarians in Africa for the combating of racism and antisemitism." With its Protocol the Ottawa conference may be said to have taken a substantial step, though still far short of the goal of transforming moral imperative into settled law; its guidelines—a reaffirmation of the EU's Fundamental Rights Agency's (the remodeled Monitoring Center) "Working Definition of Antisemitism"—are a spur to action, providing governments and organizations a framework within which to define, condemn, and deter anti-semitic acts and language; the Protocol stands as a historic milestone in that a formal document addressed to the international community, for the first time, sets forth the criteria for distinguishing legitimate criticism of Israel from anti-semitism/anti-Zionism. The representatives expressed great concern that the worldwide resurgence of antisemitism continues to accelerate and they were "appalled" at the persistent manifestations of age-old stereotypical myths: the blood libel, poisoning of wells, conspiracies to dominate governments, the economy, the media, and public institutions in the manner of a "new Protocols of the Elders of Zion," and Holocaust denial elaborated as a big lie to justify the creation of Israel and to depict Israelis as behaving like Nazis. The meeting noted the worsening scourge of hatred online and urged the establishment of an International Task Force of Internet Specialists (parliamentarians and experts) to create criteria to identify and monitor antisemitism and other forms of hate online and to develop policy recommendations for governments and international organization to deal with the problem. Canada, the first country to do so, committed itself to implementing the Protocol in September 2011, when its foreign affairs minister and its citizenship, immigration, and multiculturalism

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99 London Declaration, [www.antisem.org](http://www.antisem.org); <http://www.matthiaskuentzel.de/contents/new-coalition-raises-the-alarm-against-globalized-antisemitism>.

minister signed it, explaining that the Protocol “complements what Canada is already doing,” that this step was taken because, in considerable part, “Our government has lost faith in the Durban process . . . which . . . promoted racism rather than combat it.”<sup>100</sup>

The ICCA’s third annual meeting was scheduled to take place in 2011 in the United States but did not do so, possibly owing to the world economic crisis. Instead, in June 2012, members of the ICCA met in Brussels with Members of the European Parliament (MEPs) to energize the Parliament in its commitment to effectively counter antisemitism, because, as was observed, “antisemitism is still widespread across the countries of Europe and fighting it should be in the very DNA of the European Union.” To “turn our words into action” the MEPs formed a permanent working group on antisemitism to keep the Parliament actively involved and to hold the EU Commission and other EU institutions to account and make sure they live up to their responsibilities. The Brussels meeting may serve as a steppingstone to the ICCA’s eventual third meeting, but for now it is focusing its efforts on regional and topical gatherings, such as the one with the European Parliament and its Internet Hate Task Force. Its agenda includes engaging intermediaries like YouTube, Google, and the social-media to move more quickly and decisively to stop the spread of hateful material on the Internet, and continuing to call on universities to combat antisemitism—they must strike an acceptable balance between respecting freedom of speech and academic freedom, while clearly defining antisemitic acts and language, and dealing with all incidents and complaints with the same seriousness with which they confront other forms of hatred.<sup>101</sup>

## Conclusion

While instances of antisemitism and other expressions of hatred worldwide have not declined in recent years, quite the contrary, substantial progress in condemning and outlawing antisemitism has been made since the norm-setting precedents established in Europe in the early 1990s. Although those forceful instruments are not binding in law, they have much of its moral force and helped impel the UN General Assembly to reverse the antisemitic posture it has adhered to for much of its history. Efforts to combat antisemitism through the instrumentality of national and international law (and resolu-

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100 Citizenship and Immigration Canada, “Canada becomes first country to sign the Ottawa Protocol,” news release, Ottawa, September 19, 2011, [www.cic.gc.ca](http://www.cic.gc.ca); [www.cpcca.ca](http://www.cpcca.ca).

101 [www.antisem.org](http://www.antisem.org).

tions, covenants, conventions, declarations) by relentless advocacy and public monitoring of developments will persist and will continue to achieve results slowly and surely but with occasional setbacks and disillusionment. The process is abetted by the trend in international law by which the idea of the classic rights and immunities of sovereign states not to be interfered with is giving way to ideas of global governance and good governance. Sometimes contending with antisemitism turns into a Sisyphean task, especially today when hate speech can circle the globe massively and instantaneously. Notoriously, as history attests many times over, governments can readily evade even the most stringently worded laws and sabotage the best intentioned regulations. Signature of a treaty or ratification of a convention is not self-executing; it does not insure that the nation's jurisprudence will accommodate treaty provisions or that those provisions will be enforceable in the country's courts until legislation enacts it. Without effective enforcement, laws that prohibit or outlaw antisemitism or incitement of racial hatred proverbially carry little weight; as has been observed, law devoid of means of enforcement is "not law properly so-called."<sup>102</sup> For all its shortcomings and uncertainties, however, it is law that will serve our purpose as the instrument and palladium to restrain antisemitism: as Raphael Lemkin would vehemently remind us, "Only man has law. Law must be built. . . . You must build the law!"<sup>103</sup>

In recent years non-state actors have become highly visible abusers of human and minority rights, perhaps eclipsing the sovereign state. For non-state actors international law and organizations are handicapped since such laws were designed for dealing with states.<sup>104</sup> The Internet complicates matters still further. Given its strength and protean character, and its unique capacity over many centuries to adapt itself to almost any kind of setting, antisemitism will not be abolished in the foreseeable future. To be sure a milestone has been reached in that customary international law obligates all states—even the US despite its First Amendment reservations—to proscribe the advocacy of antisemitism when it takes the form of national, racial or religious hatred.<sup>105</sup> But international law does not criminalize antisemitism, or hate speech generally, unless it threatens or results in violence. Yet antisemitism can be morally and intellectually discredited and legally contained, and thereby limited in the harm it causes. Over time, hopefully, amidst a growing recognition of a

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102 Richard Goldstone, "Advancing the Cause of Human Rights" quoting John Austin in Power and Allison, eds., *Realizing Human Rights*, 198.

103 Quoted in Power, "A Problem from Hell," 55.

104 Moore, "From Nation State to Failed State," 85–86.

105 Boyle, "Hate Speech," 495–96.

global bill of human rights, the nexus of international, regional, national, non-governmental and local organizations and institutions will grow more integrated as they learn to cooperate ever more closely in their work together in enforcing a comprehensive body of international humanitarian law that is set forth in nearly a hundred international and regional human rights treaties. For a balanced evaluation of the present situation, see the review article by Kenneth Roth, "The End of Human Rights?" in *The New York Review of Books*.<sup>106</sup>

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106 Kenneth Roth, "The End of Human Rights?," *The New York Review of Books*, October 23, 2014, pp. 72–74.

## Holocaust Denial in North America

*Kenneth Lasson*

*The devastating truth about the Holocaust is that it was a fact, not a dream. And the devastating truth about the Holocaust deniers is that they will go on using whatever falsehoods they can muster, and taking advantage of whatever vulnerabilities in an audience they can find, to argue, with skill and evil intent, that the Holocaust never happened. By being vigilant to these arguments we can all fight this second murder of the Jews—fight it, and weep not only for the victims' mortality but also for the fragility, and mortality, of memory.*

SEN. ORRIN HATCH<sup>1</sup>

*Without the past, without memory, without history, we are nothing, adrift. We place our destiny and dignity in the hands of the misfits and their projected psychoses. This movement is not an attack on the Holocaust, but on the very notion of historical meaning. It is a revolt against reality, a threat not only to the past but to the future.*

JAMES S. ROBBINS<sup>2</sup>

From the still-burning embers of the Holocaust we have come once again to learn the terrible truth, that the power of evil still lurks among the nations of the world, and cannot be underestimated. Nor can the effect of the spoken and written word, which in modern times must be taken in tandem with the violence of terrorism.

It has been but a half-century since the liberation of Nazi death camps, a little more than a quarter-century since the First International Conference on the Holocaust and Human Rights,<sup>3</sup> and two decades since the United States Holocaust Memorial Museum first put on display its documentation of horror.<sup>4</sup>

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1 141 Cong. Rec. S16853 (daily ed. Nov. 9, 1995) (statement of Sen. Hatch) (quoting Dr. Walter Reich, Executive Director, United States Holocaust Memorial Museum).

2 James S. Robbins, *Adrift in Denial*, National Review Online, December 13, 2006.

3 Sponsored by the Boston College Law School Holocaust/Human Rights Research Project and the Anti-Defamation League of B'nai Brith, the conference took place on April 17, 1986. See Debate, *Freedom of Speech and Holocaust Denial*, 8 Cardozo L. Rev. 559 (1987).

4 The Museum opened in 1993.



Yet today that form of historical revisionism popularly called “Holocaust denial” abounds worldwide in all its full foul flourish—disseminated not only on Arab streets but in American university newspapers, not only in books, articles, and speeches but in mosques and over the Internet and by heads of state.

“Israel must be wiped off the face of the map,” declared Mahmoud Ahmadinejad, the elected president of Iran, in December of 2006. His primary justification—that the Jewish State’s existence is predicated upon events that never happened—is echoed throughout the Muslim world. Ahmadinejad’s true colors came through in a much ballyhooed international conference in Tehran, officially sponsored by the Iranian Foreign Ministry and billed as a “Review of the Holocaust: Global Vision.”<sup>5</sup>

In a global environment increasingly dominated by mass media of manifold form and format, we have also begun to understand that what is printed on paper or broadcast on television or bytten into cyberspace affects everyone, actually or subliminally. Conversely, what is rejected or otherwise left out is doomed to a world of communication failure, ignorance, and misunderstanding. Although Holocaust denial is flourishing in the Arab world—one of the Twenty-first century’s fastest-growing forms of counter-knowledge—many Western nations are wary of drawing attention to it for fear of upsetting Muslims.<sup>6</sup>

How many of them are sensitive to the fact that the Holocaust was the murder of six million Jews, including two million children, or to the idea that Holocaust denial is a second murder of those same six million. As the generation of survivors dwindles, whose words will win? Who decides what is to appear in the vast and burgeoning marketplace of ideas?

Many of those important choices are vested in editors and publishers, upon whom the United States Constitution confers almost unfettered discretionary authority. (Lesser but similar discretion is allowed in other Western democracies.) For the most part journalists can write, say, depict, or ignore anything

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5 *International Conference on Holocaust Opens in Tehran*, BBC Worldwide Monitoring, December 11, 2006. Some insisted that Ahmadinejad’s statement was a mistranslation of what he said—but the same quote was on the home page of the Iranian president. See also “Ahmadinejad Defends Holocaust Denial at UN,” available at <http://www.breitbart.com/BigPeace/2012/09/24/IsraelsUNEnvoyWalksOutDuringAhmadinejadSpeechUSEnvoySticksAroundtoListen>; and “Iran’s President Mahmoud Ahmadinejad in his Own Words,” available at [http://www.adl.org/main\\_International\\_Affairs/ahmadinejad\\_words.htm](http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm).

6 Damian Thompson, *Fight Against Arab Holocaust Denial*, Telegraph.com, June 26, 2008, available at [http://blogs.telegraph.co.uk/damian\\_thompson/blog/2008/06/26/fight\\_against\\_arab\\_holocaust\\_denial](http://blogs.telegraph.co.uk/damian_thompson/blog/2008/06/26/fight_against_arab_holocaust_denial).

they want. Freedom of thought and expression is quintessentially American—one of our most hallowed liberties, limited only by circumstances where actual harm has been caused or is reasonably perceived as imminent. If a line can be drawn at all between unfair suppression of thought on the one hand and good editorial judgment on the other, it is sometimes exceedingly faint, often entirely arbitrary, and always fundamentally subjective. The greater the opportunity for excess in the exercise of the power of the press, the more profoundly difficult the consequences in the protection of civil liberties for individuals.

That axiom has been brought into sharp focus by Holocaust deniers, whose goal is both facilitated and confused by the aura of “political correctness” which nowadays surrounds a great deal of editorial decision-making. Nowhere is this more pervasive than in academia. What should be the most receptive place for honest intellectual inquiry and discourse has instead become one where all assumptions are open to debate—even documented historical facts. This has had an unsettling effect on students (especially those editing university newspapers) who have long been subjected to the pressures of political correctness. When they become entangled in the black and nefarious thickets of Holocaust denial, their exercise of editorial discretion can be acutely conflicting psychologically and confounding intellectually.

So can the emotional pain suffered by victims of group libel. Remedies for that malady have not been clearly established in American law. Explored least of all is the effect upon a free society when the dissemination of demonstrably false ideas is protected by the Constitution. Must writers and speakers who deny the Holocaust be guaranteed equal access to curricula and classrooms? Should the misrepresentation of historical fact be suppressed when it is motivated by nothing more than racial or ethnic animus? Should responsible libraries collect and classify work born of blatant bigotry? Have survivors been injured when their victimization has been repudiated?

More profoundly, can we reject spurious revisionism, or punish purposeful expressions of hatred, and still pay homage to the liberty of thought ennobled by the First Amendment? Are some conflicts between freedom of expression and civility as insoluble as they are inevitable? Can history ever be proven as Truth?

This chapter attempts to answer those questions. It describes the background and nature of Holocaust denial, tracing the Nazis' adoption of a plan for the “Final Solution of the Jewish Problem” through the post-War Nuremberg Trials to the present day; examines the current tensions between free speech and historical revisionism in North America; and addresses the quest for truth in a free society, presenting various arguments in deference to principles of liberty and opposed to group defamation.

## The Origins and Nature of Holocaust Denial

*The things I saw beggar description. I made the visit deliberately, in order to be in a position to give firsthand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda.*

GENERAL DWIGHT D. EISENHOWER (1945)<sup>7</sup>

*We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived. . . . Our proof will be disgusting and you will say I have robbed you of your sleep. . . . I am one who received during this war most atrocity tales with suspicion and scepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied*

SEN. THOMAS DODD (1947)<sup>8</sup>

Both Eisenhower and Dodd seriously understated the possibilities. In recent years, the contention that there was no mass extermination of Jews and no deaths in gas chambers at the hands of the Nazis has given rise to a pervasive (if predictable) revisionist industry. Holocaust-denial books have made their way into academic and public libraries across the country and around the world, not to mention widespread dissemination over the Internet.

The Nazis themselves tried hard to obscure the reality of mass murder by using euphemisms such as “resettlement,” “transit camps,” “processing,” “special treatment,” and “bath houses”), as well as avoiding written orders at the highest level. (The authorizations to perform the “Final Solution” were verbal communications from Hitler conveyed through ss Commander Heinrich Himmler, Reich Security Chief Reinhard Heydrich, and others.)<sup>9</sup>

7 Letter to in a letter to Chief of Staff George C. Marshall on April 12, 1945. Eisenhower’s words, written after liberating a Nazi concentration camp, are etched in stone at the United States Holocaust Memorial Museum in Washington, D.C. Eisenhower went on to say that “The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were so overpowering as to leave me a bit sick. In one room, where there were piled up 20 or 30 naked men killed by starvation, George Patton would not even enter. He said he would get sick if he did so.” See THE PAPERS OF DWIGHT DAVID EISENHOWER: THE WAR YEARS 2616 (ALFRED D. CHANDLER, JR., ED., 1970).

8 TRIAL OF THE MAJOR WAR CRIMINALS BEFORE THE INT’L MILITARY TRIBUNAL 130 (1947). Sen. Dodd served as the executive counsel to the American prosecutorial team.

9 Harold Brackman and Aaron Breitbart, *Holocaust Denial’s Assault on Memory: Precursor to Twenty-first Century Genocide?*, Simon Wiesenthal Center Report (2007), available at [www.wiesenthal.com](http://www.wiesenthal.com).

Hitler and his henchmen likewise recognized that the sheer incredibility of what they had done would cast shadows of doubt upon any shocking eyewitness reports. Inmates at concentration camps testified that they were frequently taunted by their captors: "Even if some proof should remain and some of you survive, people will say that the events you describe are too monstrous to be believed; they will say that they are the exaggerations of Allied propaganda and will believe us, who will deny everything, and not you."<sup>10</sup>

Indeed early newspaper accounts of the death camps were obscured by dispatches about the war's progress, if not questioned for their veracity. That is why Eisenhower, after the Nazis were conquered, ordered every American soldier not committed to the front lines to bear witness to places like Auschwitz, Belsen, and Buchenwald. "We are told that the American soldier does not know what he is fighting for," he said. "Now, at least, he will know what he is fighting against."<sup>11</sup> That rationale also explains why the International Military Tribunal at Nuremberg was so intent on documenting all of the atrocities found by the Allied liberators.<sup>12</sup>

When the first reports of Nazi killing squads and mobile extermination vans reached Western Europe and the United States, Winston Churchill called Hitler's mass murder of the Jews "a crime that knows no name." The term "genocide"—from the Greek word "genus" (for tribe or race) and Latin word "cide" (for murder)—was coined later by the Polish-Jewish human rights lawyer Raphael Lemkin. The term Holocaust came after the war. As the Allied forces reached the death camps in Eastern Poland, the ss began systematically dismantling and dynamiting the crematoria—in order to support their later attempts to deny responsibility.<sup>13</sup>

Prior to World War II, historians might have thought that violence against Jews would emanate not from Germany but from France, which was the locus of the notorious false treason case against Captain Alfred Dreyfus and the fascist Action Française. In fact it was postwar France that provided the setting for what has come to be known as Holocaust Denial. Paul Rassinier, a radical pacifist with antisemitic tendencies, fought in the Resistance and was imprisoned

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10 PRIMO LEVI, *THE DROWNED AND THE SAVED* 11–12 (Raymond Rosenthal trans., Vintage Int'l 1989).

11 Both the *New York Times* and the *New York Herald Tribune* published limited reports of the camps as early as 1942. See WALTER LAQUEUR, *THE TERRIBLE SECRET: SUPPRESSION OF THE TRUTH ABOUT HITLER'S AFINAL SOLUTION* 74, 93 (1980). See also ROBERT H. ABZUG, *INSIDE THE VICIOUS HEART: AMERICANS AND THE LIBERATION OF NAZI CONCENTRATION CAMPS* 128 (1985).

12 French historian Marc Bloch, quoted in Robbins, *supra* note 2.

13 Brackman and Breitbart, *supra* note 9.

at the Buchenwald and Mittelbau-Dora concentration camps. Yet he emerged from the camps blaming not the Nazi guards but his fellow inmates for making the camp environment a living hell. In his book *The Lie Of Ulysses: A Glance at the Literature Of Concentration Camp Inmates* (1950), Rassiner placed responsibility for the origins of both World War I and II at the feet of the Allies and the Jews. He questioned the reality of the gas chambers, the authenticity of Holocaust documentation and the veracity of the testimony of Holocaust Survivors.

Rassiner was succeeded at the head of the French movement (which was originally called Holocaust Revisionism) by Robert Faurisson, a professor of literature. In 1978, *Le Monde* published Faurisson's *The Problem of the Gas Chambers or the Rumor of Auschwitz*, in which he first denounced *The Diary of Anne Frank* as a forgery and claimed that "the alleged Hitlerian gas chambers and the so-called genocide of the Jews form a single historical lie whose principle victims are the German people . . . and the Palestinian people." He was supported in these views by famed linguist and radical critic Noam Chomsky, who wrote a preface to Faurisson's book.<sup>14</sup>

Faurisson's claims received sympathetic responses from various others in the rapidly growing international network of Holocaust deniers, including the German Neo-Nazi Wilhelm Stäglich (author of *The Myth of Auschwitz*); Sweden's Ditlieb Felderer (who specialized in organizing summer jaunts to Poland to prove that nothing happened at the Nazi death camps); Moroccan Ahmed Rami (whose internet website, Radio Islam, pioneered denial in cyberspace); British historian David Irving (who during the 1980s moved beyond defending Hitler to denying the Holocaust); Austria's Fredrick Töben; German-Canadian Denier Ernest Zündel (author of *The Hitler We Knew and Loved*); and Fred Leuchter, famed as "Mr. Death" for his preoccupations with gas chambers and assisted suicide as well as his bogus "proof" that cyanide was not used to kill at Auschwitz; and Roger Garaudy, the leftist intellectual who converted to Islam and wrote *The Founding Myths of Modern Israel* (1995), an international best-seller that denies Israel's right to exist and accuses the United States of committing the "the real Holocaust" for allegedly murdering 200 million Africans during the era of the slave trade.

They were joined by a variety of American academics: Arthur Butz (*The Hoax of the Twentieth Century*) Willis Carto (founder of the California-based Institute for Historical Review); and Norman Finkelstein (*The Holocaust*

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14 In 1983, Faurisson, was found guilty by the Paris Court of Appeal of malicious defamation. In 1991, he was removed from his University Chair for violating the Gayssot Act, a French statute prohibiting Holocaust Denial. The Human Rights Committee upheld the Gayssot Act and Faurisson's conviction as necessary to counter resurgent antisemitism. *Id.*

*Industry*). In the 1980s, the German philosopher and historian Ernst Nolte appeared to flirt with Holocaust denial as a serious historical argument. In his 1987 book *Der europäische Bürgerkrieg (The European Civil War)*, Nolte claimed that the intentions of Holocaust deniers are “often honourable,” and that some of their claims are “not obviously without foundation.” Though Nolte himself has never denied the occurrence of the Holocaust, he has claimed that the Wannsee Conference of 1942 never happened, and that the minutes of the conference were post-war forgeries done by “biased” Jewish historians designed to discredit Germany.<sup>15</sup>

The American Holocaust historian Deborah Lipstadt has stated that putative scholars such as Nolte are in some ways more dangerous than the deniers.

Nolte is an anti-Semite of the first order, who attempts to rehabilitate Hitler by saying that he was no worse than Stalin; but he is careful not to deny the Holocaust. Holocaust-deniers make Nolte’s life more comfortable. They have, with their radical argumentation, pulled the center a little more to their side. Consequently, a less radical extremist, such as Nolte, finds himself closer to the middle ground, which makes him more dangerous.<sup>16</sup>

In 1988, the American historian Arno J. Mayer published a book entitled *Why Did the Heavens Not Darken?*, arguing that those who perished at Auschwitz were the victims of diseases rather than gassing. Holocaust denier debunker (David Irving, Ernst Zundel, Fred Leuchter) Robert Jan van Pelt found Mayer’s book to be as close as a mainstream historian has ever come to supporting e.g. Holocaust denial. Holocaust deniers have often quoted it out of context “Sources for the study of the gas chambers at once rare and unreliable”. Professional skeptics Michael Shermer and Alex Grobman have noted that the

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15 See Richard J. Evans, *In Hitler’s Shadow* (Pantheon Books, 1989) at p. 83 (Nolte’s reputation as a scholar was in ruins as a result of these and other controversial statements). See also Charles Maier, *The Unmasterable Past* (Harvard University Press, 1988) at p. 190; and Deborah Lipstadt, *Denying the Holocaust* (Free Press, 1993) at p. 214. See also Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretations* (Arnold, 1989) at p. 176; Jan Hermann Brinks, *Children of a New Fatherland* (I.B. Tauris, 2000) at p. 108; Robert S. Wistrich, *Holocaust Denial* (from *The Holocaust Encyclopedia*, Walter Laqueur (ed.) (Yale University Press, 2001) at pp. 293–301; John Lukacs, *The Hitler of History* (Vintage Books, 1997) at p. 233; Israel Charny, *Israel* (July 17, 2001); and *The Psychological Satisfaction of Denials of the Holocaust or Other Genocides by Non-Extremists or Bigots, and Even by Known Scholars*. *Idea Journal* (July 20, 2000).

16 Manfred Gerstenfeld, “Denial of the Holocaust and Immoral Equivalence An Interview with Deborah Lipstadt,” *Jerusalem Centre for Public Affairs*, available at <http://www.jcpa.org/phas/phas-11.htm> (August 1, 2003).

paragraph from which the sentence is taken states that the SS destroyed the majority of the documentation relating to the operation of the gas chambers in the death camps, which is why Mayer feels that sources for the operation of the gas chambers are “rare” and “unreliable” The Israeli historian Yehuda Bauer wrote that Mayer “popularizes the nonsense that the Nazis saw in Marxism and Bolshevism their main enemy, and the Jews unfortunately got caught up in this; when he links the destruction of the Jews to the ups and downs of German warfare in the Soviet Union, in a book that is so cocksure of itself that it does not need a proper scientific apparatus, he is really engaging in a much more subtle form of Holocaust denial.”<sup>17</sup>

A 1992 survey found that thirty-eight percent of American high-school students and twenty-eight percent of American adults did not know what the Holocaust was.<sup>18</sup> A 2005 poll by the British Broadcasting Corporation found that sixty percent of women and people under 35 had never heard of Auschwitz, the most notorious of all Nazi death camps.<sup>19</sup> Even supposedly well-educated people have difficulty identifying historical events related to the Holocaust. Many law students, for example, have never heard of Krystallnacht.<sup>20</sup>

The environment which enabled the Holocaust to happen has been described as the time “where technology was married to evil.”<sup>21</sup> The Internet provides electronic forums called newsgroups—one of which is devoted to revisionist history which, due to its enormous size, is virtually impossible to monitor for hate speech.<sup>22</sup> A virtual subculture of hate emanating from more

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- 17 Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (University of California Press, 2002) at pp. 126–127. See also Yehuda Bauer, “A Past That Will Not Away,” from *The Holocaust and History*, Michael Berenbaum and Abraham Peck (eds.) (Indiana University Press, 1998) at pp. 12–22.
- 18 The poll was by Roper. See Leon Jeroff, Debating the Holocaust, TIME, Dec. 27, 1993, at 83. A poll by the same company in 2000 found that as many as eight percent of Americans may be deniers. Michael Berenbaum, The Growing Assault on the Truth of Absolute Evil, LOS ANGELES TIMES, Jan. 28, 2000 at p. B7.
- 19 David McLoughlin, Understanding the Holocaust, THE DOMINION POST (WELLINGTON, NEW ZEALAND), April 16, 2005 at p. 13. See also Alan Crawford, ‘Look to Germany to Learn Lessons of Holocaust,’ THE SUNDAY HERALD, Jan. 23, 2005 at p. 11.
- 20 “The Night of Broken Glass,” Nov. 20, 1938, called by many the beginning of the Holocaust. See 141 CONG. REC. S16853 (daily ed. Nov. 9, 1995). Every year the author asks his Civil Liberties students (all of whom are upperclassmen) if they have ever heard of Krystallnacht. Few answer in the affirmative.
- 21 Robert Trussell, *Couple Brings Reality of Holocaust Home to Younger Viewers with ‘Anne Frank’*, KANSAS CITY STAR, Mar. 15, 1996, at Preview 18 (quoting Mark Weitzman, Simon Wiesenthal Center).
- 22 Recent patrons have included Bradley Smith’s Holocaust-denying Institute for Historical Review. “The Holocaust story,” says Smith, Ais closed to free inquiry in our universities

than 6,000 extremist sites on the worldwide web provides a growth medium for Holocaust denial. Over a billion people worldwide—including 35 percent of Europeans and 68 percent of North Americans—use the Internet. As early as 1996, the extremist group, Stormfront, boasted: “The Internet is our sword.” The Institute for Historical Review web site claimed 2.5 million hits during a single month as far back as 2005. Compared to issuing bulky pamphlets or organizing conferences, the Internet provides a cost-effective means for haters to reach a mass market of consumers with information—and misinformation—while harassing and demoralizing Holocaust survivors. Traditional hate texts like *The Protocols of the Elders of Zion* have been given a new lease on life by the explosive growth of the Internet as a tool used by Neo-Nazis, Klansmen, Skinheads, Islamic extremist groups, and terrorist movements to reach out to reach other as well as raise money, recruit new members, and coordinate activities.<sup>23</sup>

In an e-mail message to the mailing list of the Nationalist Socialist White People’s Party, Harold Covington enthused:

Take away the Holocaust, . . . [and people would be] stunned with admiration for the brilliance of Adolf Hitler. . . . [Holocaust Denial will] make National Socialism an acceptable political alternative again.” The web site of the Charlemagne Hammerskins, a French group, boasts: “We still have many one-way tickets for Auschwitz.”<sup>24</sup>

Gerhard Lauck (a.k.a. Gary Lock), an American Nazi, utilizes “cybersquatting” website links that divert unsuspecting online users in Germany trying to contact government ministries for information, to a German Neo-Nazi site posted in the U.S., outside the jurisdiction of the German laws.

There can be little doubt that Holocaust denial will gain strength once there are no more victims alive to supply eyewitness testimony about Nazi atrocities.<sup>25</sup> Meanwhile, though, it has become less and less difficult for Holocaust deniers to find gullible converts among the growing numbers of young people with but a tenuous grasp of basic history.

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and among intellectuals. The Internet represents a huge potential audience at minimal cost.” Greg Beck, *Hate War’s New Battleground: The Internet*, SAN FRANCISCO EXAMINER, June 10, 1996, at A1. See also Allison Sommer, *Free Speech Advocates and Opponents Move Their Battle to the Net*, JERUSALEM POST, Feb. 9, 1996 at 7. See also Carlos Alcalá, *Internet Warrior Takes on Holocaust Revisionists*, SACRAMENTO BEE, Dec. 16, 1994, at A1; see also Daniel Akst, *Postcard from Cyberspace*, L.A. TIMES, May 17, 1995, at D4.

23 Brackman and Breitbart, *supra* note 9.

24 *Id.*

25 See Judith Miller, *Erasing the Past: Europe’s Amnesia About the Holocaust*, N.Y. TIMES, Nov. 16, 1986, ’6 (Magazine) at 30.



The need to remember is made all the more critical by the existence of well-known political figures who at various times express sympathy for accused Nazi war criminals or doubt the extent of the Holocaust. The most notable current examples in the United States are presidential candidate Patrick Buchanan<sup>26</sup> and Nation of Islam leader Louis Farrakhan.<sup>27</sup>

And then there are those who turn the notion of a Holocaust on its head, charging that Jews are the real perpetrators of genocide. In the former Soviet Union, for example, Konstantin Sminrov-Ostashvili, leader of Russia's of extreme right-wing Pamyat party, holds Jews "responsible for the genocide of the Russian people." In America, David Duke, a former KKK Grand Wizard, was awarded a doctorate by the Ukrainian University, MAUP, for a dissertation on "Zionism as a Form of Ethnic Supremacism." Duke regularly tours the Mideast denying the existence of Nazi gas chambers.<sup>28</sup>

Holocaust deniers argue that the genocide of Jews and other minority groups during World War II either did not occur—that it was a deliberate Jewish hoax, or a conspiracy to advance the interests of Zionism—or that it was greatly exaggerated. They maintain that the Nazi government never had a policy of deliberately targeting Jews, that many fewer than six million Jews lost their lives, and that there were no tools of mass extermination such as gas chambers or incinerators in the concentration camps. Although such denial has been going on ever since the Holocaust occurred, as the years pass and the number of survivors diminishes it has become more virulent.

Many Holocaust deniers reject the term, describing themselves instead as "revisionists" in the old French mode. But deniers can be differentiated from revisionists, who consider their goal to be historical inquiry using evidence and established methodology.<sup>29</sup>

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26 See DEBORAH E. LIPSTADT, *DENYING THE HOLOCAUST: THE GROWING ASSAULT ON TRUTH AND MEMORY* 183–208 (1993) at 25. See also David A. Nacht, Book Note, 90 MICH. L. REV. 1802, 1808 (1992) (reviewing ALAN DERSHOWITZ, *CHUTZPAH* (1991)); William F. Buckley, Jr., *In Search of Anti-Semitism*, NAT'L REV., Dec. 30, 1991, at 20; *Report of the Anti-Defamation League on Pat Buchanan*, L.A. JEWISH J., Sept. 28, 1991; Jacob Weisberg, *The Heresies of Pat Buchanan*, NEW REPUBLIC, Oct. 22, 1990, at 26–27.

27 See *infra* notes 148–152 *infra* notes 145ff and accompanying text. In France the highly respected cleric Abbe Pierre recently lent credence to author Roger Garaudy's book, *THE FOUNDING MYTHS OF ISRAELI POLITICS*, which sought to trivialize the Holocaust.

28 *Id.*

29 Holocaust deniers, on the other hand, argue that the Holocaust did not occur regardless of historical evidence. See Lipstadt, *supra* note at 28 at 25.

## Denial in the Twenty-first Century

*First their lives were extinguished, then their deaths. A person who denies the Holocaust becomes part of the crime of the Holocaust itself*

DAVID MATAS<sup>30</sup>

Holocaust denial in North America, of course, cannot be realistically considered outside of the broader worldwide context. There is abundant evidence that Holocaust denial is a global and growing phenomenon.

Denial has increased rapidly in Muslim countries, including American allies Egypt, Qatar and Saudi Arabia—all of which receive significant U.S. economic and military aid. Members of the Syrian and Iranian governments, as well as Hizbollah and the Palestinian political group Hamas, openly publish and promote such claims. In his 1982 doctoral dissertation Mahmoud Abbas, a co-founder of Fatah and the current president of the Palestinian Authority, wrote: It seems that the interest of the Zionist movement . . . is to inflate this figure [six million deaths] in order to gain the solidarity of international public opinion. . . . Many scholars have [determined] the number of Jewish victims at only a few hundred thousand.' That claim was repeated in Abbas' 1983 book, *The Secret Connection between the Nazis and the Leaders of the Zionist Movement*.<sup>31</sup> As Israeli cabinet minister Isaac Herzog noted, Abbas' view "It is not a matter that can be brushed under the carpet, because at issue is a moral question whose importance cannot be overstated."<sup>32</sup>

Islamic deniers appear to be inflamed by the attention given to Jewish victimization, which in their view has caused them to pay the price for Europe's treatment of the Jews. They thus seek to delegitimize both Europe (pluralistic and tolerant, committed to human rights and human dignity) and Israel (which sees itself as the legacy of the Nazis' victims and the antidote to another Holocaust. They also denigrate any country (especially the United States) where the Holocaust has come to occupy a prominent place in the moral discourse of then people.<sup>33</sup> Abbas is well-known for waffling in consideration of

30 Senior Counsel for the League of Human Rights, B'nai Brith, quoted in *The Globe and Mail* (Toronto), Jan. 22, 1992.

31 See entry on Holocaust Denial, at [http://en.wikipedia.org/wiki/Holocaust\\_denial#Notable\\_Holocaust\\_deniers](http://en.wikipedia.org/wiki/Holocaust_denial#Notable_Holocaust_deniers).

32 Edward I Koch and Rafael Medoff, *What Can Be Done About Holocaust Deniers?*, THE JERUSALEM REPORT, Jan. 8, 2007 at p. 47.

33 Michael Berenbaum, *Holocaust Denial: Iranian Style*, BRITANNICA BLOG, April 19, 2007. Berenbaum suggests that it would be wise for the West to distinguish between Holocaust denial in the Islamic world and that elsewhere. *Id.*

the current political situation. In a March, 2006 interview with *Ha'aretz*, Abbas stated: "I have no desire to argue with the figures. The Holocaust was a terrible, unforgivable crime against the Jewish nation, a crime against humanity that cannot be accepted by humankind. The Holocaust was a terrible thing and nobody can claim I denied it."<sup>34</sup> But at a rally in Ramallah in early January of 2007, Abbas said, "The sons of Israel are mentioned [in the Quran] as those who are corrupting humanity on earth."<sup>35</sup>

No such waffling from Ahmadinejad, who has become the world's most visible denier.

"As to the Holocaust," he said in a *Time Magazine* interview, AI just raised a few questions. And I didn't receive any answers to my questions. I said that during World War II around 60 million were killed. All were human beings and had their own dignities. Why only six million?" A fair question, perhaps, when taken out of the context in which it was uttered—that Israel is the cause of the world's problems. Here are the official translations of some of Ahmadinejad's other statements: "The real cure for the conflict is elimination of the Zionist regime." "The way to peace in the Middle East is the destruction of Israel." "Like it or not, the Zionist regime is heading toward annihilation."<sup>36</sup>

Ahmadinejad's rhetoric was put on prominent display at his Holocaust denial conference in Tehran in December of 2006. Officially sponsored by the Iranian Foreign Ministry and billed as a "Review of the Holocaust: Global Vision," it was a well-orchestrated group polemic attended by delegates from thirty countries, including former Du Klux Klan leader David Duke, French revisionists Robert Faurisson and Georges Thiel, and Australian denier Frederick Toben.<sup>37</sup> In addition, several members of the extremist anti-Zionist Jewish sect Neturei Karta were prominently featured participants.<sup>38</sup>

34 Akiva Eldar, *Interview with Mahmoud Abbas*, HA'ARETZ, March 30, 2006.

35 Aaron Klein, Abbas Urges Jan. 11, 2007 [www.wnd.com/2007/01/39656/](http://www.wnd.com/2007/01/39656/).

36 See Iran's President Mahmoud Ahmadinejad in his Own Words, available at <http://archive.adl.org/nr/exeres/aeg6e291-9da7-4148-af14-273a06174a7b,db7611a2-02cd-43af-8147-649e26813571,frameless.html>.

37 Iran Hosts Anti-Semitic Hatefest in Tehran, report of Anti-Defamation League, Dec. 14, 2006, available at [http://www.adl.org/main\\_International\\_Affairs/iran\\_holocaust\\_conference.htm?Multi\\_page\\_sections'sHeading\\_5](http://www.adl.org/main_International_Affairs/iran_holocaust_conference.htm?Multi_page_sections'sHeading_5). In fact there were several Arab commentators who condemned the conference. See M.E.M.R.I. Special Dispatch Series—No. 1425, Criticism of Tehran Holocaust Denial Conference in Arab and Iranian Media, Jan. 16, 2007.

38 *Id.* See also Bill Hutchinson, Rabbi Among the Rabble-Rousers, NEW YORK DAILY NEWS, Dec. 13, 2006 at p. 7.

All of the representatives were said simply to be exercising their rights of free speech” in questioning the facts of World War II. In so doing they were treated to an exhibit of photographs of dead Jews labeled “Myth” and “Typhus Victims,” and of smiling Holocaust survivors under the heading of “Truth.”<sup>39</sup> In addition, the conference enabled the Iranians to score propaganda points about Western hypocrisy—preaching free speech but disallowing “dangerous” views.<sup>40</sup>

In 2009 Ahmadinejad stated Israel was created on “a lie and a mythical claim” and that the Western powers had “launched the myth of the Holocaust. They lied, they put on a show and then they support the Jews.”<sup>41</sup> In September 2010 Ahmadinejad once again questioned the Holocaust, saying it “has been exaggerated as a pretext for war.”<sup>42</sup>

In fact many Holocaust revisionists claim their work falls under a “universal right to free speech,” and seek to rely on Article 10 of the European Convention on Human Rights, which guarantees freedom of expression, when faced with criminal sanctions against their statements or publications.<sup>43</sup> But the European Court of Human Rights, for one, has consistently declared such arguments are without merit. Nothing in Article 17 of the Convention may be construed so as to justify acts that are aimed at destroying any of the very rights and freedoms contained therein. Invoking free speech to propagate denial of crimes against humanity is, according to the Court, contrary to the spirit in which the Convention was adopted. Reliance on free speech in such cases would thus constitute an abuse of a fundamental right.<sup>44</sup>

39 *Id.* See also Katrin Bennhold, Ties Cut With Iran Institute Over Holocaust, NEW YORK TIMES, Sep. 16, 2006 at p. A9.

40 Robbins, *supra* note 2 (“Not that speech in Iran is particularly free—I am waiting for the conference that brings together those who deny the divinity of the Koran.”)

41 See “Ahmadinejad’s Holocaust ‘Myth’ Comments Slammed,” available at <http://www.google.com/hostednews/afp/article/ALeqM5jh9nnA3zzgEArEoEgDFugBngHENw>.

42 In an Atlantic Monthly interview, Ahmadinejad said, “The question is, why don’t we allow this subject to be examined further . . . It is incorrect to force only one view on the rest of the world.” He added: “How come when it comes to the subject of the Holocaust there is so much sensitivity?” See “Ahmadinejad Again Denies Holocaust, Threatens U.S.,” The Israel Project (September 21, 2010), available at <http://www.theisraelproject.org/site/apps/nlnet/content2.aspx?c’hsJPKoPIJpH&b’689705&ct’8665785>.

43 See D.D. Guttenplan, Should Freedom of Speech Stop at Holocaust Denial?, INDEX OF FREE EXPRESSION 2005.

44 See *x. v. Federal Republic of Germany*, European Commission of Human Rights 16 (July 1982); *Lehideux and Isorni v. France*, 1998-VII, no. 92 (European Court of Human Rights 23 (September 1998)); and *Faurisson v France*, 2 BHRC UN Doc. C/PR/C/58/D/550/1993,

Iran also announced plans to establish an institution to conduct ongoing "Aresearch" concerning the Holocaust. Additional support is likely by virtue of the creation of the new English-language division of the Qatari government-funded Al Jazeera television network, which broadcasts remarks by Holocaust-deniers.<sup>45</sup>

In an address at Columbia University in September of 2007, Ahmadinejad asked:

[W]hy is there not sufficient research that can approach the topic from different perspectives? There are researchers who want to push the topic from a different perspective. Why are they put into prison? . . . My question is, why isn't it open to all forms of research? . . . Why don't we encourage more research on a historical event that has become the root, the cause of many heavy catastrophes in the region in this time and age? . . . If it is a reality, we need to still question whether the Palestinian people should be paying for it or not. . . .<sup>46</sup>

In October of 2007, Ahmadinejad made the following assertions on Iranian television:

The leaders of several Western superpowers comprise the Zionist party. They are the ones who pull the strings. They created something called Zionism, and invented the so-called 'oppression' of the Jews. They themselves created the background for this, and today as well, it is they who are running the show. . . . After World War II, they invented the so-called 'genocide of the Jews.' . . . By means of propaganda and a certain psychological atmosphere, and by using the issue of the so-called 'crematoria,' they created the sense that the European Jews were oppressed. They used the pretext that some Jews were oppressed and were harmed during World War II and by the wave of anti-Judaism in order to lay the foundations for the establishment of the Zionist regime.<sup>47</sup>

For those in the Palestinian Territories, denial has become part of the landscape. A public-opinion poll conducted by Haifa University in March of 2007

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1 (United Nations Human Rights Committee 1996). D.D. Guttenplan, Should Freedom of Speech Stop at Holocaust Denial?, INDEX OF FREE EXPRESSION 2005.

45 Wyman 2006.

46 Transcript of his remarks: <http://www.azstarnet.com/sn/hourlyupdate/202820.php>.

47 Middle East Media Research Institute (MEMRI) Dispatch 1748, 25 October 2007.

found that 28 percent of Israeli Arab citizens “say they do not believe the Nazi genocide took place.” Among younger Israeli Arabs, the percentage was higher: 33 percent of Israeli Arabs of school age deny the Holocaust.<sup>48</sup>

Later that year the Arab Institute for Holocaust Research and Education, a museum in Nazareth that teaches Israeli Arabs about the Holocaust, compared Israel’s policies to those of the Nazis. According to the Jewish Telegraphic Agency, the museum “juxtaposes the Holocaust with the Israeli-Palestinian conflict by placing pictures of Nazis threatening or killing Jews next to pictures of Palestinian refugees, Palestinian victims of violence and the Palestinian flag.” The JTA quoted several teenage Israeli-Arab visitors to the museum as saying, “The Jews are doing the same that was done to them.”<sup>49</sup>

Such perceptions, as one might suspect, are nurtured by Palestinian leadership. A new series of Palestinian Authority school books describe a World War Two without the Holocaust. Instead they teach about the “race theory” of the Nazi movement and even mention the trials of Nazi war criminals at the end of the war—but they don’t teach why they were on trial. The PA’s official radio station, Voice of Palestine, aired a quiz which depicted the life of Adolf Hitler in a favorable light and omitted any mention of the Holocaust.<sup>50</sup>

In the countries bordering Israel, denial is no less visible. In October of 2007, Lebanese television aired a program on drug abuse which included this statement: “Drugs were the Jews’ method of wearing down the German people, which led to the Nazi extremism, in which the Jews themselves played a role. In addition, they carried out widespread drug dealing in Czarist Russia, from the 17th century. This was in accordance with the Jewish Talmud, which says that the Jews must devote their greatest efforts to prevent other nations from ruling the land, so that the rule would be in the hands of the Jews alone.”<sup>51</sup>

In Saudi Arabia, Al-Jazeera Television aired a debate in which Dr. Mahmoud Al-Mubarak, described as an international law expert, remarked that Awe still do not know the truth about” the Holocaust. Americans, he said, apologized and built museums for the Indians they displaced. “This is not enough. What have they done for the Jews with regard to the alleged Holocaust in Germany? They gave them billions in compensation. . . . Up until 10 years ago, Switzerland paid hundreds of billions to Jews who claimed that their money had been

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48 Jewish Telegraphic Agency, March 19, 2007.

49 Jewish Telegraphic Agency, April 6, 2007.

50 See Palestinian Media Watch, [www.pmw.org.il](http://www.pmw.org.il).

51 MEMRI Dispatch 1754, October 31, 2007.

lost or stolen in Switzerland, because the [Swiss] had stood alongside the Germans.”<sup>52</sup>

In an interview on the U.S. television network PBS in March of 2006, Syrian president Bashar Assad echoed similar sentiments: “If “you ask many people in the region they would say to you that the West exaggerated the Holocaust. People say there was a Holocaust but they exaggerated it. It’s not a matter of how many were killed, half a million, six million or one person. Killing is killing. For example, eight million Soviets were killed, so why don’t we talk about them? The problem is not the number of those killed but rather how they use the Holocaust . . . Definitely there were massacres that happened against the Jews during the Second World War, but I’m talking about the concept and how they use it. But I don’t have any clue how many were killed or how they were killed, by gas, by shooting—we don’t know.”<sup>53</sup>

In May of 2007 Syrian author Muhammad Nimr Al-Madani noted on Iranian radio the secret about which few people talk today, that “both Germany and England were each searching for ways to get rid of their Jews. Therefore, Hitler was falsely accused of committing genocide against the Jews. This is a lie, and we know full well that Hitler never did such a thing. It was a premeditated lie by the Zionist regime.”<sup>54</sup>

According to the Wyman Institute for Holocaust Studies, denial activity has substantially increased worldwide—following a temporary lull in 2006, possibly caused by the imprisonment in Austria of the revisionists’ best-known figure, the British historian David Irving, and the prosecution of the prominent activists Ernst Zundel and Gernot Rudolf in Germany.

Irving had been arrested while visiting Austria in November 2005, and prosecuted for speeches he had delivered in Austria in 1989. The appeals judge, Ernest Maurer, said the sentence should be reduced because the offending statements were made “a long time ago, 17 years,” and because the judge did not expect Irving would repeat the crime.<sup>55</sup>

In 2006, Irving was sentenced to a three years in jail in Austria for violating a law making it a crime to publicly deny, diminish, or justify the Holocaust, but a judge with fascist sympathies released him after nine months. Arriving in

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52 MEMRI Dispatch 1754, November 20, 2007.

53 *An Hour With Syrian President Bashar al-Assad*, Charlie Rose Show, March 27, 2006, PBS, available at <http://faculty-staff.ou.edu/L/Joshua.M.Landis-1/syriablog/2006/03/asad-interview-with-charlie-rose-aired.htm>.

54 Wyman, 2007.

55 See Rafael Medoff and Alex Grobman, *Holocaust Denial: A Global Survey—2006*, Wyman 2006.

London, the far-from contrite Irving swapped prison garb for a Saville Row suit and held a press conference where he bragged about his recent purchase, for cash, of a “nigger” brown Rolls Royce and reiterated that Hitler was innocent.<sup>56</sup>

Irving returned to the lecture circuit in 2007. He said in an interview on Italian television that Auschwitz “was a tourist attraction [which] did not have gas chambers.” Two months later, in Budapest, he was promoting the Hungarian-language edition of his new book, which alleges that the defendants at the Nuremberg Trials did not receive fair trials.<sup>57</sup> In November, Irving spoke at the Oxford University Union debating society’s Free Speech Forum.<sup>58</sup>

Zundel was born in Germany and lived in Canada from 1958 until 2005, when he was deported to because of his Holocaust-denial activity. That activity included hosting radio and television shows, publishing books and pamphlets, and managing a web-site.<sup>59</sup> In February of 2007, a German court sentenced Zundel to five years in jail; the country’s highest appeals court upheld the conviction.<sup>60</sup>

Rudolf went on trial in a Mannheim court for denying the Holocaust. Rudolf had written an article in 1991 claiming the Nazis did not gas Jews in Auschwitz, and was sentenced to 14 months in prison in 1995. He fled Germany to avoid jail and sought political asylum in the United States. That request was rejected, and Rudolf was sent back to Germany in November 2005 to serve his original sentence. During the trial’s opening session, Rudolf declared that the Holocaust was “a gigantic fraud.”<sup>61</sup>

Revisionists have also taken to late-night public-access television to assert that claims of Nazi genocide against the Jews during World War II are part of an elaborate hoax. Slickly-produced videos purport to show that concentration camps like Auschwitz and Birkenau were recreational facilities, not death

56 See Brackman and Breitbart, *supra* note 9.

57 See Rafael Medoff and Alex Grobman, *Holocaust Denial: A Global Survey—2007*, Wyman Institute for Holocaust Studies, available at <http://www.wymaninstitute.org/articles/HolocaustDenial2006.pdf>. (hereinafter, Wyman 2007).

58 Irving’s appearance at Oxford prompted British Defense Secretary Des Browne and three Members of Parliament to cancel their scheduled appearances at the Free Speech Forum in protest, and Shadow defense minister and Conservative Party MP Dr. Julian Lewis resigned his life membership in the Union. Labor Party MP Denis MacShane, explaining his cancelation, referred to Irving as Aa notorious Jew-hater” and “the Holocaust Denier-in-Chief.”

59 Wyman 2006.

60 Wyman 2007. See also *infra* notes 87ff. and accompanying text.

61 Reuters, Nov. 14, 2006.



camps.<sup>62</sup> Holocaust deniers claim that archival materials concerning Nazi atrocities—voluminously detailed lists of victims, miles of gruesome film footage, and vividly remembered accounts of eyewitnesses—have all been forged.<sup>63</sup>

Meanwhile, as use of the computer Internet has burgeoned, its millions of subscribers provide a vast new target audience for the efforts of numerous hate groups. Catering to white supremacists, anti-government survivalists, militiamen and would-be terrorists, Holocaust deniers have set up enough new sites on the World Wide Web to reach a larger potential constituency than any revolutionaries in history.<sup>64</sup>

In recent years incidents of Holocaust denial have proliferated around the world. In Australia, an Islamic cleric named Sheik Taj Din al-Hilali, called the Holocaust “a Zionist lie.” Mel Gibson and his father both support the Australian League of Rights, a group that denies the Holocaust. In Denmark, Al-Jazeera Television broadcast a meeting between Arab and Danish student groups, following the controversy over cartoons about Muhammad. During the meeting, Arab Students Union Chairman Ahmad Al-Shater referred to the Holocaust as “the imaginary Holocaust.”

In France, George Theil, a 65 year-old former adviser to the extremist National Front party, was convicted of denying the Holocaust for having said on French Television that the Nazi gas chambers were “a fantasy.” Robert Faurisson was convicted by a Paris court of Holocaust denial, after he said on Iranian Television that no gas chambers were used by the Germans to kill Jews.<sup>65</sup>

In Germany, there was a negative reaction to an effort that would have made Holocaust denial a crime in all EU member-states. In December of 2007, Udo Voigt, leader of the neo-Nazi National Democratic Party, said in an interview on German Television: “Six million cannot be right. At most 340,000 people could have died in Auschwitz. The Jews always say: ‘Even if one Jew died that is a crime.’ But of course it makes a difference whether one has to pay for 6 million people or for 340,000. And that also puts paid to the uniqueness of this big crime, or so-called big crime.”<sup>66</sup>

62 See Alan Dershowitz, *It's Time for a Holocaust Video*, TIMES-UNION, Sept. 4, 1995, at A6.

63 For a detailed analysis of the use of film as evidence of the Holocaust, see Lawrence Douglas, *Film as Witness: Screening Nazi Concentration Camps before the Nuremberg Tribunal*, 105 YALE L.J. 449 (1995). The principal film described by Douglas also has been used to prove the falsity of Holocaust denials. See Leonidas E. Hill, *The Trial of Ernst Zundel and the Law in Canada*, 6 SIMON WIESENTHAL CENTER ANN. 165, 184 (1989).

64 See Beck, *supra* note 22; see generally Michael Shermer, *Proving the Holocaust*, 2 SKEPTIC 32 (1994).

65 See generally Wyman 2006 and Wyman 2007.

66 *Id.*

In Great Britain, a 2007 government-commissioned report by the Historical Association entitled “Teaching Emotive and Controversial History” noted that some British schools are dropping the Holocaust from history lessons to avoid offending Muslim pupils.” The report also mentioned a secondary school in a northern city that had avoided selecting the Holocaust as a matriculation topic, for fear of confronting “antisemitic sentiment and Holocaust denial among some Muslim pupils.” The report referred to the Holocaust as an example of “highly contentious or charged versions of history in which pupils are steeped at home, in their community or in a place of worship.”<sup>67</sup>

A report in January of 2006 by the Moscow-based Holocaust Foundation and the Moscow Bureau on Human Rights found that Holocaust-denial is widespread in Russia. There are at least four Russian web sites that are devoted to denying the Holocaust, according to the report. That same year Ukrainian Foreign Minister Boris Tarasyuk condemned the largest private Ukrainian university, the Interregional Academy of Personnel Management (MAUP) for promoting antisemitism and Holocaust-denial.<sup>68</sup>

Holocaust denial in the United States is not a popular phenomenon, even though America remains the lone Western democracy to protect it as free speech. But it does occur. In January of 2006, Sheik Fadhel as Sahlani, the leader of a prominent mosque in Brooklyn, asserted that the Holocaust “has been exaggerated.” In April, Holocaust-denier Larry Darby, a candidate for the Democratic nomination for attorney general of Alabama, was a featured speaker at a conference organized by the neo-Nazi National Vanguard in Elmwood Park, New Jersey. (The event included a performance by the neo-Nazi Holocaust-denying teenage singing duo “Prussian Blue.”) In June, Darby won 44% of the vote in the Alabama race. Darby claims the figure of six million Jews murdered by the Nazis was concocted by “the Holocaust industry,” insisting that no more than 140,000 Jews were killed, and most of those by typhus.<sup>69</sup>

The Institute for Historical Review held its major event of the year at an unnamed restaurant meeting room in Arlington Virginia in July of 2006. IHR director Mark Weber spoke about “the Jewish Zionist role in determining American foreign policy” and praised the recent study about the “Israel Lobby” by Stephen Walt and John Mearsheimer. Paul Fromm, director of the extremist

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67 *Id.*

68 *Id.*

69 *Id.*

Canadian Association for Free Expression, focused on the imprisonment of Irving in Austria and Zundel in Germany.<sup>70</sup>

Like the United States, Japan has never passed a law prohibiting Holocaust denial. But that has much less to do with free speech than with Japan's long-standing refusal to admit publicly its World War II crimes against humanity.<sup>71</sup>

The Summer 2007 issue of *IHR Update*, published by the Institute for Historical Review, included an article by Daniel McGowan, which came to the defense of Zundel, Rudolf, and Faurisson, and also claimed that "The Holocaust narrative . . . has been an important tool to drive the United States into Iraq and now into Iran."<sup>72</sup>

The Convention on the Elimination of All Forms of Racial Discrimination requires the condemnation and criminalization of "all propaganda . . . based on ideas or theories of superiority . . . or which attempt to justify or promote racial hatred and discrimination in any form."<sup>73</sup> The European Commission on Human Rights has found such laws to be justifiable limits on the freedom of expression.<sup>74</sup>

In fact every Western democracy with the exception of the United States has laws which punish various forms of hate speech, and a number of them specifically prohibit Holocaust denial.<sup>75</sup> The debate elsewhere is not whether to control hate speech, but how. Canada, England, France, Germany, and Sweden are most notable among the countries whose values of social liberty are similar to those in the United States.

Canada's position on Holocaust denial provides an interesting contrast. Even though the Canadian Charter of Rights and Freedoms<sup>76</sup> provides a

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70 *Id.*

71 *Japan Should Respect History, Recognize Reality: U.S. Historian*, Xinhua General News Service, April 21, 2005. Although there is a Holocaust museum in Hiroshima, Holocaust education is virtually non-existent in Japan. Jenny Hazan, *Hana's Suitcase Wins Yad Vashem Award*, CANADIAN JEWISH NEWS, Nov. 16, 2006 at p. 1. In June of 2007, a new political party was founded which espouses a variety of conspiracy theories regarding the Holocaust. Wyman 2007.

72 Wyman 2007.

73 Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 194, 3 I.L.M. 164, 166-67.

74 See STEPHEN J. ROTH, *THE LEGAL FIGHT AGAINST ANTI-SEMITISM: SURVEY OF DEVELOPMENTS IN 1993* 23-26 (1995).

75 *Id.* Countries punishing hate speech generally include Belgium, Brazil, Cyprus, England, Italy, and the Netherlands. Those specifically prohibiting Holocaust denial include Austria, Belgium, France, Germany, Israel, and Switzerland.

76 Canadian Charter of Rights and Freedoms, 1 S.C. v (1982).

comprehensive guarantee for free speech with language even broader than that of the First Amendment, the country also has a number of other laws that effectively seek to regulate hate speech. A criminal statute prohibits three types of hate propaganda: (a) advocacy of genocide; (b) communications inciting hatred against an identifiable group where a breach of the peace is likely to follow; and (c) public and willful expression of ideas intended to promote hatred against an identifiable group.<sup>77</sup>

In addition, Canada's Human Rights Act prohibits use of the telephone to record hate messages.<sup>78</sup> The Broadcasting Act authorizes standards for radio and television, and prohibits abusive comment likely to expose individuals or groups to contempt on the basis of their race, ethnicity, religion, sex, color, age, or mental or physical disability.<sup>79</sup> The Customs Act prohibits importation of hate propaganda.<sup>80</sup>

Using these laws, Canadian courts have held that hate speech does not belong in any category of expression that deserves constitutional protection. Interestingly, one Canadian court expressly supported that principle by extensive references to American cases, especially *Beauharnais v. Illinois*.<sup>81</sup>

In 1984 James Keegstra, a public school teacher in Eckville, Alberta, was charged with violating the Criminal Code for "unlawfully promoting hatred" by telling his students that the Holocaust was a hoax and that Jews were responsible for all the world's problems. Specifically, he had called Jews "treacherous," "subversive," "sadistic," "money-loving," and "child-killers." He'd also claimed that they had fabricated the Holocaust to gain sympathy and, in contrast to Christians, "were deceptive, secretive, and inherently evil." Moreover, Keegstra expected his students to reproduce his teachings in class and on exams; if they failed to do so, their marks suffered." Keegstra argued that the law infringed upon his guaranteed right to free expression.<sup>82</sup>

The Supreme Court of Canada upheld the constitutionality of the legislation. It linked the psychological and emotional harm caused by hate propaganda to the target group's constitutional right of equality. The Court

77 Criminal Code, R.S.C., ch. C-46, '319 (1985) (Can.).

78 Canadian Human Rights Act, R.S.C., ch. H-6 (1985) (Can.).

79 Broadcasting Act, R.S.C., ch. B-9, '3 (1985) (Can.).

80 Customs Act, R.S.C., ch. 1, '181 (1985) (Can.).

81 343 U.S. 250 (1952) (holding that defamation of groups may be treated the same way as libel of individuals). See R. v. Keegstra [1990] S.C.R. 697, 707, 739-41 (A credible arguments have been made that later Supreme Court cases do not necessarily erode [Beauharnais'] legitimacy (see, e.g., Kenneth Lasson, *Racial Defamation As Free Speech: Abusing the First Amendment*, 17 COLUM. HUM. RTS. L. REV. 11(1985)).

82 See R. v. Keegstra [1990] 3 S.C.R. 697.

found that hate propaganda against a particular group must be prevented if multi-culturalism is to be preserved and enhanced; that its “truth value” is marginal; that it denies citizens meaningful participation in the democratic process; and that its contribution to self-fulfillment and human flourishing is negligible.<sup>83</sup>

In upholding the statute, the *Keegstra* court took pains to note the American First-Amendment model. Writing for the majority, Chief Justice Brian Dickson said:

Having examined the American cases relevant to First Amendment jurisprudence and legislation criminalizing hate propaganda, I would be adverse to following too closely the line of argument that would overrule *Beauharnais* on the ground that incursions placed upon free expression are only justified where there is a clear and present danger of imminent breach of peace. Equally, I am unwilling to embrace various categorizations and guiding rules generated by American law without careful consideration of their appropriateness to Canadian constitutional theory. Though I have found the American experience tremendously helpful in coming to my own conclusions regarding this appeal, and by no means reject the whole of the First Amendment doctrine, in a number of respects I am thus dubious as to the applicability of this doctrine in the context of a challenge to hate propaganda legislation. First, it is not entirely clear that *Beauharnais* must conflict with existing First Amendment doctrine. Credible arguments have been made that later Supreme Court cases do not necessarily erode its legitimacy (*see, e.g., K. Lasson, Racial Defamation As Free Speech: Abusing the First Amendment* (1985), 17 Colum. Hum. Rts. L. Rev. 11). Indeed, there exists a growing body of academic writing in the United States which evinces a stronger focus upon the way in which hate propaganda can undermine the very values which free speech is said to protect. This body of writing is receptive . . . to the idea that, were the issue addressed from this new perspective, First Amendment doctrine might be able to accommodate statutes prohibiting hate propaganda [citations omitted].<sup>84</sup>

The *Keegstra* case was not the most famous to emanate from Canada. That distinction belongs to Ernst Zundel (noted earlier),<sup>85</sup> who was born in Germany

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83 *Id.*

84 *Keegstra*, 3 S.C.R. 697 at 741.

85 *See supra* notes 59–60 and accompanying text.

but lived in Canada from 1958 until 2005 and who, like Keegstra, claimed that the Holocaust was in fact a Zionist swindle. In 1992, Zundel was convicted under another Canadian statute which prohibited the publication of knowingly false statements. The Canadian Supreme Court reversed, however, on the grounds that the facts did not support the proportionality test which prevailed in *Keegstra*.

The great likelihood is that if Zundel had been tried in the United States he would have escaped punishment for his Holocaust denial activities, which included hosting radio and television shows, publishing books and pamphlets, and managing a web-site. But not so elsewhere. In 2005, he was deported to Germany, where he was tried and convicted for what he said and did. In February of 2007, a German court sentenced Zundel to five years in jail; the country's highest appeals court upheld the conviction.

The gradual ascension of Holocaust revisionism into academic respectability is perhaps shocking only to those unfamiliar with the excesses of modern scholarship.<sup>86</sup> To be sure, there is a place for legitimate historical revisionism—that is, the re-examination of accepted history in the light of newly discovered, more accurate, or less-biased information. Such revisionism may even be applied to the study of the Holocaust as new facts emerge. But the Holocaust denial movement is based upon a pre-determined idea that the Holocaust did not occur. This is sometimes referred to as “negationism,” a French term for the denial of historical crimes against humanity. Negationism has gained currency as the name of a movement to deny a specific crime against humanity; it is mostly commonly applied to the Holocaust against the Jews.

In the 1980's, the Committee on Open Debate on the Holocaust began to place small notices in college newspapers with its address and telephone number. By the 1990's these paid advertisements had become long essays, written in the academic voice, arguing that Holocaust statistics were vastly overstated and that allegations of Nazi gas chambers were frauds aided by doctored photographs. Over time, in high schools and colleges across the country, a number of teachers have come to tell their students that the Holocaust was a myth, while professors write “scholarly” articles and school newspapers print denial advertisement/essays saying the same thing.<sup>87</sup> By 1995, the Anti-Defamation League had reported numerous incidents on American campuses concerning

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86 See KENNETH LASSON, *TREMBLING IN THE IVORY TOWER: EXCESSES IN THE PURSUIT OF TRUTH AND TENURE*, (Bancroft Press, 2003).

87 See generally KENNETH S. STERN, *HOLOCAUST DENIAL* (1993).

Holocaust denial.<sup>88</sup> Group defamation in the academic voice persists to this day, most notoriously in the form of the infamous “blood libels” which claim that Jews kill Christian children for ritual purposes. Such myths are occasionally aided and abetted by Ahistorical” accounts (not one of which has ever been buttressed by facts).<sup>89</sup> Many of the Holocaust-denial books are published by the so-called Institute for Historical Review, a once-obscure revisionist think-tank which also produces a glossy periodical called the *Journal of Historical Review*.<sup>90</sup> The Institute was founded by a notorious anti-Semite, Willis Carto,<sup>91</sup> and for years operated out of Newport Beach, California, headed by a non-academic named Bradley Smith.<sup>92</sup> Among its most popular tracts are *The Hoax of the Twentieth Century*<sup>93</sup> by Northwestern University Professor

88 See Text of ADL Audit of Anti-Semitic Incidents 1995, U.S. Newswire, Feb. 28, 1996, available in LEXIS, Nexis Library, USNWR File [hereinafter ADL Audit]. See also *infra* note 151 and accompanying text.

89 The most famous of the modern blood libels is *The Protocols of the Elders of Zion*, first published in Russia in 1905 and still in widespread circulation today. A detailed account of the book’s evolution is on display at the United States Holocaust Museum in Washington, D.C. Three new books on Jewish ritual killings have been published in the past year by Jewish scholars themselves. See Hillel Halkin, *Bloody Jews?*, COMMENTARY, May 2007, and David Abulafia, *The Blood Libel, Then and Now*, THE TIMES LITERARY SUPPLEMENT, March 2, 2007. A more recent source is provided by Professor Lipstadt on her blog (“I recently came across a site one which exemplifies deniers’attempts to parade themselves as legitimate academics. It would be easy for a student . . . and maybe even some professors to be bamboozled by this ad.”) See Lipstadt, *supra* note 15.

90 A self-described “historical revisionist society,” the Institute supports the idea that the Holocaust was a distortion of history. See 1 ENCYCLOPEDIA OF ASSOCIATIONS 9 (15572) (Sandra Jozszczak ed., 31st ed. 1996); see also See Lipstadt, *supra* note 15 at 105; Geri J. Yonover, *Anti-Semitism and Holocaust Denial in the Academy: A Tort Remedy*, 101 DICK. L. REV. 71 at 76 n.30 (1996).

91 See Doreen Carvajal, *Extremist Institute Mired in Power Struggle*, L.A. TIMES, May 15, 1994, at A3. Carto had already organized the Liberty Lobby, a Washington-based group considered to be one of the most active anti-Semitic organizations in the country. *Id.*

92 See Lipstadt, *supra* note 28 at 185; *ADL Report Reveals Split in Holocaust Denial Movement that is as Hateful as Their Anti-Semitic Propaganda*, BUSINESS WIRE, available in Lexis Nexis Library, BW File; News Brief, HOUSTON CHRON., Jan. 25, 1992, at A12.

93 ARTHUR BUTZ, *THE HOAX OF THE TWENTIETH CENTURY* (Noontide Press 1976). Noontide Press and the Institute for Historical Review are closely related. See Lipstadt, *supra* note 28 at 152–53; see also Liberty Lobby, Inc. v. Dow Jones & Co., Inc., 838 F.2d 1287, 1296 (Bork, J.) (D.C. Cir. 1988) (describing the relationship as the ALiberty Lobby/Legion/Noontide/IHR network”). In 2006 Butz, a tenured professor of electrical engineering at Northwestern, wrote a column in the campus newspaper expressing support for the Holocaust-denial activities of Iranian President Mahmoud Ahmadinejad. See Jodi S.

Arthur Butz, and *Debunking the Genocide Myth*<sup>94</sup> by Paul Rassinier. Both present the now-familiar argument that reports of the systematic killing of Jews in Nazi concentration camps were myths propagated by Zionists in an effort to create support for a Jewish state in Palestine.<sup>95</sup> In June of 2006 Lebanon's New Television aired an interview with Norman Finkelstein, author of the book *The Holocaust Industry*. In his introductory remarks, the interviewer said: "Never has there been an issue subject to as many contradictions, lies, and exaggerations regarding the number of victims as the issue of the Jewish Holocaust." During the interview, Finkelstein said:

There has been a gross inflation of the number of survivors of the Nazi Holocaust. . . . In fact, the best estimates show that by May 1945 . . . about 100,000 Jews had survived the death camps, the ghettos, and the labor camps. . . . [T]here can't be more than a few thousand survivors still alive. But the Holocaust industry wanted to blackmail Europe in order to get compensation moneys. And in order to blackmail Europe they said there were hundreds of thousands of needy Holocaust victims who were still alive, and they started to inflate the number of survivors in order to blackmail Europe.<sup>96</sup>

### Confronting Denial: The Quest for Truth in a Free Society

*Veritas vos liberabit. (The truth shall make you free.)*

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Cohen, *NU Rips Holocaust Denial, President Calls Prof An Embarrassment But Plans No Penalty*, CHICAGO TRIBUNE, Feb. 7, 2006.

94 PAUL RASSINIER, *DEBUNKING THE GENOCIDE MYTH* (Noontide Press 1978); see also See Lipstadt, *supra* note 28 at 51–64.

95 See Donna Prokop, Note, *Controversial Teacher Speech: Striking A Balance Between First Amendment Rights and Educational Interests*, 66 S. CAL. L. REV. 2534, 2564 (1993). See also Lipstadt, *supra* note 28 at 123–36, 51–65.

96 Lebanon's New TV: 'Contradictions, Lies, and Exaggerations'in Number Killed in 'Jewish Holocaust,' MEMRI press release No. 1194, June 29, 2006, available at <http://www.norman.finkelstein.com/article.php?pg'11&ar'245>. See also Patricia Cohen, *A Bitter Spat Over Ideas, Israel and Tenure*, N.Y. TIMES, April 12, 2007; and David Remnick, *The Apostate: A Zionist Politician Loses Faith in the Future*, THE NEW YORKER, July 30, 2007 at p. 32 (interviewing Avraham Burg, former head of the World Zionist Organization: "Didn't we cheapen the sanctity of the Holocaust by using it about everything?") *Id.* at 35.



*If by the liberty of the press, we understand merely the liberty of discussing the propriety of public measures and political opinions, let us have as much of it as you please; but, if it means the liberty of affronting, calumniating, and defaming one another, I own myself willing to part with my share of it whenever our legislators shall please to alter the law; and shall cheerfully consent to exchange my liberty of abusing others for the privilege of not being abused myself.*

BENJAMIN FRANKLIN<sup>97</sup>

Franklin's view may have been civil and proper, but the Founding Fathers were motivated by a much more libertarian philosophy when they drafted the Bill of Rights.<sup>98</sup> The First Amendment not only protects the media from government interference, but grants the press almost absolute power to print whatever it wishes.<sup>99</sup> Freedom of the press, often characterized as "the mother of all our liberties,"<sup>100</sup> had "little or nothing to do with truth-telling. . . . Most of the early newspapers were partisan sheets devoted to attacks on political opponents. . . ." Back then, freedom of the press meant "the right to be just or unjust, partisan or non-partisan, true or false, in news column or editorial column."<sup>101</sup> That same freedom also allows newspapers to reject any matter, editorial or advertising.

Constitutional interpretation often begins with speculation about the intent of the Founding Fathers.<sup>102</sup> As to the First Amendment, much has been made of Thomas Jefferson's libertarian perspective on free speech: that the

97 Benjamin Franklin, *FEDERAL GAZETTE* (PHIL.), Sept. 12, 1789 at 2.

98 See, e.g., Jeffrey A. Smith, *Prior Restraint: Original Intentions and Modern Interpretations*, 28 WM. & MARY L. REV. 439, 457–58 (1987).

99 "Congress shall make no law . . . abridging the freedom of speech, or of the press." U.S. Const. amend. 1.

100 4 ADLAI E. STEVENSON, *THE ONE-PARTY PRESS, IN THE PAPERS OF ADLAI E. STEVENSON* 75, 78 (Walter Johnson ed., 1974) ("The free press is the mother of all our liberties and of our progress under liberty."). See also Junius, *Dedication to the English Nation*, in *THE LETTERS OF JUNIUS* 7, 8–9 (John Cannon ed., Oxford Univ. Press 1978) (1772) ("Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the palladium of all the civil, political, and religious rights. . . ."); Edmund Randolph, *Essay on the Revolutionary History of Virginia*, reprinted in 44 VA. MAG. OF HIST. & BIOGRAPHY 43, 46 (1936) (stating that freedom of the press was one of "the fruits of genuine democracy and historical experience").

101 Charles Beard, *St. Louis Post-Dispatch Symposium on Freedom of the Press* 13 (1938) (quoted in Commission on Freedom of the Press, *A Free and Responsible Press* 131 (Univ. of Chicago Press 1947)).

102 The ideas expressed in this section were originally presented in Kenneth Lasson, *Group Libel Versus Free Speech: When Big Brother Should Butt In*, 23 DUQ. L. REV. 77, 97–101 (1984).

best way to deal with error is to permit its correction by truth.<sup>103</sup> “The bar of public reason,”<sup>104</sup> said Jefferson, “will generally provide the remedy for abuses occasioned by the unfettered dissemination of information. Only when security and peace are threatened should the discussion of political, economic, and social affairs be restrained.”<sup>105</sup> James Madison, often called the architect of the Bill of Rights, thought likewise: freedom of speech and press, he wrote in *The Federalist*, would engender a reasoned citizenry—that would in turn keep the government in check.<sup>106</sup>

It can also be argued that the Framers would not have wanted to protect racial defamation, which deliberately exacerbates group tensions and plays negatively upon the heterogeneous, pluralistic character of American society.<sup>107</sup> The goal of casting contempt on an ethnic group is not to participate in political debate founded on the principle of pluralism, but to destroy it. In this sense, racial defamation is subversive speech. Unlike political extremism, in which (however distorted its form) the Framers’ principle of self-government is evident, the principle underlying racial defamation is pure-form discrimination.<sup>108</sup>

For some constitutional scholars, the principle of self-government sufficiently identifies the parameters of the First Amendment: Congress is

103 See, e.g., W.O. DOUGLAS, *AN ALMANAC OF LIBERTY* 362 (1954), and DAVID N. MAYER, *THE CONSTITUTIONAL THOUGHT OF THOMAS JEFFERSON* 166–84 (Univ. Press of Virg. 1994).

104 Thomas Jefferson, *First Inaugural Address* (Mar. 4, 1801), in *THE LIFE AND SELECTED WRITINGS OF THOMAS JEFFERSON* 297, 300 (Adrienne Koch & William Peden eds., 1993).

105 See Douglas, *supra* note 106 at 362. Justice Douglas naturally interpreted Jefferson’s meaning as in accord with his own absolutist stance. But the argument made by the state in favor of any given abridgment of speech is always that social peace and security is being threatened.

106 John Finnis, “Reason and Passion”: *The Constitutional Dialectic of Free Speech and Obscenity*, 116 U. PA. L. REV. 222, 229 (1967). See also David A. Anderson, *The Origins of the Press Clause*, 30 U.C. L. A. L. REV. 455 (1983).

107 The stirring up of racial or ethnic “fears, hate, guilt and greed” is fundamentally opposed to the Framers’ intent to ensure cooperative social pluralism. DERRICK A. BELL, *RACISM IN AMERICAN LAW* 59 (1973).

108 The positive intent of the Framers to found a nation based on pluralism should not, therefore, be distorted to tolerate the free rein of vindictive attack which is unrelated, except in appearance, to any constitutional or national purpose. See, e.g., Benjamin R. Epstein & Arnold Forster, *The Radical Right* 40 (1967); Brendan F. Brown, *Racialism and the Rights of Nations*, 21 NOTRE DAME L. REV. 1, 13 (1945). Note also that invidious racial and ethnic discrimination has been rejected as antithetical to American national policy. See *Bob Jones Univ. v. United States*, 461 U.S. 574 (1983).

forbidden from abridging the freedom of a citizen's speech whenever it has anything to do with political, economic, and social issues.<sup>109</sup> Put more succinctly, the Founding Fathers envisioned "the free and robust exchange of ideas and political debate."<sup>110</sup> The federal-state system of checks and balances was devised to prevent government tyranny.<sup>111</sup> Similarly, the various guarantees of the Bill of Rights effectively prevent a "tyranny of opinion" from being concentrated in any one institution or person, and serve to ensure social, political, and religious pluralism; it should be virtually impossible for popular self-government to be defeated by consolidation of control.<sup>112</sup> The Framers may have perceived government to be a necessary evil,<sup>113</sup> but it is probably more accurate to suggest that they drafted the Constitution to make the cooperation of competing interests the price for protecting the liberty of each.<sup>114</sup> The guarantee of free speech enabled the citizens to express their will to a representative government.<sup>115</sup>

Thus the narrowest historical interpretation of the free speech clause would limit its protection to the expression of purely political ideas.<sup>116</sup> The broadest

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109 See ALEXANDER MEIKLEJOHN, *POLITICAL FREEDOM* (1960), at 255. To Meiklejohn the goal appears to be the acquisition by voters of "intelligence, integrity, sensitivity, and generous devotion to the general welfare"—a weighty purpose indeed for speech to play. *Id.*

110 *Miller v. California*, 413 U.S. 15, 34 (1973); see also Finnis, *supra* note 109 at 238.

111 JAMES MACGREGOR BURNS, *THE VINEYARD OF LIBERTY* 60–62 (1982) at 60–61.

112 *Id.*

113 See PETER USTINOV, *MY RUSSIA* 204, 209 (1983).

114 It can also be argued that the Framers would not have wanted to protect racial defamation, which runs counter to their intent to ensure social pluralism. Bell, *supra* note 110 at 59. In this sense, racial defamation is subversive speech. Unlike political extremism, in which (however distorted its form) the Framers' principle of self-government is evident, the principle underlying racial defamation is pure discrimination. See *Bob Jones Univ.*, 461 U.S. at 574. The positive intent of the Framers to found a nation based on pluralism should not, therefore, be distorted to tolerate the free rein of racial defamation. See also Epstein & Forster, *supra* note 111 at 40, and Brown, *supra* note 111 at 13.

115 The free speech guarantee is thus a means to the end, not the end in itself. See FREDERICK F. SCHAUER, *THE LAW OF OBSCENITY* 920 (1976) (claiming that "free speech is seen as an instrument of good, not as a good in itself"). See also Burns, *supra* note 114 at 62 ("The issue that would become the grandest question of them all—the extent to which government should interfere with some persons' liberties in order to grant them and other persons more liberty and equality—this issue lay beyond the intellectual horizons.")

116 For example, the Supreme Court's willingness to protect the wearing of a jacket with offensive words lettered on it or black armbands in school can be explained by the political nature of resistance to the unpopular war in Vietnam. See Schauer, *supra* note 118 at 13–14.

interpretation would allow for an absolutist intent on the part of the Framers. The Supreme Court, however, has adopted neither extreme. Instead, it has identified political speech as merely the central value to be protected. Such an evaluation logically requires a consideration of content: that is, what the speaker wants to say.<sup>117</sup>

The Founding Fathers' debate on the First Amendment was brief, for they recognized that the rights of free expression were inherent and belonged to the people.<sup>118</sup> "There are rights," wrote Thomas Jefferson in March of 1789, "which it is useless to surrender to the government, and which yet, governments have always been fond to invade. These are the rights of thinking and publishing our thoughts by speaking or writing; the right of free commerce; the right of personal freedom."<sup>119</sup> Nevertheless, Jefferson's conception of the inalienable rights of speech and press was not absolute. In his draft constitution for Virginia, he had proposed freedom of the press "except so far as by commission of private injury cause may be given of private action."<sup>120</sup> And in a letter to James Madison in August of 1789, Jefferson proposed to qualify what would become the First Amendment as follows: "The people shall not be deprived or abridged of their right to speak or to write or otherwise to publish any thing but false facts affecting injuriously the life, liberty, property, or reputation of others. . . ."<sup>121</sup>

In January of 2007, the United Nations General Assembly passed a resolution (to coincide with International Holocaust Commemoration Day) condemning Holocaust denial. The resolution—passed by general consensus, with only Iran explicitly dissenting—called on all 192 UN member-states to "unreservedly to reject any denial of the Holocaust as a historical event, either in full or in part, or any activities to this end." UN Secretary-General Ban Ki-moon expressed

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117 The motivation behind particular protected speech as a basis for regulation cannot be questioned. *Cf.* *Eastern R.R. Presidents Conf. v. Noerr Motor Freight*, 365 U.S. 127, 138 (1961) (holding that protected speech aimed at elimination of competition did not violate anti-trust laws); *Henrico Professor Firefighters Assoc. v. Board of Supervisors*, 649 F.2d 237, 245 n.12 (4th Cir. 1981) (holding that a speaker's motivation is irrelevant to First Amendment analysis). Any analysis of a speaker's motivation would necessarily scrutinize both the sincerity of his belief in certain ideas and his reasons for expressing them. *See* *Young v. American Mini Theaters*, 427 U.S. 50, 64–66 (1975); Finnis, *supra* note 109 at 222–23.

118 1 ANNALS OF CONG. 731–32 (J. Gales ed. 1789), reprinted in Bernard Schwartz, *The Bill of Rights: A Documentary History* 1029 (1971).

119 Jefferson, *supra* note 107 at 428, 429 (quoting from a letter to Col. David Humphreys, Mar. 18, 1789).

120 Mayer, *supra* note 106 at 169.

121 *Id.* at 171 (quoting from a letter to James Madison, Aug. 28, 1789).

“his strong desire to see this fundamental principle respected both in rhetoric and in practice.”<sup>122</sup> In October, the United Nations Educational, Scientific and Cultural Organization (UNESCO) passed a resolution urging efforts to promote Holocaust education and combat Holocaust denial. Seventy-two UNESCO member-states co-sponsored the resolution. Egypt and other Arab states, and Iran, attempted to change the wording of the resolution but were unsuccessful.<sup>123</sup> There were also several hopeful developments: two prominent Muslims, the former prime minister of Indonesia and the president of the Islamic Society of North America, condemned Holocaust denial; the United Nations General Assembly and UNESCO both passed resolutions opposing Holocaust denial; and the European Union urged all its member-states to adopt legislation prohibiting Holocaust denial.<sup>124</sup>

In recent years one of the difficult decisions facing college or university newspapers has involved the controversial question of whether to publish a paid advertisement denying the existence of the Holocaust.<sup>125</sup> Most of these advertisements are promulgated and paid for by the aforementioned Committee for Open Debate on the Holocaust, which claims to encourage scholarly discussion about the Holocaust.<sup>126</sup>

A private college or university newspaper is not a state actor (and therefore not protected by First Amendment guarantees), but is subject to the scrutiny of school administrators and bound by school policies. Although most colleges and universities adopt policies that are compatible with expressing and testing new ideas, they retain the power to impose prior restraints which could prohibit publication of certain material based on its content.

The primary issue to be determined in cases involving a state-supported college or university newspaper is whether school administrators are involved in the editorial decisions of the student newspaper. Where the newspaper is free from the control of the administration, its actions are viewed as being

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122 UN News Centre, January 26, 2007.

123 State Department news release, November 4, 2007; Roth Institute for the Study of Contemporary Antisemitism and Racism, Tel Aviv U.—[www.tau.ac.il](http://www.tau.ac.il).

124 A Holocaust Denial: A Global Survey—2007, published by the David S. Wyman Institute for Holocaust Studies. See also Etgar Lefkovits, *Holocaust Denial Up Since Irving Released, Report Says*, JERUSALEM POST, December 31, 2007.

125 See Bob Keeler, *Assault on History*, Newsday, Feb. 24, 1994, at 68. See generally Lipstadt, *supra* note 28 at 183–208.

126 See Jeff Ristine, *Ad Questioning Holocaust Takes Aim at Students*, SAN DIEGO UNION-TRIBUNE, Jan. 11, 1992 at p. A1. See also Lipstadt, *supra* note 28 at 183–208 and Jeroff, *supra* note 19.

independent of the state and not subject to constitutional scrutiny. It follows in such cases that there has been no state action where an author of proffered material is denied access to the paper based on the material's content.

In short, the campus newspaper of a state-supported university is entitled to the First Amendment's freedom of the press protection—including the freedom to exercise subjective editorial discretion by rejecting a proffered article, editorial, or advertisement.<sup>127</sup>

Thus editors of a state college or university newspaper have a right to editorial discretion—and school administrators do not.

Political correctness may be on the run in the pop culture of talk radio, but it is no laughing matter in the Ivory Tower. Though scarcely reported by the media, hundreds of American colleges and universities—from the backwoods of Appalachia to the august quadrangles of Ivy League law schools—are currently engaged in an entrenched battle over both the nature of the standard curriculum and the freedom of speech on campus.<sup>128</sup>

Fifty years ago, when the Holocaust was still a new and searing cataclysmic event, the bramble-bush of political correctness was mere stubble in the wasteland of academic politics. Now universities are pushing various political correctness agendas by way of curricular reform and the promulgation of speech and conduct codes. Orthodoxies of all kinds are being challenged. Eurocentric doctrine (including that of modern Jewish history) is subjected to Adeconstruction," with the underlying theory that all opinions are valid. Facts are said to be nothing more than received opinions. This phenomenon has enabled Holocaust deniers to elevate their cause into the realm of academic debate.

Thus when American adults were asked in 1993 if they thought it possible that the Holocaust never really ever happened, twenty percent of them answered in the affirmative.<sup>129</sup>

Almost fifteen years later a Haifa University survey found that more than a quarter of Israel's Arab citizens believed the Holocaust never happened; the percentage rose to a third for college and high-school graduates.<sup>130</sup> Such a response is not the concern of constitutional scholars, whose abiding interest in political correctness has always been the stifling effect on civil liberties

127 See *Associates & Aldrich Co. v. Time Mirror Co.*, 440 F.2d 133, 135 (9th Cir. 1971).

128 See Jenish D'Arcy & William Lowther, *War of Words: Academics Clash Over 'Correctness'*, MACLEAN'S, May 27, 1991 at 44.

129 Deborah Lipstadt, *False 'Reasoning' on the Holocaust*, NEWSDAY, July 23, 1993 at p. 61.

130 *Poll Shows Israeli-Arab Holocaust Denial, Support for Hizbullah*, ISRAEL FAXX, March 19, 2007; *Holocaust Denial*, ISRAEL FAXX, March 30, 2007.

and academic freedom of the restrictive speech and conduct codes that have become commonplace in the Ivory Tower.<sup>131</sup> Even though not one such code has been able to withstand constitutional scrutiny, both students and professors (as well as administrators) look and listen nervously over their shoulders for fear of offending mushrooming numbers of special-interest groups.<sup>132</sup> The traditional justification for viewing the First Amendment's guarantee of free expression as virtually absolute—the exceptions are few and narrow in scope—is to encourage an open and unfettered exchange of ideas.<sup>133</sup> Thoughts that are abhorrent to a free society, the argument goes, will wither when aired but fester if suppressed.<sup>134</sup> Moreover, who is to decide which ideas are abhorrent? Certainly not the government, reasoned the Constitution's Framers. Free speech is so precious and delicate a liberty it must be preserved at great cost.<sup>135</sup> Thus the depth of conviction in Voltaire's oft-quoted declaration: "I disapprove of what you say but I will defend to the death your right to say it."<sup>136</sup> The interest which the First Amendment guards and which gives it its importance, said Learned Hand, presupposes that there are no orthodoxies—religious, political, economic, or scientific—which are immune from debate.<sup>137</sup> Others have pointed to the First Amendment's goal of ascertaining the truth: "Through the acquisition of new knowledge, the toleration of new ideas, the testing of opinion in open competition, the discipline of rethinking its assumptions, a society will be better able to reach common decisions that will meet the needs and

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131 See Robert Hawkins, *Some Imprints Left as 1991 Fades . . . Art-Censorship Battles Loom as Pressure Increasing From All Viewpoints*, SAN DIEGO UNION-TRIBUNE, Dec. 27, 1991 at C1.

132 See generally Kenneth Lasson, *Political Correctness Askew: Excesses in the Pursuit of Minds and Manners*, 63 TENN. L. REV. 689 (1996). The pernicious nature of political correctness is most clearly revealed by the absurd extremes encouraged by some campus conduct codes. Though many of them have never been tested in court and continue to be broadly implemented—some to the destruction of careers and reputations—not one of them to date has been found constitutional.

133 See *Whitney v. California*, 274 U.S. 357, 372–80 (1927) (Brandeis, J., concurring); *Abrams v. United States*, 250 U.S. 616, 624–31 (1919) (Holmes, J., dissenting).

134 *Whitney*, 274 U.S. at 375–76.

135 See Lasson, *supra* note 105 at 78.

136 There is some doubt that Voltaire actually made this comment, although it is reflective of an attitude attributed to him. See BURT STEVEMSPM, *THE HOME BOOK OF QUOTATIONS* 726, 2776 (10th ed. 1967), and S.G. TALLENTYRE, *THE FRIENDS OF VOLTAIRE* 199 (1907).

137 See *International Brotherhood of Electrical Workers Local 501 v. NLRB*, 181 F.2d 34, 40 (2d Cir. 1950), *aff'd*, 341 U.S. 694 (1951).

aspirations of its members.”<sup>138</sup> A more current statement of jurisprudential philosophy justifying traditional First-Amendment principle—particularly the notion that American concepts of tolerance are noble and defensible—was voiced by Lee Bollinger in his oft-cited 1986 book entitled *The Tolerant Society*.<sup>139</sup> Extolling the virtue of magnanimity and the First Amendment’s function in developing a capacity for tolerance, Bollinger claims that the toleration of verbal acts inculcates a “tolerance ethic,” which he describes as “a general disposition of being able to put aside our beliefs, of overcoming the instinct to have things our own way, to control, to dominate. It is to live in a world of difference, and to do so comfortably.” In essence, he says, “tolerance is to democracy what courage is to war.”<sup>140</sup> Among the most frequently cited arguments in favor of protecting offensive expression are to preserve legitimate scientific and scholarly inquiry, to document bigotry in all its forms, and to avoid the dangers of line-drawing that censorship and criminalization often encumber. Both legitimate scientific method and traditional scholarly inquiry demand that all evidence be recognized, investigated, and analyzed before conclusions can be drawn. This standard applies not only to orthodox views, but to unpopular (even offensive) ones as well.<sup>141</sup> What the Founding Fathers envisioned as vigorous disagreement in a free and open marketplace of ideas—even if some of those thoughts are abhorrent to the civil temperament—has been quashed at the very places such debates are supposed to occur most freely.<sup>142</sup> What should be one of the richest and most receptive places of honest intellectual inquiry and discourse has instead become one of the most intolerant.

The Academy has become a decidedly unwelcome nesting place for people with traditional points of view or ways of presenting them. What were once noble and defensible goals—intellectual curiosity and sensitivity toward

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138 Thomas I. Emerson, *Toward a General Theory of the First Amendment*, 72 YALE L.J. 854, 882 (1963). Professor Emerson’s seminal article suggested three other First-Amendment values besides truth-seeking: individual self-fulfillment; securing participation by members of society in political decision-making; and maintaining a balance between stability and change.

139 LEE C. BOLLINGER, *THE TOLERANT SOCIETY: FREEDOM OF SPEECH AND EXTREMIST SPEECH IN AMERICA* (1986).

140 Lee C. Bollinger, *The Tolerant Society: A Response to Critics*, 90 COLUM. L. REV. 979, 986–88 (1990).

141 See, e.g., ERNEST NAGEL, *THE STRUCTURE OF SCIENCE: PROBLEMS IN THE LOGIC OF SCIENTIFIC EXPLANATION* 1–14 (1961).

142 See Stephen Reese & John D.H. Downing, *Holocaust Ad Poisons Public Debate*, AUSTIN-AMERICAN STATESMAN, May 1, 1992 at 1.



others—have been forged into bludgeons of moral imperatives.<sup>143</sup> The pervasive atmosphere of the political correctness current in the Academy today complicates the question of Holocaust revisionism. In seeking to challenge traditional culture, the guardians of political correctness have been tellingly inconsistent. While they would be quick to condemn an historian who denied the evils of slavery, they have been reluctant to spurn Holocaust denial. Perhaps this is because their agenda is essentially anti-Western, anti-white, and anti-imperialistic; Jews are not viewed as an endangered minority; Zionism is seen not as a liberation movement, but as racism.<sup>144</sup>

Pressure to be politically correct has generated a backlash against political correctness as well. The combination of the two has had an unsettling effect on student editors. Can those who would voice alarm at the modern political correctness movement's exclusion of Eurocentric culture at the same time call for exclusion of revisionists and deniers? Students might find it difficult to condemn both the excesses of political correctness and the promulgation of Holocaust-denial literature.

Similarly, in an academic environment charged with political correctness, the choice of campus speakers appears to be highly subjective. In the 1990's, noted figures who uttered anti-Semitic words—like Louis Farrakhan,<sup>145</sup> Tony

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143 The rules regarding harassment have iced over into the first icy patch on the slippery slope to repression of unpopular ideas. They deter not only genuine misconduct but also harmless (and even desirable) speech, which in higher education is central both to the purpose of the institution and to the employee's profession and performance. Legislative remedies should not be necessary, but they are. In 1993 California saw fit to enact a new law guaranteeing "students . . . the same right to exercise their free speech on campus as they enjoy when off campus." Cal. [Schools and School Districts] Code '4(b) (West 1997). The clear line to be drawn between academic freedom and actionable harassment is the same as that between speech and conduct. The former is almost always protected by the First Amendment, the latter can be constitutionally proscribed.

144 Some teachers have dropped references to the Holocaust studies altogether, so as to avoid offending children of certain races or religions. See Alexandra Freaan, *Schools Drop Holocaust To Avoid Offense*, THE TIMES (LONDON), April 2, 2007 at p. 8. See also Abraham Cooper and Harold Brackman, *You Can't Teach History Without The Holocaust*, THE GLOBE AND MAIL (CANADA), April 16, 2007 at p. A13.

145 See "ADL Quotes Farrakhan One Year After Million-Man March," U.S. Newswire, Oct. 9, 1996; Richard Cohen, *Why the Silence on Farrakhan*, WASHINGTON POST, July 26, 1985, at A25; *The Farrakhan Show*, WASHINGTON POST, Aug. 1, 1984, available in 1984 WL 2024765; Garry Wills, *Perot's Anti-Semitic Company*, TIMES-UNION, Aug. 15, 1996, at A15.

Martin,<sup>146</sup> Khalid Abdul Muhammad,<sup>147</sup> and Leonard Jeffries<sup>148</sup>—were regularly invited by student groups to appear on protected campus venues. When challenged, the sponsors often claimed that they and their guests are exercising their First Amendment rights, the same argument that was used to justify the Holocaust-denial conference in Iran in 2006.<sup>149</sup>

Here, after all, is where two principles—the freedom of speech in the quest for truth, and the suppression of racism in the quest for equality—are sometimes in conflict.

In a true democracy the government may not dictate what is right or wrong, true or false. No matter how obvious the distinctions may appear to be between historical fact and racist theory—a differentiation perhaps best illustrated by Holocaust denial—only the people can reject the expression of any thought, whether spoken or written, and even then only as a matter of individual choice.<sup>150</sup> It follows that we should educate our children to tolerate the diverse views of a pluralistic society. Just as we countenance others who advocate different ways of looking at the world—even as we may disagree with them—our textbooks should reflect the existence (if not the soundness) of denial theories. Thus, if public schools teach the Holocaust as a historical event, they must also teach that it may not have happened; if parents object to what they consider

146 See Ken Ringle, *Of History and Politics: A Classicist at War*, *Int'l Herald Trib.*, June 12, 1996; Text of ADL Report on Writings of Professor Tony Martin, U.S. NEWSWIRE, Oct. 12, 1995; see also Selwyn R. Cudjoe, *Academic Responsibility and Black Scholars*, *Baltimore Sun*, Mar. 23, 1994 at 19A.

147 See Nat Hentoff, *The Return of Khalid Muhammad: "Hitler Used the Same Words About Jews,"* *THE VILLAGE VOICE*, Nov. 26, 1996, at 10 (quoting Jesse Jackson's characterization of Khalid Muhammad's Kean College speech as Aracist, anti-Semitic, divisive, untrue, and chilling"); Stephen A. Holmes, *Farrakhan Is Warned Over Aide's Invective*, *N.Y. TIMES*, Jan. 25, 1994, at A12; Jon Nordheimer, *Divided by a Diatribe: College Speech Ignites Furor Over Race*, *N.Y. TIMES*, Dec. 29, 1993, at B1; Steven Lubet, *That's Funny, You Don't Look Like You Control the Government: The Sixth Circuit's Narrative on Jewish Power*, 45 *HASTINGS L.J.* 1527, 1527–28 (1994); Speech: *'The Secret Relationship Between Blacks and Jews'*, *N.J.L.J.*, Jan. 24, 1994, at 17 (entire text of Khalid Muhammad's Kean College speech).

148 See ADL Audit, *supra* note 91; Joseph Berger, *College Chief Calls Jeffries 'Racist,' But Defends Keeping Him*, *N.Y. TIMES*, Nov. 5, 1991, at B1; Donna Prokop, *supra* note 98 at 2536 (1993); Jacques Steinberg, *CUNY Professor Criticizes Jews*, *N.Y. TIMES*, Aug. 6, 1991, at B3; Wills, *supra* note 148. See also Geri J. Yanover, *Anti-Semitism and Holocaust Denial in the Academy: A Tort Remedy*, 101 *DICK. L. REV.* 71 at 83 n. 75 (1996).

149 See, e.g., Michael W. Sasser, *Speakers Find Cozy Home at Universities*, *PALM BEACH JEWISH J.*, July 23, 1996, at 1.

150 See Debate, *supra* note 3 at 588 (statement by Alan Dershowitz).

a historical fabrication, their children should be excused from class; if a state university funds speakers, it must tolerate deniers. Just as Holocaust denial may be seen as a threat to the ultimate power of reason, belief in the ultimate power of reason requires recognition of denial theories.<sup>151</sup> If reason is to prevail, the existence of racism in all its manifestations must be documented. This is true of both fact and fiction. If we are to learn from history, what is the difference between the Nazis' foul deeds and their descendants' denial of them? It is as important for later generations to witness the propaganda of genocide as to see its effects, to hear the statements of racism as well as to countenance its results. Why should we even seek to suppress Holocaust denial when we have the benefit of the Nazis' own diabolically meticulous record keeping as hardcore evidence of evil—the millions of personal effects they confiscated and itemized, the identification numbers branded into their victims' arms as if they were animals, the logs of scientific experiments in torture, and ultimately the precise tallies of lives snuffed out? Both the propaganda and the facts reflect the personification of brutality. To expurgate either would blur the facts of history and blot out the memory of all those martyred because of their ethnicity, murdered because of their race.

Few Americans want the government to decide for them what they can hear on the street corner, read in the library, or see in the cinema. It is not difficult to find abuses in the name of fair play, especially in countries which (unlike the United States) permit censorship and criminalization of that which the government finds to be hate speech.<sup>152</sup> Criminalization illustrates the difficulties of line-drawing. For example, in 1995 the distinguished historian Bernard Lewis was found guilty by a French court for expressing doubts that the massacre of 1.5 million Armenians early in this century by the Ottoman Empire could be correctly termed a "genocide."<sup>153</sup>

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151 See Suzanna Sherry, *The Sleep of Reason*, 84 GEO. L.J. 453, 483–84 (1996). But see *infra* note 196 and accompanying text (suggesting the Holocaust is a crime that lies outside both speech and reason).

152 For a list of those countries, see *supra* note 77 and accompanying text.

153 At first several Armenian groups sought to have Professor Lewis prosecuted under France's criminal Holocaust denial law, but a court ruled that the statute applied only to the Nazi regime of terror. The groups were more successful before a subsequent civil tribunal, which found Lewis guilty and fined him \$2000 (while declining to rule on whether his opinion as expressed was right or wrong). See *'Hate Speech' Again, Abroad*, WASH. POST, Sept. 9, 1995, at A16 ("When a court is willing to punish a scholar—or anyone, for that matter, for expressing an 'insulting' opinion on a historical matter, even when debate on the point in question has been raging worldwide for years, the absurdity and perversity of such laws is on full display.")

A relatively recent law in Germany makes it a crime to deny the Holocaust “or another violent and arbitrary dominance.”<sup>154</sup> This clause became quite contentious, the resulting controversy centering around the issues of restricting historical facts, promoting national consciousness, attributing collective guilt, and identifying the role of courts in punishing lies. Should denial of other known events—for example, the violent expulsion of Germans from Soviet-occupied East Germany, or the annihilation of millions of Cambodians by Pol Pot, or the ethnic cleansing in Bosnia, be equally punishable? In other words, was the Holocaust a unique phenomenon?<sup>155</sup>

If Auschwitz is unique, the argument goes, then the phrase “or another violent and arbitrary dominance” should have been eliminated; this addition renders the Holocaust unjustifiably relative, and offends both the memory of those murdered and the sensibilities of survivors.<sup>156</sup> In addition, experience with earlier legislation shows that hate-speech defendants, almost without exception, remain convinced if not strengthened in the truth of their contentions. Not only is deterrence unlikely, there is a real danger of backlash. The lie may be forbidden, but the liars remain. The judicial process cannot carry the burden of education that should fall to family, school, and political discourse. To the contrary, the German courts have become forums for neo-Nazi propaganda.<sup>157</sup>

Moreover, the task of drawing a line between “good” and “bad” is exceedingly difficult. Every year in the United States, all kinds of books are banned by public libraries—from Thomas Paine’s *The Age of Reason* and John Steinbeck’s *The Grapes of Wrath* to Charles Darwin’s *On the Origin of the Species* and the King James version of the Holy Bible.<sup>158</sup> In recent years the growing influence of the religious right has been reflected in challenges to books about the occult, homosexuals, and racial minorities.<sup>159</sup> In Canada, customs officials issue a list of imported materials that are reviewed for their potential to stir up racial

154 See Eric Stein, *History Against Free Speech: The New German Law Against the ‘Auschwitz’ B and Other B Lies*, 85 MICH. L. REV. 277, 280 nn. 9–11 (1986) (translating Art. 194 StGB). Germany also recently used its presidency of the European Union to replicate its strict laws prohibiting Holocaust denial. See David Charter, *EU Declares Trivializing Genocide A Crime*, NSW COUNTY EDITION, April 21, 2007 at p. 14.

155 See Correspondence, *On the ‘Auschwitz Lie’*, 87 MICH. L. REV. 1026, 1031 (1989).

156 *Id.* at 1030.

157 See Stein, *supra* note 142 at 315.

158 See Rekha Basu, *Banned Books Given Spotlight*, DES MOINES REG., Sept. 29, 1995, at 1.

159 For example, in Queens, N.Y., a book about Martin Luther King was opposed by a school-board member who viewed him as a “leftist hoodlum with significant Communist ties.” *Id.* at 1.

hatred. Of the ninety titles on a recent list, only four were banned—including the standard anti-Semitic text, *The Protocols of the Elders of Zion*; Henry Ford's *The International Jew: The World's Foremost Problem*; and Arthur Butz's *The Hoax of the Twentieth Century*. Those that were not banned included Neal Gabler's *An Empire of Their Own: How Jews Invented Hollywood*, and a compact disk entitled *Aryan Outlaws in a Zionist Police State*.<sup>160</sup> There is little evidence that banning hate speech and literature serves to inhibit it. On the other hand, line-drawing has proven virtually impossible.<sup>161</sup>

A persistent American shibboleth is that the First Amendment is virtually absolute—that the Constitution guarantees everyone the freedom of self-expression, and anything which restricts this right is a step on the road toward tyranny. In the vernacular, “It’s a free country and I can say whatever I want.”<sup>162</sup> That it is difficult to draw a line between acceptable and non-acceptable expression, however, and hard to allocate responsibility for deciding what speech should be restricted, is too facile a rationale to justify a rule of absolute construction. The carefully drawn exceptions to the rule of free speech are based on logical demonstrations that there are certain utterances which must be limited even (if not especially) in a democratic society.<sup>163</sup> The very existence of the doctrines in exception—“fighting words,” “clear and present danger,” “captive audience,” “legitimate time, place, and manner restrictions”<sup>164</sup>—belies the simplistic popular understanding of free speech.<sup>165</sup> Such contextual limitations are joined

160 See Carol Berger, *Hate Book Sparks Debate of Freedom*, EDMONTON J., Jan. 24, 1995, at A7.

161 For a recent learned article arguing why democratic principles of free speech should trump laws that prohibit Holocaust denial, see Peter R. Teachout, *Making Holocaust Denial A Crime: Reflections on European Anti-Negationist Laws from the Perspective of U.S. Constitutional Experience*, 30 VT. L. REV. 655 (2007).

162 Justices Hugo Black and William O. Douglas generally took the First Amendment literally to mean that Congress could make no law abridging free speech A without any ‘ifs’ or ‘buts’ or ‘whereases.’” *Beauharnais v. Illinois*, 343 U.S. 250, 275 (1952) (Black, J., dissenting); see also *Columbia Broadcasting Sys., Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94, 156 (1973) (Douglas, J., concurring) (“The First Amendment is written in terms that are absolute. . . . The ban of ‘no’ law that abridges freedom of the press is in my view total and absolute.”).

163 Lasson, *supra* note 83 at 79.

164 For a comprehensive discussion, see RODNEY A. SMOLLA, 1 SMOLLA & NIMMER ON FREEDOM OF SPEECH ‘10, 32–34 (3d ed. 1996).

165 See generally Kenneth Lasson, *Racial Defamation as Free Speech: Abusing the First Amendment*, 17 COLUM. HUM. RTS. L. REV. 11, 20–30 (1985).

by those which regulate content like obscenity and pornography,<sup>166</sup> matters of national security,<sup>167</sup> and threats against the President.<sup>168</sup> It is unarguable that there should be absolute freedom to think what one wants; it does not follow, however—either legally, logically, or philosophically—that one may openly express whatever one thinks, whenever and wherever one desires.<sup>169</sup> A majority of civil libertarians continue to advocate the First Amendment ideology that no orthodoxies should be immune from debate and dispute, but a growing number of constitutional scholars have begun to argue that that view should be “bemoaned and resisted rather than accepted or celebrated.”<sup>170</sup>

Those in favor of regulating hate speech are often held to a higher standard (if not regarded in lower esteem) by First Amendment purists. For example, historian Leonard Levy’s sponsors refused to publish his conclusion that (contrary to his earlier beliefs) the Framers of the Constitution had a far narrower conception of free speech and press.<sup>171</sup> Other arguments in support of regulating hate speech are often stigmatized by the widely accepted ideology that urges courts to offer even greater protections of free speech.<sup>172</sup> Even Professor Bollinger concedes that “tolerance has its limits” and that different societies must of necessity treat hate speech differently.<sup>173</sup>

The slippery slope theory so often invoked by civil libertarians—dubbed by one doubter as “trickle-down chilling”—has not materialized in any other Western democracy. Yet all Western democracies but the United States have laws prohibiting the dissemination of hate speech.<sup>174</sup> Traditional libertarians

166 See, e.g., *New York v. Ferber*, 458 U.S. 747 (1982); *Young v. American Mini Theaters*, 427 U.S. 50 (1976); *Roth v. United States*, 354 U.S. 476 (1957).

167 See, e.g., *Dennis v. United States*, 341 U.S. 494 (1951); *Debs v. United States*, 249 U.S. 211 (1919); *Frohwerk v. United States*, 249 U.S. 204 (1919).

168 See, e.g., *Watts v. United States*, 394 U.S. 705 (1969).

169 See Mayer, *supra* note 106 at 171–72 (discussing Jefferson’s views on the liability of publishers for false facts printed, despite freedom of the press, and criminal acts dictated by religious error as punishable despite guarantee of free exercise of religion); see generally Lasson, *supra* note 105 at 97.

170 Frederick Schauer, *The First Amendment as Ideology*, 33 WM. & MARY L. REV. 853, 854 (1992).

171 See generally LEONARD LEVY, *LEGACY OF SUPPRESSION: FREEDOM OF SPEECH AND PRESS IN EARLY AMERICAN HISTORY* (1960), and Schauer, *supra* note 173.

172 See generally Schauer, *supra* note 173.

173 Bollinger, *supra* note 143 at 995. In Germany, for example, as long as the Holocaust remains part of recent memory, it will be difficult not to punish the expression of Nazi ideology. *Id.* at 990.

174 Schauer, *supra* note 173 at 867.

also argue that if one government can officially stipulate that the Holocaust occurred, then another government somewhere, sometime, can declare that it did not occur. Others say, “the grander the truth, the bigger the lie.”<sup>175</sup> But such arguments are rendered speculative and facile, and ultimately meritless, when placed in the real-life context of what happens elsewhere.

A number of legal scholars have asserted that the harm of hate speech matters. Whatever form such speech takes, its purpose and effect are to deny the humanity of a group of people, making them objects of ridicule and humiliation so that acts of aggression against them, no matter how violent, are taken less seriously.<sup>176</sup> Meanwhile, the targets of such behavior often respond to it with fear and withdrawal. The more they are silenced, the deeper their inequality becomes; many suffer post-traumatic stress disorders of varying degrees.<sup>177</sup> Hate speech may be analyzed as the first stage in a continuum of increasing violence and intimidation, followed by avoidance, discrimination, attack, and extermination. As illustrated by the history of the Third Reich, each stage is dependent upon the preceding one: it was Hitler’s vocal antisemitism that led Germans to avoid their Jewish neighbors and friends, which in turn enabled easier enactment of the blatantly discriminatory Nuremberg laws, which in turn made synagogue desecration and street mugging more acceptable, which in turn allowed for creation of the killing fields in the death camps.<sup>178</sup> The capacity of speech to cause injury in diverse ways is often viewed as a price that must be paid to ensure a truly free and democratic society. But even free societies must allocate the cost of injuries. If we permit individuals to recover damages for defamation, why not permit groups to prove that they (i.e., their members) have suffered injury from hate speech?<sup>179</sup>

The argument that it is too difficult to draw the line between what is acceptable speech and what is not often fails to countenance the idea that the entire history of law could be described in terms of reasonable line-drawing. This has been true even in First Amendment cases, such as those involving false

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175 Debate, *supra* note 3 at 571, 582–83.

176 See Kathleen E. Mahoney, *Hate Speech: Affirmation or Contradiction of Freedom of Expression*, 96 U. ILL. L. REV. 789, 792 (1996).

177 See generally Richard Delgado, *Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. L. REV. 133 (1982); Mari M. Matsuda, *Public Response to Racist Speech: Considering the Victim’s Story*, 87 MICH. L. REV. 2320 (1989).

178 See GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* 14–15 (1954).

179 Jeremy Waldron *The Harm in Hate Speech* (Cambridge MA: Harvard University Press, 2012).

advertising,<sup>180</sup> offensive pornography,<sup>181</sup> state secrets,<sup>182</sup> and defamation.<sup>183</sup> People who feel they have been grievously hurt by someone else's words—such as Holocaust survivors whose suffering has been denied<sup>184</sup>—ought to have a civil remedy. Free speech should not mean speech without cost.<sup>185</sup> A tort action for intentional infliction of emotional distress would seem to be an appropriate remedy for racial insults, but courts have generally limited recovery to plaintiffs who suffered some physical injury caused by “extreme and outrageous conduct.”<sup>186</sup> In many instances racial insults would fall short of that standard, particularly if they were simply statements of opinion. Calls to establish another tort, one specifically aimed at combatting racial insults, have thus far fallen on deaf ears.<sup>187</sup> The few plaintiffs who have been awarded damages for emotional distress caused by hate speech have not been challenged on First Amendment grounds.<sup>188</sup> If they had been, however, good counter-arguments could be made that such speech does not fall within any of the classic categories of values said to be protected by the Constitution: individual self-fulfillment; truth-seeking; securing participation by members of society in social and political decision-making; and maintaining a balance between stability and change.

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180 See, e.g., *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976).

181 See, e.g., *New York v. Ferber*, 458 U.S. 747 (1982); *Miller v. California*, 413 U.S. 15 (1973).

182 See, e.g., *Nixon v. Administrator of Gen. Servs.*, 433 U.S. 425 (1977); *New York Times Co. v. United States*, 403 U.S. 713 (1971).

183 See, e.g., *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974); *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

184 See *Skokie v. National Socialist Party of Am.*, 373 N.E.2d 21 (Ill. 1978) (allowing neo-Nazis to march through residential area largely inhabited by Holocaust survivors).

185 See Debate, *supra* note 3 at 576 (quoting Arthur Berney).

186 See *Snyder v. Phelps*, 131 S. Ct. 1207 (2011). Restatement (Second) of Torts §46 (1965). See also Stephen Fleischer, *Campus Speech Codes: The Threat to Liberal Education*, 27 *J. Marshall L. Rev.* 709, 724–25 (1994). But see Yanover, *supra* note 151 (arguing strongly for the viability of intentional infliction of emotional distress as a remedy for Holocaust denial).

187 See Delgado, *supra* note 180 at 252. Professor Delgado notes, however, that although his call for establishment of a tort for racial insults has not been heeded, over the years since his article first appeared, a number of courts have recognized various causes of action to redress racist slurs. Telephone conversation with Richard Delgado, Professor of Law, UCLA Law School (Sept. 11, 1996).

188 See Delgado, *supra* note 180 at 172; see also *Wiggs v. Courshon*, 355 F. Supp. 206 (S.D. Fla. 1973); *Agarwal v. Johnson*, 603 P.2d 58 (Cal. 1979); *Alcorn v. Anbro Eng'g, Inc.*, 468 P.2d 216 (Cal. 1970); *Contreras v. Crown Zellerbach, Corp.*, 565 P.2d 1173 (Wash. 1977).



Bigotry stifles, rather than enhances, moral and social growth. If truth-seeking is to achieve the best decisions on matters of interest to all, most racial insults can be distinguished: a call for genocide can hardly be characterized as the best decision for all. Rather than allow all members of society to voice their opinions, racial insults contribute to a stratified society. Finally, rather than contribute to a balance between stability and change, racial insults foment discord and violence.<sup>189</sup>

In the United States—by way of stark contrast—the only jurisprudential remedy against Holocaust denial has been via contract law. In 1980, the aforementioned Institute for Historical Review offered a \$50,000 reward for proof that Jews were gassed at Auschwitz. A Holocaust survivor named Mel Mermelstein claimed the reward, submitting as proof declarations by other survivors who witnessed friends and relatives being taken away to their deaths by the Nazis. His own testimony described how he watched his mother and sister led to gas chambers. When the Institute told him the offer had been withdrawn because there had been no takers, he sued. The court, finding “the fact that Jews were gassed at Auschwitz is indisputable,” ordered the reward paid.<sup>190</sup>

In a free society, it is up to the people to determine the facts of history. Courts and governments should not be arbiters of the truth, even of whether or not a monumental event indeed occurred.<sup>191</sup> But trying to prove a crime as monstrous as genocide serves to expose the law’s limits. The capacity of the Nuremberg Tribunal to comprehend Nazi atrocities in conventional terms of criminality was an overwhelming challenge, which may have contributed to an inability to grasp fully the nature and meaning of the Nazis’ effort to exterminate the

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189 See Emerson, *supra* note 141 at 879–86. This function of the First Amendment has been viewed by some as limited to political ideas. See *supra* note 180 at 175–79; see generally Meiklejohn, *supra* note 112.

190 Mermelstein v. Institute for Historical Review, No. C356 542 (Cal. Super. Ct. July 22, 1985). The case was settled when the Institute agreed to pay the \$50,000, plus \$100,000 for Mermelstein’s pain and suffering caused by the revoked offer. See also “Lawsuit Over Proof of Holocaust Ends with Payment to a Survivor,” N.Y. TIMES, July 25, 1985, at A12.

191 As Justice Felix Frankfurter put it, “Courts ought not to enter this political thicket.” *Colegrove v. Green*, 328 U.S. 549, 556 (1946). Even more to the point is Alan Dershowitz: “I am categorically opposed to any court, any school board, any governmental agent taking judicial notice about any historical event, even one that I know to the absolute core of my being occurred, like the Holocaust. I don’t want the government to tell me that it occurred because I don’t want any government ever to tell me that it didn’t occur.” Debate, *supra* note 3 at 566.

Jewish population of Europe.<sup>192</sup> The argument that the Holocaust is a unique crime whose enormity puts it beyond traditional norms of trial and punishment cannot be easily dismissed. The world of Auschwitz has often been said to lie outside both speech and reason.<sup>193</sup>

Can that rationale, however, explain why ignorance about the Holocaust is so widespread?<sup>194</sup>

Much can be learned by way of a well-produced video or film, documenting in irrefutable detail the historical record of the Holocaust. Archival footage of the death camps themselves can be juxtaposed with statements by historians, victims, perpetrators, and liberators. Nazi records, Hitler's recorded speeches, and transcripts from the Wannsee Conference (at which the genocide was carefully planned) should also be made available. This kind of presentation should be unimpeachable and widely distributed, especially to college campuses.<sup>195</sup>

At the very least, if Holocaust denial is allowed to avoid the limitations we have come to put on obscenity, defamation, state secrets, and other forms of expression not accorded First Amendment protection, certain fundamental principles should be clearly recognized.

Holocaust deniers may self-publish their theories, but they are entitled to no greater access to the general press than anyone else. Their editorial and advertising matter can be constitutionally treated like that of defamers and pornographers. Moreover, it can be rejected at will by publishers who choose to do so for arbitrary reasons of ideology, space, financial considerations, or even caprice.

Nor need public libraries carry all books and journals that are available. Indeed they cannot. Even university research libraries must choose from among the vast amounts of resources procurable. Accepting material that is patently racist may be important in order to demonstrate that it exists, but few serious libraries would similarly carry a complete collection of pornography

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192 See Douglas, *supra* note 90 at 453. Douglas also notes that by translating evidence of unprecedented atrocity into crimes of war, the Nuremberg prosecution was able to create a coherent and judicially manageable narrative of criminality that *seemed* to defy rational and juridical explanation. *Id.* at 454.

193 See GEORGE STEINER, *LANGUAGE AND SILENCE* 118, 123 (1966). If Auschwitz is unique, denying other violent and arbitrary dominance should be outside the purview of punishment. See *supra* note 200 and accompanying text.

194 See *supra* notes 159ff. and accompanying text.

195 See Dershowitz, *Holocaust Video*, *supra* note 64 at A6. See also The Nizkor Project, available at <http://www.nizkor.org/>.

simply to satisfy a scholar's desire to analyze the difference between pornography and erotica.

In its most perfect form, speech is exercised freely in an open marketplace of ideas, and serves to promote the quest for truth. In its least perfect form, it suppresses ideas, stifles social discourse, and provokes violence. Thus there is an interdependence between the right to speak and the responsibility to speak honestly. In so doing, the dignity of the target of the speech must be preserved. If the relationship between the right of free speech and the responsibility for free speech is ignored, the traditional justification for protecting it—that it promotes the quest for truth—is denied.<sup>196</sup> Holocaust denial is not an attempt at free inquiry, but at distortion. Universities are places where students are supposed to think critically; they have no moral responsibility to provide a platform for bigots whose sole purpose is to stir up hatred.<sup>197</sup> After all, historians possess ample documentary evidence that, as Germany's defeat became imminent and the Nazi leaders realized they would most likely be captured and brought to trial, great effort was made to destroy all evidence of mass extermination. Heinrich Himmler instructed his camp commandants to destroy records, crematoria, and other signs of mass extermination. In the infamous Posen speeches of October 1943, Himmler explicitly referred to the murder of the Jews of Europe and further stated that the murder must be permanently kept secret.<sup>198</sup>

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196 See generally Leon E. Trakman, *Transforming Free Speech: Rights and Responsibilities*, 56 OHIO ST. L.J. 899 (1995).

197 See Miller, *supra* note 27 at 30.

198 "I also want to refer here very frankly to a very difficult matter. We can now very openly talk about this among ourselves, and yet we will never discuss this publicly. Just as we did not hesitate on June 30, 1934, to perform our duty as ordered and put comrades who had failed up against the wall and execute them, we also never spoke about it, nor will we ever speak about it. Let us thank God that we had within us enough self-evident fortitude never to discuss it among us, and we never talked about it. Every one of us was horrified, and yet every one clearly understood that we would do it next time, when the order is given and when it becomes necessary. I am now referring to the evacuation of the Jews, to the extermination of the Jewish people." See Yitzhak Arad, *Operation Reinhard: Extermination Camps of Belzec, Sobibor and Treblinka*, Yad Vashem Studies xvi, pp. 205–239 (1984). See also Andrew Ezergailis, *The Holocaust in Latvia 1941–1944—The Missing Center*, 239–270, Historical Institute of Latvia, Riga (in association with the U.S. Holocaust Memorial Museum, 1996). See also Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (University of California Press, 2002) at pp. 126–127; and Yehuda Bauer, "A Past That Will Not Away," from *The Holocaust*

Some argue that it is better to confront deniers openly than to censor them.<sup>199</sup> Kenneth McVay, for example, an American living in Canada, advocated a campaign of “truth, fact, and evidence” to rebut the deniers’ arguments by proving them to be based upon misleading evidence and openly false statements.<sup>200</sup>

Although Holocaust denial is explicitly or implicitly illegal in many countries, such legislation remains controversial.<sup>201</sup>

In the long run, being offended by insensitive language or even outright bigotry might be a small price to pay for the freedom of thought and expression. And there is nothing wrong with reevaluating history; offering new interpretations of old events—in fact, challenging entrenched dogma of all kinds—is central to the academic enterprise. Historians should be allowed to investigate any aspect of the events which have come collectively to be called the Holocaust with the same rigorous and impartial methods they would apply to any other historical event, and publish freely the results of their research. “To forbid this is itself a form of denial.”<sup>202</sup>

If, however, we are unwilling, unilaterally, to brand scientific nonsense as just that . . . then the whole notion of truth itself becomes blurred. The need to present both sides of an issue is only necessary when there are two sides. When empirically verifiable falsehoods become instead subjects for debate, then nonsense associated with international conspiracy theories, Holocaust denials and popular demagogues . . . cannot be effectively rooted out. . . . Our democratic society is imperiled as much by this as any other single threat, regardless of whether the origins of the nonsense are religious fanaticism, simple ignorance or personal gain.<sup>203</sup>

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and History, Michael Berenbaum and Abraham Peck (eds.) (Indiana University Press, 1998) at pp. 12–22.

199 Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (University of California Press, 2002).

200 Various deniers in turn have responded to McVay with personal attacks, slander, and death threats. See The Nizkor Project, available at <http://www.nizkor.org/contributors/mcvay-ken.html>.

201 See Dan Bilefsky, *EU Adopts Measure Outlawing Holocaust Denial*, New York Times, April 19, 2007.

202 Peter Simple, *Denial*, LONDON DAILY TELEGRAPH, Apr. 12, 1996 at A1.

203 Lawrence Krauss, Opinion, *Equal Time for Nonsense*, N.Y. TIMES, July 29, 1996, at A19. Krauss is chairman of the physics department at Case Western Reserve University. He goes on to cite favorably the advice passed on by Arthur Hays Sulzberger (publisher of the New York Times from 1935–61): “I believe in an open mind, but not so open that your brains fall out.” *Id.*

## Summary and Conclusion

The Holocaust falls into that unique category of criminal malevolence whose enormity puts it beyond the purview of traditional standards of law and reason. Yet ignorance of its ever having happened is widespread—the tortured cries from the graves of the millions murdered out of madness, unheard. Indeed, as eyewitnesses to survivors of Nazi atrocities themselves pass away, Holocaust denial has gained growing acceptance.

Thus the increasing importance of understanding that the expression of such distorted thought need not be condoned in a free society. Group-libel laws are viable even as civil liberties are fully protected. Tort actions can be pursued for intentional infliction of emotional distress; to that end American courts should adopt the Canadian view, linking the psychological and emotional harm caused by hate propaganda to the target group's constitutional right of equality.

Racial hatred may be an inevitable facet of the human condition but even under the First Amendment demonstrably false ideas can be prohibited and punished. At the very least, if Holocaust denial is allowed to avoid the limitations we have come to put on obscenity, defamation, disclosure of state secrets, and other forms of expression excluded from First Amendment protection, certain fundamental principles should be clearly recognized. Holocaust deniers are not constitutionally entitled to access to someone else's press. Nor need public libraries carry their books and journals.

Holocaust denial should be recognized not as an attempt at free inquiry, but as an exercise in distortion. Universities should be regarded as places with the moral responsibility of training students to think critically, not of providing platforms for bigots whose sole purpose is to stir up hatred. Allowing them to discard the documented facts of history can hardly be understood as the honest scholar's quest for truth.

When perpetrated in an academic environment, Holocaust denial is a particularly pernicious form of hate speech. On American campuses, regardless of whether a student organization is privately or publicly funded, rejection of its right to sponsor a Holocaust-denial speaker need not be viewed as suppression of free speech. Nor has freedom of the press been infringed when an advertisement denying the Holocaust is spurned by a student newspaper. Editorial discretion in a free society allows for—indeed, requires—the ability to reject as well as to accept material submitted by outside sources.

Holocaust deniers, often motivated by base anti-Semitic impulses, will always find ways to disseminate their views. Honest scholars have an obligation to confront, challenge, and when necessary condemn them.

## Antisemitism in North American Higher Education

*Kenneth L. Marcus*

Political scientist Abigail Thernstrom once described the campus as an “island of repression in a sea of freedom.” In one of the great ironies of the postwar period, North American colleges and universities are well on the way to becoming “islands of bigotry in a sea of reason.” As Jews in North America enjoy unprecedented tolerance in most other institutions, the university has become, at best, a signal exception to benign social trends and at worst, the platform from which the forces of antisemitism are staging their return. This chapter will examine the paradox of contemporary campus antisemitism, considering the sources of its resurgence, its manifestations in North America, and the responses available to combat it. In addition, the chapter addresses the definition of antisemitism in the context of the situation on North American campuses.

Since the turn of the twenty-first century, the long postwar retreat of antisemitism has slowed and may show signs of reversal in North American institutions of higher education. A series of troubling incidents have been conspicuous, not because they reflect a broader atmosphere of hostility towards Jews, but because they have been exceptions in an environment that has been welcoming in other respects of Jewish students. Interestingly, the problem is not that general student or faculty attitudes towards Jews have once again turned negative. A 2007 report of the Institute for Jewish & Community Research indicates that only a negligible three percent of American college professors hold or, more precisely, acknowledge stereotyped and antisemitic. This is the *lowest* figure for any of the groups considered in the IJCR survey, comparing quite favorably for example, to negative attitudes towards Evangelical Christians (53%), Mormons (33%), Muslims (18%), Atheists (18%) and Catholics (13%).<sup>1</sup>

Nor can we discern any hint of a return to the institutionalized *de jure* forms of anti-Jewish discrimination that marked North American campuses during the first half of the twentieth century. Indeed, some North American

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1 Gary A. Tobin and Aryeh K. Weinberg, *Profiles of the American University*, vol. 2: *Religious Beliefs and Behaviors of College Faculty* (San Francisco: Institute for Jewish & Community Research, 2007), <http://www.jewishresearch.org/PDFs2/FacultyReligion07.pdf> (accessed 1 June 2015).

universities have provided numerous accommodations to Jewish students, such as excused absence for religious holidays, kosher dining facilities, chaplaincy services, and Jewish studies courses. By and large, North American Jews no longer face the kind of institutional discrimination in higher education admissions, undergraduate housing, faculty selection, or club membership that they experienced for a significant part of the twentieth century.

Rather, the problem is that disturbing incidents are occurring at universities in which majority attitudes and institutional arrangements appear to be generally favorable towards Jews. Surprisingly, allegations of antisemitism appear to have increased on North American college campuses in recent years, despite these factors, and have included physical assault, stalking, intimidation, vandalism, and various forms of hate speech.<sup>2</sup>

The U.S. Commission on Civil Rights (2006) concluded that “many college campuses continue to experience incidents of antisemitism.” The IJCT (2006) study found that two in five or 40 percent of US Jewish university students had personally experienced or were aware of antisemitism on their campuses. By 2011, the Canadian Parliamentary inquiry similarly observed that “antisemitism is a growing problem on Canadian campuses.” When the poll was repeated in late 2014 as a joint effort through Trinity College (CT) and the Louis D. Brandeis Center, researchers Barry Kosmin and Ariela Keysar found the percentage of those witnessing or personally experiencing campus antisemitism had increased to 54 percent.<sup>3</sup>

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- 2 See, for example, Stefan Braun, “Second-Class Citizens: Jews, Freedom of Speech, and Intolerance on Canadian University Campuses,” *Washington & Lee Journal of Civil Rights and Social Justice* 12 no. 2 (2006): 1; Richard L. Cravatts, “Antisemitism and the Campus Left,” *Journal for the Study of Antisemitism*, 3, no. 2 (2011): 407; Kenneth Lasson, “In an Academic Voice: Antisemitism and Academy Bias,” *Journal for the Study of Antisemitism*, 3, no. 2 (2011): 349; Kenneth L. Marcus, *Jewish Identity and Civil Rights in America* (New York: Cambridge University Press, 2010); Jonathan S. Tobin, “The Reality of Campus Antisemitism,” *Commentary*, <https://www.commentarymagazine.com/2011/04/22/reality-of-campus-antisemitism/> (accessed June 1, 2015); U.S. Commission on Civil Rights *Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Anti-Semitism, 2006*, <http://www.usccr.gov/pubs/050306FRUSCCRRCAS.pdf> (accessed June 1, 2015); Aryeh Weinberg, *Alone on the Quad: Understanding Jewish Student Isolation on Campus* (San Francisco: Institute for Jewish & Community Research, 2011).
- 3 *Report of the Canadian Parliamentary Coalition to Combat Anti-Semitism*, <http://www.cic.gc.ca/english/resources/publications/multi-report2011/part2.asp?ga=1.37910307.1433810448.1433847634> (accessed 1 June 2015). See, also, Scott Reid and Mario Silva eds., *Tackling Hate* (Oakville: Mosaic Press, 2014); Barry A. Kosmin & Ariela Keysar, *National Demographic Survey of American Jewish College Students 2014 Anti-Semitism Report*, February



This is the paradox of North American campus antisemitism: widespread reports document repeated incidents of antisemitic behavior at a time when antisemitic attitudes appear to have receded to negligible levels. The disparity may be due in part to false reporting on attitudinal surveys; survey participants may be ashamed to admit to their anti-Jewish feelings, in the same way that they are unwilling to admit to anti-black racism. This surely is true to some extent, but it does not explain why participants are more willing to admit to negative attitudes towards virtually every other major group. Or it may suggest that survey measures have not yet been adjusted to reflect changing forms of antisemitism. There is probably some truth to this as well, but it does not explain the extent of the disparity. If the reported incidents were not so well documented, one might suspect that Jewish students' allegations were overstated or erroneous.

This apparent contradiction appears to result from several factors. First, the widely reported incidents still remain exceptions to a more tolerant norm, but their profile is heightened by their concentration near major media centers. In the United States, the main flashpoints have been concentrated along the two coasts, and especially in California, while in Canada the worst incidents have occurred in Montreal and Toronto.<sup>4</sup>

Second, the perpetrators typically do not represent majority attitudes. Indeed, the perpetrators are themselves often members of minority groups<sup>5</sup> This may explain not only the disparity between the volume of bias incidents and the general level of tolerance but also the ambivalence or bafflement which administrators, public officials, and progressive members of the Jewish community sometimes experience.<sup>6</sup>

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2015, <http://www.brandeiscenter.com/images/uploads/articleuploads/trinity-Anti-Semitism.pdf> (accessed 1 June 2015).

4 Alvin H. Rosenfeld, "Responding to Campus-based Anti-Zionism: Two Models," in *Antisemitism on the Campus: Past & Present* ed. Eunice G. Pollack (Boston: Academic Studies Press, 2011), 415.

5 Leila Beckwith, "Antisemitism at the University of California," *Journal for the Study of Antisemitism* 3 no. 2 (2011): 443; Benjamin Ginsberg, "Why Administrators Tolerate Antisemitism," in *Antisemitism on the Campus: Past & Present* ed. Eunice G. Pollack, (Boston: Academic Studies Press, 2011); Rosenfeld, *Responding to Campus-based Anti-Zionism*, 415; Eunice G. Pollack, "African Americans and the Legitimization of Antisemitism on the Campus," in *Antisemitism on the Campus: Past & Present*. ed. Eunice G. Pollack (Boston: Academic Studies Press, 2011).

6 Ginsberg, *Why Administrators Tolerate Antisemitism*.

Third, the perpetrators may not perceive their own actions or attitudes as being antisemitic. This is due in part to the famous difficulties in defining or identifying this elusive concept.<sup>7</sup>

This definitional problem is especially acute when antisemitism assumes the guise of a political animus towards the State of Israel.<sup>8</sup>

It also follows from the conflicted attitudes which may be experienced by persons for whom antisemitic attitudes conflict with a self-conception based in part on opposition to racism and other forms of bigotry. This last factor may be particularly significant in light of increasing antisemitic attitudes on the political left.<sup>9</sup>

Toronto attorney Stefan Braun described this paradox of contemporary Canadian universities in terms that are applicable to North American campuses.

Canada, today, is widely regarded as a model multicultural society, where national values of tolerance, diversity, and justice are etched in the minds of its citizens, and enshrined in the laws, codes, and regulations of the land. Yet, hate crimes and hate speech have risen sharply across the nation since 9/11. By far the most disproportionately targeted group has been Jews, despite escalating intolerance of Muslims and Arabs. Jewish university students are the most deeply and pervasively affected. At progressive Canadian campuses, it is not unusual for Israel to be singularly demonized, and for Jewish students to be openly taunted, harangued, harassed, or even physically threatened and assaulted; not for anything they did, nor even said, but for whom they are. Responsible campus officials not only tolerate inflammatory rhetoric and campus conditions that stoke the flames of Jewish intolerance but often promote them with majestic policies of paper equality that placate or reward offenders.<sup>10</sup>

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7 Gavin I. Langmuir, "Toward a Definition of Antisemitism," in *Toward a Definition of Antisemitism: History, Religion, and Antisemitism* (Berkeley: University of California Press, 1990).

8 Dina Porat and Esther Webman, *The Working Definition of Antisemitism—Six Years After: Unedited Proceedings of the 10th Biennial Seminar on Antisemitism* (Tel Aviv: Kantor Center for the Study of Contemporary European Jewry, 2010), <http://kantorcenter.tau.ac.il/sites/default/files/proceeding-all.pdf> (accessed 1 June 2015).

9 Robert S. Wistrich, *A Lethal Obsession: Anti-Semitism from Antiquity to Global Jihad* (New York: Random House, 2010).

10 Braun, "Second-Class Citizens," 2.

Thus, it seems that a still-small minority of anti-Jewish agitators have fostered adverse environments for Jewish students on many campuses that form an ugly exception to the norms of acceptance of Jews that otherwise prevail in North American academia. In many cases, this antisemitism has been closely associated with opposition to the State of Israel, which has made it difficult to identify or monitor.

### Sources of Campus Antisemitism

The recent North American episodes of campus antisemitism are not unrelated to the outbreak of antisemitic incidents that have been chronicled elsewhere in the world, particularly in Western Europe and the Middle East. The U.S. State Department has provided a helpful analysis of this global outbreak, finding that recent global antisemitism has had four major sources. Although the State Department's typology was developed as a means of understanding global antisemitism, it applies directly to North American university manifestations.

The first source is traditional centuries-old European anti-Jewish prejudice, associated with stereotypes of Jewish control of government, the media, international business, and the financial sector. This European and Christian source is often neglected, especially when the perpetrators of contemporary incidents have neither European nor Christian ancestry. Nevertheless, antisemitism developed as a distinctively Christian phenomenon with deep roots in Europe. These roots can be discerned in the repetition of traditional European defamations, such as the blood libel, which appears in various forms on North American college campuses. This can be seen, for example, in the incidents at San Francisco State and Irvine discussed below.<sup>11</sup>

The second source of recent hostility toward Jews is an aggressive "anti-Israel sentiment that crosses the line between objective [political] criticism of Israeli policies and antisemitism."<sup>12</sup> In North American academic circles, this form of anti-Israelism is primarily associated with the political left.<sup>13</sup> Despite the anti-racist ideology embraced by most Western progressive movements,

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11 U.S. Department of State, *Report on Global Anti-Semitism*, December 15, 2004, <http://www.state.gov/j/drl/rls/40258.htm> (accessed June 1, 2015); Wistrich, *Lethal Obsession*, 79–106.

12 U.S. Department of State, *Report*, 2004.

13 Kenneth S. Stern, *Antisemitism Today: How It Is the Same, How It Is Different, and How to Fight It* (New York: American Jewish Committee, 2006), 118.

antisemitism has a deep history on the Western left.<sup>14</sup> Given the left-wing tilt of most academic faculties, the left's increasing anti-Israelism has brought not only rising opposition to Israel but also some of the forms of Jew-hatred that are often intertwined with left-wing anti-Israelism.<sup>15</sup>

The third variety of contemporary antisemitism is common among Europe's growing Muslim population and based on age-old hatred of Jews, as well as Muslim opposition to Israel and American policies in the Middle East.<sup>16</sup> Some argue that this form derives from traditional Islamic sources, while other stress European sources including the influence of Nazi Germany. Either way, Muslim antisemitism has been a substantial source of Jew-hatred throughout the world.<sup>17</sup> On some college campuses, Muslim student organizations have been associated with significant antisemitic incidents.<sup>18</sup> Middle Eastern Studies programs are often propagators of both antisemitic and anti-Israeli beliefs.<sup>19</sup>

The final source is an anti-globalism that spills over to Israel, and to Jews who are identified with Israel, globalism and the United States. On both the Left and the Right, the erosion of the national boundaries has stirred anxieties and created animosities that are often directed against outside forces.<sup>20</sup> As in other historical periods, this has triggered anti-Jewish emotions in recent years, just as analogous economic and social dislocations precipitated Jew-hatred in earlier periods. On many Western campuses, this strand has been especially influential among academics under the influence of contemporary postcolonial theory, which typically casts Israel and Zionism in a distinctly negative light.

In North America, a few additional variants may be seen, such as the so-called "black antisemitism," which was a subject of considerable discussion during the last decades of the prior century, but these variants tend to draw

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14 Wistrich, *Lethal Obsession*, 107.

15 Cravatts, "Antisemitism and the Campus Left."

16 U.S. Department of State, *Report*, 2004.

17 Wistrich, *Lethal Obsession*.

18 Leila Beckwith, "Antisemitism at the University of California."

19 Manfred Gerstenfeld, "Academics Against Israel and the Jews," in *Academics Against Israel and the Jews* (Jerusalem: Jerusalem Center for Public Affairs, 2007), 17, <http://www.jcpa.org/text/academics.pdf> (accessed June 1, 2015); Gary A. Tobin, Aryeh K. Weinberg and Jenna Ferer, *The Uncivil University: Intolerance on College Campuses* (Lanham, MD: Lexington, 2009); Richard L. Cravatts, *Genocidal Liberalism: The University's Jihad Against Israel & Jews* (Sherman Oaks: David Horowitz Freedom Center, 2012).

20 Mark Strauss "Antiglobalism's Jewish Problem," *Foreign Policy*, November 2, 2003, <http://foreignpolicy.com/2009/11/02/anti-globalisms-jewish-problem/> (accessed 1 June 2015).

upon the other sources.<sup>21</sup> By and large, the most significant recent episodes of campus antisemitism have been associated with certain hate-filled forms of anti-Zionism, triggered by various incidents relating to the Middle East, such as the second intifada, the Gaza campaign, the Goldstone Report, and the continuing Israeli-Palestinian crisis.

### Manifestations

The phenomenon is illustrated by a half a dozen contemporary examples from the United States e.g. UC-Irvine, Columbia, San Francisco State and Canada e.g. York, Concordia, Toronto—although a number of other campuses could be highlighted.

#### San Francisco State University

In April, 2002, San Francisco State University students circulated a flyer advertising a pro-Palestinian rally. That campus had already developed a reputation in some circles as an unwelcoming place for Jews, but the events of 2002 were different from anything that had preceded them. The flyer featured a picture of a dead baby, emblazoned with the words, “Canned Palestinian Children Meat—Slaughtered According to Jewish Rites Under American License . . .” This flyer explicitly revived the centuries-old blood libel that Jews eat gentile children for ceremonial purposes—a frequent and defamatory antisemitic canard since the eleventh century. Over the years, such anti-Jewish canards have frequently been directed against Jews in the period preceding Easter, and they have frequently been harbingers of anti-Jewish violence.<sup>22</sup>

A few weeks later, on May 7, 2002, an ugly incident at San Francisco State awakened some to the resurgence of antisemitism in North American higher education. Over four hundred pro-Israel Jewish students and faculty held what was billed as a peace rally.<sup>23</sup> As the rally concluded, and many of the Jewish activists left, pro-Palestinian students surrounded the few dozen remaining

21 Pollack, “African Americans and the Legitimization of Antisemitism.”

22 <http://www.levitt.com/news/2012/04/13/mexican-town-celebrates-easter-with-burning-of-the-jews/>

23 Kenneth S. Stern, “Campus Anti-Semitism,” in *U.S. Commission on Civil Rights, Campus Anti-Semitism: Briefing Report* (Washington, D.C.: U.S. Commission on Civil Rights, 2007), 22.

Jewish students. Professor Laurie Zoloth, a witness to the event, reported that the counter demonstrators screamed at the Jews to “Get out or we will kill you.”<sup>24</sup> Others recalled shouts of “Fuck the Jews!” and “Die racist pigs!”<sup>25</sup> A Jewish San Francisco State student reported, “They tore down our flags and stomped on them, and they cornered us, and they were screaming that ‘Hitler should have finished the job.’”<sup>26</sup>

Police reportedly refused to take any action other than to surround the Jewish students and community members, who were effectively trapped while an angry mob chanted for their death.<sup>27</sup> The San Francisco police then marched the Jewish group to the campus Hillel building and remained on guard. Some rally participants reported feeling very threatened and fearing that violence would ensue but for the police presence.

### Concordia University

A few months later, in September 2002, the notorious riots at Montreal's Concordia University went one step further. Throughout 2002, anti-Israel activists repeatedly disrupted Hillel-sponsored events. In September, Hillel invited Israeli politician Benjamin Netanyahu, then out of government and between his terms as Prime Minister, to speak on campus during the course of his cross-Canada tour. In anticipation of Netanyahu's visit, the activists prepared numerous articles, posters and flyers calling on students and other Montreal residents to demonstrate against him. For example, the activists circulated a mock arrest warrant calling on the Royal Canadian Mounted Police to arrest Netanyahu for purported crimes against humanity, including ethnic cleansing.<sup>28</sup>

On September 9, the day of the event, the mostly non-student protesters arrived early to position themselves at entrances and harass the 650 attendees. Mobs of students and non-students destroyed fixtures and furniture and smashed windows to express rage at Netanyahu's presence.<sup>29</sup> Activists violently kicked Canada-Israel Committee past president Thomas Hecht, as he arrived.

24 Laurie Zoloth, “Fear and Loathing at San Francisco State,” in *Those Who Forget the Past* ed. Ron Rosenbaum (New York: Random House, 2004), 260.

25 Stern, *Campus Anti-Semitism*, 22.

26 Tobin et al., *Uncivil University*, 155.

27 Stern, *Campus Anti-Semitism*, 22.

28 Corrine Berzon, “Anti-Israeli Activity at Concordia University 2000–2003,” in *Academics Against Israel and the Jews*.

29 Cravatts, “Antisemitism and the Campus Left.”

They spat and hit faculty members Rabbi Howard Joseph and his wife Norma. Many others were verbally assaulted and shoved, sprayed with ketchup, or had pennies thrown at them as they entered the lecture hall. Several religious men reported that their skullcaps were knocked off of their heads.

Over a thousand demonstrators, gathered together outside the university, burned Israeli flags and chanted antisemitic and anti-Israeli slogans in Arabic, English and French. In light of this protest activity, Netanyahu's security detail wisely kept him outside of the university. Nevertheless, the gathering crowd continued to demonstrate, clashing repeatedly with Canadian riot police and several hundred forced their way into the building through a rear entrance. Despite police efforts, protesters threw chairs and other objects at attendees in the lobby of the lecture hall. Riot police finally were forced to use tear gas to dispel the crowd and prevent escalating violence. Several protesters were arrested.

In response to the riot, Concordia announced a blanket moratorium on campus events related to the Middle East. Concordia's Jewish students responded that this response was unfair, and argued that they were being punished for the attack upon them because the moratorium disproportionately affected them.<sup>30</sup>

### University of Toronto

In 2004, the international movement known as "Israel Apartheid Week" ("IAW") was born at the University of Toronto. By 2008, IAW aka "Hate Week" to its critics, was held in 40 locations worldwide. It had the stated purpose of influencing student opinion regarding "the nature of Israel as an apartheid system and... [building] Boycott, Divestment, and Sanctions (BDS) campaigns as part of a growing global BDS movement." IAW generally employs the so-called "Durban strategy" of attempting to discredit the State of Israel by portraying its laws as racist and equating them with those of apartheid South Africa.

Although putatively directed at the State of Israel, rather than the Jewish people *per se*, IAW activities have frequently drawn their energy, inspiration, or ideology from more traditional antisemitic sources. For example, one poster advertising the 2009 University of Manitoba IAW featured posters of a hooked-nosed Hasidic Jew bearing a Star of David while pointing a bazooka at an Arab armed only with a slingshot. Another poster showed a Jewish fighter plane

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30 Braun, *Second-Class Citizens*, 3.

attacking a baby stroller. A third had an Israeli helicopter dropping a bomb on a baby bottle.<sup>31</sup>

IAW has been marred by regular violence. In 2009, “incidents” occurred at top ranked Queens University and the University of Toronto. Toronto Alum, Isaac Apter described being assaulted by guards from one of its sponsors. When he challenged a speaker inquiring whether Israel had the right to exist, he was grabbed from behind and smacked on the head, being told, “You shut the fuck up!”<sup>32</sup> Another attendee also reports being assaulted by the security team and threatened, “Shut the fuck up or I’ll saw your head off.”

### Columbia University

At Columbia University, a number of students have come forward claiming that they feel intimidated and fearful in courses in Columbia’s Middle East and Asian Languages and Cultures (MEALAC) program. The 2004 David Project documentary film *Columbia Unbecoming* details a pattern of antisemitic activities at that university.<sup>33</sup> In one now-famous incident described in the film, a student told about an encounter that she had with Columbia University professor George Saliba:

Towards the end of the semester, Professor Saliba showed what I felt was an anti-Israel film, showing the contemporary conflict between Palestinians and Israelis with a very one-sided view. The film and Saliba presented a view that Arabs have a prior claim to the land of Israel. And I felt very differently about that. And I was sure to express my opinion. For a few minutes, we discussed it inside the classroom and then George Saliba sort of drew me outside the classroom, and told me to walk with him this way out. . . . He said, “You have no voice in this debate.” So I said, “Of course, I’m allowed to express my opinion.” He came really close to me. . . . [H]e said, “See, you have green eyes.” He said, “You’re not a Semite.” He said, “I’m a Semite. I have brown eyes. You have no claim to the land of Israel.”<sup>34</sup>

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31 Cravatts, “Antisemitism and the Campus Left.”

32 Ibid.

33 Cravatts, *Genocidal Liberalism*.

34 Noah Liben, “The Columbia University Report on Its Middle Eastern Department’s Problems: A Paradigm for Obscuring Structural Flaws,” in *Academics Against Israel and the Jews*, 97.



In another instance Columbia University professor Joseph Massad lectures his class concerning the Israeli “massacre” at Jenin. Subsequent investigations proved there was no massacre but when a student raised her hand to ask whether Israel issues warnings to Palestinian citizens to leave before striking suspected terrorist strongholds, professor Massad (allegedly) screamed: “I will not have you deny Israeli atrocities in my class!”<sup>35</sup> In a third charge, professor Hamid Dabashi allegedly wrote of Israelis—“a vulgarity of character that is bone-deep and structural to the skeletal vertebrae of [their] culture.” In the aftermath of the documentary, Columbia investigated these incidents and issued a report criticized by some as distorted or “whitewashed”.<sup>36</sup>

In 2011, a Barnard undergraduate student alleged that the then Chair of the Middle East and Asian Languages and Culture department steered her away from taking a course on Arab history with Professor Massad. As the student describes the incident, the Chair insisted that the student would be “uncomfortable” in the class. The student believes that this warning was based entirely on the student’s religion of Orthodox Judaism. The Chair denies the student’s allegations when they were raised in a formal complaint, but the student’s allegations are supported by contemporaneous documentation.<sup>37</sup>

### University of California at Irvine

Over the last decade and more, Jewish students have reported being physically and verbally harassed, threatened, shoved, stalked, and targeted by rock-throwing at the University of California’s Irvine campus. Jewish property has been defaced with swastikas. A Holocaust memorial was seriously damaged. Jewish students have been called “dirty” and “fucking” Jew; they have been told to “go back to Russia” and “burn in hell.” They have been subjected to hostile comments such as “slaughter the Jews.” One Jewish student who wore a pin bearing the flags of the United States and Israel was told to “take off that pin or we’ll beat your ass.” Another reported receiving hate messages, such as “Jewish students are the plague of mankind” and “should be finished off in the ovens.”

A number of campus speakers have delivered lectures which some Jewish students have considered to be either anti-Israeli, anti-Jewish, or both. Many of

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35 Ibid., 97.

36 Liben, “Columbia University Report.”

37 Kenneth L. Marcus, “Whitewashing Antisemitism at the University of California-Irvine.” *Journal for the Study of Antisemitism*, 2, no. 1, (2010); Beckwith, “Antisemitism at the University of California.”

these speakers were known for their strong rhetoric directed against the policies and practices of the State of Israel.”

In May 2004, one speaker argued that “[t]his ideology of Zionism is so racist, so arrogant, based on so much ignorance.” On May 18, 2006, another added Holocaust inversion—“They are the new Nazis . . . they’re saying when you see an Israeli flag next to an American flag, they’re saying we’re with imperialism. We are down with colonialism. We are down with white supremacy.” That same speaker warned:

[Y]ou settle on stolen land, you got to deal with the consequences. So now it’s time for you to live in some fear now, because you were so good at dispensing fear. You were so good at making people think that y’all was all that and the Islamic tide started coming up.<sup>38</sup>

One frequently invited speaker is Amir Abdul Malik Ali. The Oakland based Imam (Black Muslim) is known to invoke racial stereotypes of Jewish deceptiveness, conspiracy and control: “Liars. Straight up liars, Rupert Murdoch, Zionist Jews . . . You all definitely don’t love children and you know why? Because you kill them.” Next, he used the conspiracy stereotype to anticipate and defuse the inevitable antisemitism charge: “They say it’s antisemitic if you say Jews control the media,” and went on to characterize them as arrogant and racist.

They have taken the concept of the chosen people and fused it with the concept of white supremacy. Once you take the concept of chosen people with white supremacy and fuse them together, you will get a people who are so arrogant that that will actually make a statement and imply that [they] are the only Semites. That’s arrogance and it’s the same arrogance they display every day and that’s the same type of arrogance that’s getting them into trouble today.<sup>39</sup>

In the course of a federal investigation of antisemitism claims at Irvine, several Jewish students described the ways in which they have been harmed by the hostile environment they have experienced on that campus. One student was so distraught after being stalked, allegedly, by Muslim Student Union members

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38 Marcus, “Whitewashing Antisemitism.”

39 *A Guide to the Political Left: Amir-Abdel Malik-Ali*, Discoverthenetworks.org Website, <http://www.discoverthenetworks.org/individualProfile.asp?idid=2102> (accessed 5 June 2015).

that she stopped attending classes for several weeks, causing her academic performance to plummet.<sup>40</sup> Another transferred out of the university because he felt he could not be fully Jewish while studying there. When federal investigators asked him to elaborate, he explained that he felt unwelcome and discriminated against. A third student said that he believed that he had to leave the university because he did not feel safe there. He said it was like “living in a Jewish ghetto—I could go only where Jews are.”

Many Jewish Irvine students stopped identifying themselves as Jewish, in a victim strategy that has been described as “coerced covering.”<sup>41</sup> This covering has included, for example, conscious decisions to refrain from wearing Jewish clothing, displaying Jewish symbols, attending Jewish events, or participating in Jewish organizations.<sup>42</sup> For example, a fourth student said that he no longer tells people he is Jewish because of the stereotypes that are perpetuated at campus lectures, in posters, on signs, and elsewhere. He also stopped wearing anything that would identify him as Jewish. A fifth student described how she had stopped wearing a shirt to school that would have identified her as Jewish and added that other students told her they would tuck Star of David necklaces under their shirts so that they would not be seen. At least one student spoke of being afraid to let people to know of his association with Hillel.

### York University

Over the last several years, a number of antisemitic incidents have been reported at Toronto’s York University. For example, in 2008 a lecture by visiting Israeli dignitary Natan Sharansky was marred by heckles and disruptions. Protesters yelled such slurs as “You are bringing a second Holocaust upon yourselves, Get off our campus, you genocidal racist!”<sup>43</sup>

More ominously, in February 2009, some 100 pro-Palestinian students initiated what has been described as a “near-riot” at York University, similar to previous incidents at San Francisco State and Concordia. During an anti-Israel protest led by members of York Federation of Students and Students Against Israeli Apartheid, Jewish students were forced to barricade themselves inside

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40 Marcus, “Whitewashing Antisemitism.”

41 Erving Goffman, *Stigma* (New York: Prentice-Hall, 1963); Kenji Yoshino, “Covering.” *Yale Law Journal*, 111 no. 4 (2002): 769.

42 Marcus, “Whitewashing Antisemitism.”

43 Cravatts, “Antisemitism and the Campus Left.”

Hillel offices for safety.<sup>44</sup> The Jewish students reported feeling “isolated and threatened,” by physically aggressive demonstrators, until police were summoned to escort them to safety. The York mob shouted epithets at the Jewish students, such as “Zionism equals racism!” and “Racists off campus!” More pointedly, the York mob screamed explicitly anti-Jewish slurs at the barricaded Jewish students, such as “Die bitch—go back to Israel” and “Die Jew—get the hell off campus. “The president of the York Hillel described an atmosphere of “aggressive intimidation, violent rhetoric and physical harassment” of Jewish students.<sup>45</sup>

### Other Universities

These incidents have come to symbolize the status of campus antisemitism around the country, but there have been episodes at many other campuses as well. In recent years, the Anti-Defamation League has documented nearly one hundred antisemitic incidents per year on United States college campuses alone.<sup>46</sup> While many of the incidents may be minor and isolated, the incidents data also understates the problem to the extent that most incidents probably are not reported to the ADL. Commentators disagree as to whether the phenomenon of campus antisemitism is “actually limited to a few well-publicized events,” such as the incidents described above, or whether these incidents are merely some of the most egregious examples of a problem that is “systemic in higher education and can be found on campuses all over the United States.”<sup>47</sup> Most likely, the truth lies in between: few American campuses have witnessed the number and intensity of antisemitic incidents reported at those three campuses, but dozens if not hundreds of North American campuses every year experience at least some manifestation of this ugly problem.

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44 Ibid. See, also, Ron Csillag, “Cops Quell Anti-Israel Attack at Toronto College,” *Jewish Telegraphic Agency*, February 13, 2009, <http://www.jta.org/news/article/2009/02/13/1002990/cops-quell-anti-israel-attack-at-york-u>. (accessed 1 June 2015).

45 Cravatts, “Antisemitism and the Campus Left.” Csillag, “Cops quell Anti-Israel Attack.”

46 Lasso, “In an Academic Voice.” *Journal for the Study of Antisemitism* 3:2 (2011), 385.

47 Ibid.

## Defining Antisemitism

In all of these campus incidents, controversy has arisen as to whether the term “antisemitism” could appropriately be used to describe what had taken place. After all, those who antagonized Jewish students or speakers frequently spoke of their concerns with the State of Israel, rather than with Jews. At the same time, it is conspicuous that traditional antisemitic stereotypes, slurs and defamations frequently appear in these incidents, and that perpetrators sometimes slip and speak derogatorily of “Jews” rather than of “Israelis” or “Zionists.” As one commentator recently observed, “Almost 70 years after the Holocaust, the prospect that a definition of antisemitism, as understood by its victims, might one day emerge uncontested seems as remote as ever!”<sup>48</sup>

This challenge to contemporary antisemitism is not so unique. Since the Second World War, it has been socially unacceptable to express explicit racism or antisemitism. For this reason, both antisemitism and other forms of racism, such as anti-black racism, have often assumed forms that were indirect, covert, or coded, systemic or structural. In both cases, this has required those who oppose bigotry to use new strategies to identify tacit forms of hate or bias. And in both cases, it has frequently led critics to accuse those who identify these phenomena of doing so falsely—pulling the “race card,” or “crying wolf.”

This often leads to a second round of controversy, which essentially cannibalizes the first. Elisabeth Young-Bruehl explains that prejudice characteristically unfolds in two states: first in deed and then in interpretation. The second stage commonly involves an argument about the first. “Prejudices manifested in slurs, acts of discrimination, attacks, are followed by prejudices—not necessarily the same ones manifested in rationalizations, self-serving descriptions, denials, commentaries, often ones designed to discredit the victims’ truthfulness or belittle their pain.”<sup>49</sup> In the second stage, interpretive or theoretical prejudices or bias can serve the rawer forms of prejudice which motivated the first. This phenomenon of second-stage prejudice is ubiquitous in the case of North American campus antisemitism, where antisemitic incidents are unavoidably followed by disputes regarding their status as antisemitic; often, Jewish claims of antisemitism are deflected by coded reference to Jewish stereotypic aggressiveness, deceptiveness, power-hunger, and criminality.

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48 Ben Cohen, “The Big Lie Returns,” *Commentary* (February 2012), <https://www.commentarymagazine.com/article/the-big-lie-returns/> (accessed 12 June 2015).

49 Elisabeth Young-Bruehl, *The Anatomy of Prejudice* (Cambridge: Harvard University Press, 1996), 153.

For these reasons, it has been especially important, complex and difficult to establish appropriate definitions and standards for identifying antisemitism. The new antisemitism, like its earlier iterations, encompasses ideology, attitude and practice. Many important definitions of antisemitism, such as Merriam-Webster's long-standing and influential formulation ("hostility toward or discrimination against Jews as a religious, ethnic, or racial group") recognize both the attitudinal and practical aspects of the phenomenon. The ideological dimension of antisemitism was classically recognized in mid-century definition of Theodor Adorno and his colleagues:

The ideology [of antisemitism] consists of . . . stereotyped negative opinions describing the Jews as threatening, immoral, and categorically different from non-Jews, and of hostile attitudes urging various forms of restriction, exclusion, and suppression as a means of solving 'the Jewish problem'.<sup>50</sup>

Several government agencies, officials, and other commentators have developed frameworks to distinguish the new antisemitism from non-discriminatory criticism of Israel.<sup>51</sup> In general, these frameworks boil down to three or four basic criteria, each of which reflects a different or broader standard, which is that antisemitic discourse singles out Jews or the Jewish state for adverse treatment in a manner which is neither fair, nor justifiable, nor consistent with the treatment of others.

The first criterion is the use of classic antisemitic stereotypes to characterize Israel.<sup>52</sup> Classic stereotypes may include demonization of Israelis which are similar to older characterizations of the Jewish people as the embodiment of evil.<sup>53</sup> For example, flyers are sometimes seen on college campuses in which Israeli leaders are portrayed in diabolical fashion, just as Jews have been portrayed since medieval times as agents or children of the devil.

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50 Theodor W. Adorno, Else Frenkel-Brunswik, Daniel J. Levinson, and R. Nevitt Sanford, *The Authoritarian Personality*, (New York: Harper & Row, 1950), 71.

51 Kenneth L. Marcus, "The Resurgence of Anti-Semitism on American College Campuses" *Current Psychology*, 26, no. 3 (2007): 206.

52 Wistrich, *Lethal Obsession*; U.S. Commission on Civil Rights *Findings and Recommendations*; U.S. Department of State, *Report*, 2004.

53 Natan Sharansky, "Anti-Semitism in 3D," *Jerusalem Post*, February 23, 2004; Wistrich, *A Lethal Obsession*.

The second criterion is the application of double standards. This may include demanding behavior of Israel not expected of other countries.<sup>54</sup> Alternatively, it may involve denying the Jewish people rights, prerogatives, or legitimacy afforded other peoples, such as the right of self-determination. Those who deny Israel's right to exist do not express antisemitic impulses when they also oppose all other forms of nationhood, as some anarchists and globalists, for example, may do. What is salient here is the use of disparate measures.<sup>55</sup>

The third criterion is holding Jews collectively responsible for Israeli actions and policy, regardless of actual complicity. The attribution of collective wrongdoing to particular individuals, regardless of fault, is the defining attribute of prejudice. Harvard social psychologist Gordon Allport influentially defined prejudice partly as “[a]n aversive or hostile attitude toward a person who belongs to a group, simply because he belongs to that group, and is therefore presumed to have the objectionable qualities ascribed to the group.”<sup>56</sup> In traditional Christian antisemitism this played out in the deicide myth. More recently, it has manifested in assaults on Jews in the diaspora for fabricated complicity in alleged Israeli atrocities. More generally, facially anti-Israeli expressions are sometimes an expression of an underlying anti-Jewish animus. When this is so must be determined by a fact-specific analysis.

Some commentators also identify a fourth criterion, i.e., the use of comparisons between Israel or Jews and Nazi Germany, which is called “Holocaust inversion.”<sup>57</sup> This criterion may more properly be viewed as an application of the first two criteria (demonization and double standards), but it appears frequently enough to merit separate discussion. Holocaust inversion is analogous to other forms of what has been called “human rights inversion” or “accusation in a mirror”: the practice of accusing victims of the very wrong that they have suffered.<sup>58</sup> Other examples include the myth of the black racist and the stereotype of the “Indian giver.” Among its myriad variants, Holocaust inver-

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54 Bernard Lewis, “The New Anti-Semitism: First Religion, then Race, then What?” *American Scholar*, 75, (2006): 25; Marcus, “Resurgence of Antisemitism,” 3; Sharansky, “Anti-Semitism in 3D.”

55 [https://www.jewishvirtuallibrary.org/jsource/anti-semitism/Anti-Semitism\\_&\\_Anti-Zionism.html](https://www.jewishvirtuallibrary.org/jsource/anti-semitism/Anti-Semitism_&_Anti-Zionism.html)

56 Gordon W. Allport, *The Nature of Prejudice* (Reading MA: Addison-Wesley, 1954), 7.

57 Manfred Gerstenfeld “Holocaust Inversion: The Portraying of Israel and Jews as Nazis,” *Post-Holocaust and Anti-Semitism*, 55, (2007), <http://jcpa.org/article/holocaust-inversion-the-portraying-of-israel-and-jews-as-nazis/> (accessed 12 June 2015).

58 Kenneth L. Marcus, “Accusation in a Mirror,” *Loyola University Chicago Law Journal*, 43, no. 2 (2012): 357.

sion includes portraying Jews—especially Israeli Jews, as Nazis, crypto-Nazis, Nazi sympathizers, Holocaust perpetrators, or Holocaust copycats.

While the influence of Adorno's early work on prejudice has suffered from the passage of time, his now-antique conception shows disquieting freshness as a characterization of the new antisemitism, as long as the concept of Israel is substituted for "Jewish" and "the Jews." Thus, the ideology of the new antisemitism consists of stereotyped negative opinions describing the Jewish state, its members, supporters and co-religionists as threatening, immoral, and categorically different from other peoples, and of hostile attitudes urging various forms of restriction, exclusion, and suppression as a means of solving the "Israel problem."

### EUMC Definition

In an extraordinarily important and influential modern reformulation of the definition of antisemitism, the European Monitoring Centre on Racism and Xenophobia (EUMC) established the following working definition:

"Anti-[S]emitism 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".<sup>59</sup>

The U.S. Department of State has announced that "this definition provides an adequate initial guide by which antisemitism can eventually both be defined and combated." The U.S. Commission on Civil Rights has endorsed the definition, as have the Organization for Security and Cooperation in Europe (OSCE) and a number of other governmental and quasi-governmental bodies worldwide.

The EUMC definition is important for its explicit recognition that "such manifestations could also target the state of Israel, conceived as a Jewish collectivity." In particular, the EUMC definition provides several recent examples of antisemitism in public life, the media, schools, the workplace, and religious institutions which relate to this collectivity, including the following:

- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective such as, espe-

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59 European Forum on Antisemitism, "Working Definition of Antisemitism," 2004, <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/> (accessed 12 June 2015).



cially 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 aka 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.

These examples demonstrate the EUMC's insight that the putatively political or anti-Israeli cast of much new antisemitism shrouds significant continuities with antecedent forms of the "longest hatred".<sup>60</sup> In addition, the EUMC working definition provides the following examples of "the ways in which antisemitism manifests itself with regard to the state of Israel taking into account the overall context."

- Denying the Jewish people their right to self-determination.
- 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.<sup>61</sup>

The EUMC emphasizes, however, that criticism of Israel similar to that leveled against other countries does not constitute a form of antisemitism. The new antisemitism is a form of prejudice, not a form of criticism. Indeed, virtually all commentators agree that criticism of Israel is not a form of antisemitism per se. For this reason, Alan Dershowitz has argued that the claim that critics of Israel are derogated as antisemites is "a straw man" and a "fabrication."<sup>62</sup>

60 Kenneth L. Marcus, "Jurisprudence of the New Anti-Semitism," *Wake Forest University Law Review*, 44, no. 2 (2009): 378.

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

62 Alan Dershowitz, *The Case Against Israel's Enemies: Exposing Jimmy Carter and Others Who Stand in the Way of Peace* (Hoboken, NJ: John Wiley & Sons, 2008), 4.

The Ottawa Protocol on Combating Antisemitism, established by the Inter-parliamentary Coalition for Combating Antisemitism (ICCA), emphasizes the importance of applying the EUMC Working Definition to universities and colleges. Through this protocol, the ICCA parliamentarians pledged to work with university leaders “to encourage them to combat antisemitism with the same seriousness with which they confront other forms of hate.” Specifically, the parliamentarians urged universities to “use the EUMC Working Definition of Antisemitism as a basis for education, training and orientation.” The protocol envisioned that this would enable universities “to define antisemitism clearly, provide specific examples, and enforce conduct codes firmly, while ensuring compliance with freedom of speech and the principle of academic freedom.”<sup>63</sup>

The manner in which universities should apply the EUMC Working Definition has been complicated by a recent controversy concerning its proper usage. In a widely distributed open letter, two senior officials of the American Association of University Professors and the American Jewish Committee presented their views on the Working Definition’s proper usage.<sup>64</sup>

This joint statement was noted for its acknowledgement that it “is entirely proper for university administrators, scholars and students to reference the ‘working definition’ in identifying definite or possible instances of antisemitism on campus.” On the other hand, it was widely criticized for its suggestion that the Working Definition should only be used as a tool for data-collectors rather than as a means of identifying potential violations of law and policy. In other words, there is substantial support for the notion that the EUMC Working Definition should be used as a tool of both academic data-collection and governmental civil rights enforcement although this question remains a subject of some debate. In response to substantial criticism, American Jewish Committee Director David Harris disavowed the letter as “ill-advised,” separating his organization in a surprisingly public fashion from the view his staff had taken.<sup>65</sup>

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63 Inter-Parliamentary Coalition for Combating Antisemitism, *Ottawa Protocol on Combating Antisemitism*, 2010, <http://www.antisem.org/archive/ottawa-protocol-on-combating-antisemitism/> (accessed 1 June 2015).

64 Cary Nelson and Kenneth S. Stern, “Cary Nelson and Kenneth Stern Pen Open Letter on Campus Antisemitism.” *AAUP Updates*, April 20, 2011, <http://www.aaup.org/news/cary-nelson-and-kenneth-stern-pen-open-letter-campus-antisemitism> (accessed June 1 2015).

65 Quoted in *Justice Louis D. Brandeis*, biography on web page of Louis D. Brandeis Legacy Fund for Social Justice at Brandeis University, <http://www.brandeis.edu/legacyfund/bio.html> (accessed 12 June 2015).

## Responses to North American Antisemitism

The drama surrounding the AAUP/AJC open letter highlights the uncertainty and confusion surrounding the question of which responses are appropriate to contemporary North American campus antisemitism. In fact, there are several methods which have been advocated for addressing recent incidents. As the following discussion indicates, they all have advantages and disadvantages which must be considered in light of the particular circumstances at each institution.

### Achieving Transparency

Some organizations have focused on documenting, recording, or describing campus antisemitism and disseminating their findings to the public. This strategy is based on the view, expressed by former U.S. Supreme Court Justice Louis D. Brandeis, that

publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.<sup>66</sup>

The U.S. Commission on Civil Rights pursued this strategy in issuing its *Campus Antisemitism* report and launching a public education campaign in 2007–2008 to inform university constituencies about this problem.<sup>67</sup>

Tammi Rossman-Benjamin has described this strategy, as the grassroots academic organization Scholars for Peace in the Middle East has employed it. The approach is to:

document the problem, to use our evidence to raise the awareness of the faculty, the administration and the public, and to encourage each of these stakeholders in the University to address the problem with the means available to them.<sup>68</sup>

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66 Louis D. Brandeis, *Other People's Money and How Bankers Use It*, 1914.

67 Rex Weiner, "Line between Anti-Israel and Anti-Semitic Protests Splits AJC," *The Forward*, August 16, 2011, <http://forward.com/articles/141386/line-between-anti-israel-and-anti-semitic-protests/> (accessed 1 June 2015).

68 Tammi Rossman-Benjamin, "The Academic Legitimization of Anti-Zionism and Efforts to Combat It: A Case Study," in *Antisemitism on the Campus: Past & Present* ed. Eunice G. Pollack (Boston: Academic Studies Press, 2011), 403.

Of course, the key to transparency is that it is seldom a complete response to a problem; rather, it is a first step in a process, usually requiring other measures.

### Exposing Bad Scholarship

Some commentators have suggested that the currents in contemporary campus antisemitism derive in part from bad scholarship, which encourages anti-Jewish views by its politicized presentation of issues relating to the Middle East.<sup>69</sup>

To the extent that bad scholarship influences campus attitudes and behavior, the problem may be fairly large, and it may not be limited to those departments which have an explicit focus on that region. For example, some scholars argue that anti-Israel attitudes are inspired by a wide swath of intellectual currents, which may be as diverse as Marxism, postmodernism, multiculturalism, post-colonialism, and even “certain strands of feminism.”<sup>70</sup> If the problem is partly bad scholarship, then a partial solution might be to expose and refute that scholarship. Of course if an entire discipline e.g., post-colonialism is infected, then even “good” scholarship within the standards of the discipline may be problematic. This is analogous to the problem that, in a dysfunctional society, certain social maladies e.g., racism may be entirely consistent with “normal,” well-adjusted behavior.<sup>71</sup>

### Providing Israel Education

Since much contemporary antisemitism assumes the guise of opposition to the State of Israel, many Israel advocates believe that the answer is to provide students with reliable facts about the Middle East so that they can judge for themselves. Some organizations have urged a positive approach which emphasizes appealing qualities of the Jewish state.<sup>72</sup>

In some cases, university administrators have offered pro-Israel educational programming in response to claims that certain anti-Israel programs cross the line into antisemitism. Whatever the substantive merits of these programs as a means of educating students about Israel, however, they do not address the

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69 Cravatts, *Genocidal Liberalism*; Rosenfeld, “Responding to Campus-based Anti-Zionism.”

70 Rosenfeld, “Responding to Campus-based Anti-Zionism,” 416.

71 Slovej Žižek, (2008), *In Defense of Lost Causes* (London: Verso, 2008).

72 David Project, *A Burning Campus? Rethinking Israel Advocacy at America's Universities and Colleges* (Boston: The David Project, 2012); Cravatts, *Genocidal Liberalism*.

underlying antisemitism. This would be analogous to responding to campus misogyny—manifested, for example, in women being derogated as “sluts” or “whores”—by offering more factually reliable lectures on female sexual practices. Administrators and activists generally understand that racism and sexism are social and psychological problems which cannot be reduced to factual ignorance. They should not forget this when dealing with antisemitism.

### Repairing Civility Norms

On those campuses where problematic incidents are allowed to fester, the problem is two-fold. The initial incident is the problem which may attract attention. But the broader problem is that institutional norms have eroded which should either have prevented the incident's occurrence or made its resolution a matter of course. Some commentators observe that the fundamental problem of campus antisemitism is that basic norms of civility and scholarship have eroded over the years at post-secondary institutions.<sup>73</sup> To this extent, any response to antisemitic incidents must involve a broader focus on instilling appropriate institutional values and attitudes.

Unfortunately, these efforts are typically unsuccessful, because administrators are typically not adept at the politically sensitive task of diagnosing this problem and proscribing an adequate remedy.

In many cases, the easiest reaction is to resort to programs which celebrate multiculturalism or enhance diversity. These approaches are often most readily available to administrators, since they have typically been prefabricated in administrative programs. Such programs have been developed either to increase the representation of African American and Hispanic students and faculty or else to assuage dissatisfaction arising from their failure to do so.<sup>74</sup> Thus, programs of this sort may not be well-designed to address any form of antisemitism, let alone the complicated forms of contemporary antisemitism currently found on North American university campuses. Worse, some forms of multiculturalism may themselves be infected by antisemitism or, at

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73 Tobin, et al., *Uncivil University*; Rosenfeld, “Responding to Campus-based Anti-Zionism.”

74 Ginsberg, “Why Administrators Tolerate Antisemitism,” 3.

least, may be vulnerable to antisemitic influences.<sup>75</sup> In these cases, the “remedy” may actually cause the disease to spread further.<sup>76</sup>

### Naming and Shaming

Although it often requires uncommon courage, some administrators, faculty, students and advocates choose to speak out, firmly and specifically, about antisemitic incidents when they occur. This is one of the most important steps that must be taken to confront campus antisemitism.<sup>77</sup>

The U.S. Commission on Civil Rights has asked university leaders to speak out against campus antisemitism when and where it occurs calling it their moral duty.<sup>78</sup> Administrators often fail to do so. This may be due to ignorance, weakness, confusion or cowardice.

In some cases, administrators invoke the freedom of speech or the doctrine of academic freedom as an excuse for their failure to act. In some cases, these invocations may be convenient, selective, opportunistic, or even a mere pretext. Constitutional and doctrinal rules do limit the regulatory actions which administrators may take in response to some forms of hate or bias. In other cases, however, administrators have freer reign.<sup>79</sup> But legal parameters never excuse an administrator who fails to take *any* action in response to bigotry.<sup>80</sup> At a minimum, administrators may always speak out in ways that articulate their institutional commitment to combating antisemitism and establishing an environment of free inquiry, respect and civility.

Activists sometimes focus their efforts on informing campus and off-campus constituencies about the forms of antisemitism that they perceive at a particular institution. These efforts are sometimes beneficial, but their results have been mixed at best. In many cases, as Tammi Rossman-Benjamin has reported from the trenches that: “administrators and faculty have largely ignored these

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75 Rosenfeld, “Responding to Campus-based Anti-Zionism,” Cravatts, “Antisemitism and the Campus Left;” Wistrich, *Lethal Obsession*.

76 Jerrold S. Auerbach, “Wellesley College: Antisemitism with White Globes,” in *Antisemitism on the Campus*, ed. Pollack, 22.

77 Lasson, “In an Academic Voice.”

78 U.S. Commission on Civil Rights, *Report*, 2007.

79 William A. Kaplin and Barbara A. Lee, *The Law of Higher Education* (San Francisco: Jossey-Bass/Wiley, 2007).

80 Kenneth L. Marcus, “The New OCR Antisemitism Policy,” *Journal for the Study of Antisemitism*, vol. 2, no. 1 (2010).

expressions of public concern, and in some cases, as indicated above, they have even repudiated them.”<sup>81</sup>

### Punishing Wrongdoers

In some cases, perpetrators are punished for antisemitic conduct which violates university rules or public law. This is especially the case when antisemitic incidents involve criminal violations, such as vandalism or assault and battery. Punishment is not, however, always appropriate. In many cases, as previously indicated, punishment is precluded by constitutional protections which extend even to some forms of deeply offensive expression, especially in the United States. Even when punishment is appropriate, however, it is not always sufficient. The U.S. Department’s Office for Civil Rights recently emphasized, in widely disseminated informal policy guidance, that punishing individual perpetrators is sometimes insufficient as a means of addressing a campus atmosphere which has become hostile to Jews or other minorities. Beyond punishing individuals, Assistant Secretary Russlynn Ali announced institutions must “take prompt and effective steps reasonably calculated to end the harassment and prevent its recurrence.”<sup>82</sup> In addition to denouncing the incidents as antisemitic, such measures as strengthening anti-discrimination policies, procedures, training education and outreach should be considered.<sup>83</sup> Administrators are often unwilling to undertake such remedial activities, however, in which case it may be necessary to employ stronger measures.

### Pursuing Litigation

As a last resort, advocates including this author, have filed legal complaints when United States or Canadian universities fail to provide timely and effective responses to hostile environments when they occur.<sup>84</sup> This measure must be undertaken with great caution for several reasons, including its cost,

81 Rossman-Benjamin, “The Academic Legitimization of Anti-Zionism,” 406.

82 Russlynn Ali, *Dear Colleague Guidance Letter*, October 26, 2010, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html> (accessed 1 June 2015).

83 Marcus, *Jewish Identity and Civil Rights*.

84 Formal complaints have been filed against UC-Berkeley, UC-Irvine, UC-Santa Cruz and York University and Columbia University. See Lasson, “In an Academic Voice;” Beckwith, “Antisemitism at the University of California;” Marcus, *Jewish Identity and Civil Rights*.

disruptiveness, and severity. Moreover, case-by-case litigation is not always the most efficient manner of effecting systemic change.

Nevertheless, legal challenges have several significant benefits when they are fully warranted factually and legally. They garner significant attention within an institution and in the media. This serves the interest in increasing transparency, as it shines a particularly bright spotlight on alleged problems. They have an educative function in the sense that they force a more focused consideration of certain issues than they would otherwise receive. They create a potential for embarrassing university officials, and administrators tend to be unusually sensitive to potential embarrassment. They are expensive and time-consuming to defend, and this creates an incentive for resolution or avoidance. They create exposure for the university, and this can drive changes to institutional policies and practices. They raise the prospect that substantial remedies will be imposed in the event of victory. When Jewish students, faculty and those who advocate for a Jewish state cannot feel safe, it is time for the lawyers and policy makers to make changes.<sup>85</sup>

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85 For more on the subject, see Kenneth L. Marcus *The Definition of Anti-Semitism* (New York: Oxford University Press, 2015) and Ruth Wisse, "Antisemitism Goes to School." *Mosaic* May 4, 2015, <http://mosaicmagazine.com/essay/2015/05/anti-semitism-goes-to-school/> (accessed 1 June 2015).



## The Role of the ADL: Past and Present

### *The Anti-Defamation League\**

In 1913, the founders of the Anti-Defamation League laid out its mission: “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” In each decade since, ADL’s mission statement has remained as relevant as it was then. For one hundred years, ADL has been a force for positive change in the U.S., championing our nation’s values and fighting against hatred and extremism. While the core mission has not changed, ADL has come a long way since it began in 1913. Today ADL is an internationally recognized leader in the fight against prejudice, bigotry and hate.

This most recent decade has presented a number of challenges when it comes to antisemitism in the United States. For example, among its many activities, in a post-9/11 world, ADL investigates the increasingly dangerous threat posed by international and domestic extremists and terrorists. In addition, ADL continues to counteract anti-Israel activity on college campuses, where it often crosses the line into expressions of antisemitism. And with the rise in antisemitic and other bias-driven bullying online, ADL has enhanced its anti-bullying efforts, developing new resources and programming.

What follows is an examination of antisemitism in the United States over the past decade. The examination focuses on domestic antisemitic attitudes and incidents and looks at how antisemitism, specifically conspiracy theories, has spread through the Internet and made use of other modern technologies. This chapter will also discuss expressions of antisemitism in the anti-Israel movement and how antisemitic views are incorporated into a wide range of extremist ideologies. The chapter will conclude with what ADL is doing to combat these disturbing phenomena on and offline, in the mainstream and on the fringes of society.

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\* This chapter was prepared by the staff of the Anti-Defamation League and offers the perspective of the organization itself. ADL studies referred to in the chapter are generally available from the ADL web site, <http://www.adl.org/anti-semitism/> (accessed 15 June 2015).

## American Antisemitic Attitudes

ADL has measured antisemitic attitudes in the United States for nearly 50 years through the *Survey of American Attitudes toward Jews in America*. Using an 11-question index that was developed by the University of California, Berkeley, ADL's 1964 survey on antisemitic attitudes found that 29 percent of Americans were infected with anti-Jewish attitudes. A recent ADL survey, conducted in 2013, found that 12% of Americans harbor deeply entrenched antisemitic attitudes, a marked decline since 1964.<sup>1</sup> While this change took place over 50 years, even within the past decade we have seen a significant decline from 17% in 2002 to 12% today. Based on current United States population, 12% represents over 35 million people, a disturbingly high number. That being said, the decline has not been linear, and numbers have increased and decreased over the years.

Moreover, the new survey shows that a significant number of Americans agree with sharply worded criticisms of Jews. To give some examples:

- Fourteen percent (14%) agreed with the statement “Jews have too much power in the United States today,” a decline from 20% in 2002.
- Thirty percent (30%) of Americans continue to say that American Jews are “more loyal to Israel” than to their own country, America, slightly down from 33% in 2002.
- Nineteen percent (19%) of Americans believe Jews have too much power in the business world, down from the 24% who agreed with this statement in 2002.
- Seventeen percent (17%) say that Jews have too much control on Wall Street, a decline from the 20% answering “true” to that statement in 2002.
- Fifteen percent (15%) agreed that Jews are “more willing to use shady practices,” down from 19% in 2002.
- Twenty-six percent (26%) of Americans agreed with the statement that “Jews were responsible for the death of Christ,” similar to the 25% that agreed in 2002.

While great progress has been made, the most enduring antisemitic canards continue to hold sway among some segments of the American public. It is particularly troubling that during the past decade, around 30% of Americans have consistently believed that American Jews are more loyal to Israel than to the United States. Another consistent finding has been that the most educated

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<sup>1</sup> *A Survey about Attitudes towards Jews in America*, ADL, 2013, <http://www.adl.org/assets/pdf/press-center/adl-survey-attitudes-towards-jews-in-us-2013.pdf> (accessed 15 June 2015).

Americans are largely free of such prejudices and that less educated Americans are more likely to hold antisemitic views. Age is also a strong predictor of antisemitic partialities, as younger Americans are remarkably less likely to hold anti-Jewish prejudices.

The survey also looks at antisemitic attitudes among some minority groups. Hispanic-Americans born outside of the United States are significantly more likely than Hispanics born in the United States to hold antisemitic views. According to the survey, 36% of foreign-born Hispanics hold antisemitic views, as compared to 14% of United States-born Hispanics. Those findings represent a welcome decline over the decade. In 2002, 44% of foreign-born Hispanics, and 20% of United States-born Hispanics, held antisemitic views.

Additionally, for many years, the percentage of African-Americans expressing antisemitic views has remained consistently higher than the corresponding percentage of the general population expressing such views. In 2013, 20% of African-Americans expressed strongly antisemitic attitudes, an encouraging decrease from 35% in 2002, yet still higher than the 12% of the general population expressing such beliefs.

### Antisemitic Incidents

Since 1979, ADL has kept track of antisemitic assaults, vandalism, and harassment in the *Annual Audit of Antisemitic Incidents*.<sup>2</sup> The Audit provides an annual snapshot of the state of antisemitism in the United States based on data reported to ADL's 28 regional offices by individuals, community institutions, media and law enforcement. From 2003 through 2012, approximately 14,000 antisemitic incidents were reported to ADL: an average of 1,396 antisemitic incidents per year, with a high of 1,821 in 2004 and a ten-year low in 2012 of 927. It is encouraging that the number of antisemitic incidents reported to ADL in the United States has declined overall in the past decade. Still, even the Audit's lowest number of antisemitic incidents over the last decade, 927 reported in 2012, represents a disconcertingly high number of incidents.

It is also important to note that despite the overall decline over the past decade in antisemitic incidents reported to ADL, assessing antisemitism in the United States is more complex than counting incidents. For example, while the total number of incidents declined from 2011 to 2012, instances of

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<sup>2</sup> ADL Audit: *Anti-Semitic Incidents Declined 19 Percent Across the United States in 2013*, ADL, April 1, 2014, <http://www.adl.org/press-center/press-releases/anti-semitism-usa/adl-audit-anti-semitic-incidents-2013.html#.VYBjcPLVhuA> (accessed 15 June 2015).

antisemitic vandalism increased by 33% in the same period. Furthermore, the individual state-by-state trends do not always follow national trends. For example, the number of incidents nationwide decreased from 2011 to 2012, but the number increased in New York, New Jersey, and some other states with larger Jewish populations.

Some examples of the types of incidents reported to ADL and recorded in the Audit over the past decade include:

- Rutherford, NJ: Molotov cocktails were thrown into a rabbi's home, forcing him and his family to flee. (2012)
- Brooklyn, NY: A woman approached a man leaving a bank, called him a "f—ing Jew" and spat at him, hitting him in the face before adding, "F— all Jews." (2011)
- Bloomington, IN: One university campus saw a spate of incidents where a rock was thrown into the window of a Jewish facility, a menorah was vandalized, a display case in the Jewish studies department was smashed and several Hebrew-language texts (including some sacred texts) were stolen and urinated upon. (2010)
- Washington, DC: An 88-year-old man with a long history of white supremacist and antisemitic views opened fire at the United States Holocaust Memorial Museum, killing an African-American security guard before being shot himself. The shooter subsequently died of his wounds. (2009)
- Deerfield Beach, FL: The home of a Jewish individual was defaced with the phrase "Get out Jew or die." (2008)
- Santa Barbara, CA: Middle school students drew a swastika on Jewish student's arm and directed antisemitic remarks to him. (2007)
- St. Louis, MO: Twelve members of the neo-Nazi National Socialist Movement demonstrated outside the Jewish community center campus near the building housing the St. Louis Holocaust Museum, carrying posters promoting Holocaust denial. (2006)
- Staten Island, NY: Note left for 8th grade teacher read, "Burn in hell, Jew bastard! Hitler Rocks." Swastikas also drawn on desks in classroom. (2005)
- Houston, TX: Swastikas, "Death to Jews" and other graffiti were written on a Houston synagogue (2004).
- Wildwood, NJ: a bullet was fired through the front door of a synagogue. No one was injured. (2003)

Measuring antisemitism is further complicated by the explosion of online hate. This is not to say that ADL's Audit does not include online instances of antisemitism. When a specific individual is targeted personally online (e.g.

threatened on a website, harassed on social media, etc.) such an incident would be included for the purposes for the Audit. However, some more general antisemitic expressions found online are virtually impossible to quantify and are not counted as incidents for the purposes of the Audit. ADL, however, does address reports from community members about antisemitic content online and works with major companies such as Facebook, Google, and Twitter to combat this growing problem.

### High Tech and Conspiracy Theory

Every day, individuals and organizations use online methods to spread vitriol aimed at racial, ethnic, religious, and other minorities. Extremist groups from across the spectrum are quick to exploit emerging apps and other services for antisemitic purposes. The Internet is now dominated by an interactive and hyper-connected world of social media sites such as Facebook, Twitter, and YouTube. These largely uncensored and uncontrolled platforms enable antisemites to gather with like-minded people in an online space and to attract new audiences as well.

By exploiting new technologies, antisemites breathe new life into old antisemitic materials. For example, a Holocaust denier named Carolyn Yeager produces a podcast titled "*The International Jew Study Hour*," which each week examines a different chapter of *The International Jew*, a collection of pamphlets first published and distributed by Henry Ford in the 1920s. Through the Internet, Yeager is able to bring material from almost a century ago to a new broader audience. Not only does her podcast put these materials into a new context, but it also allows her to take something that was once static and make it interactive, by allowing her listeners to call in and discuss it.

New technologies have also made it easier to target Jews and Jewish institutions directly and instantly, from all over the world. For example, the Moroccan Ghosts, a group of hackers based in the Middle East and North Africa, targeted a number of American Jewish institutions' websites in 2012, defacing them with an hour-long video denying the Holocaust. The group celebrated the attack in a statement posted to its Facebook page, claiming that the attack was carried out against "one of the most significant and very extreme Zionist assemblies that support Israel in America."

ADL receives a troubling number of complaints about children and adolescents engaging in antisemitic cyberbullying using computers, cell phones and other electronic devices. Teenagers threaten peers with violence and harass them with antisemitic stereotypes via the Internet and social media platforms.

Indeed, anyone with access to an Internet connection can spread hate about Jews in real time. For example, after Milwaukee Brewers outfielder Ryan Braun, who happens to be Jewish, was suspended from Major League Baseball for the remainder of the 2012–2013 season for using performance-enhancing drugs, some Twitter users responded by posting distinctly antisemitic messages. Among the tweets that were found when searching for Braun on Twitter were: “leave it to a jew to cheat the system, deceive people, then tarnish other’s reputations. F— you a—hole;” “Ryan Braun jew’d us!” and “Ryan Braun didn’t make a mistake . . . he cheated, lied about it and then got caught . . . f—— jew.” It may almost be difficult for some to imagine how antisemitism spread before the advent of the Internet and social media.

Today, more people around the world have access to conspiracy theories of every stripe than at any other time in history. For example, the past decade started in the shadow of the September 11, 2001, terrorist attacks on the United States. Within hours of the attacks, antisemites began applying a conspiratorial thought process to the worst terror attack in history. In the 12 years since the attacks, antisemitic 9/11 conspiracy theories have become an entrenched propaganda industry, primarily through the power of the Internet and social media.

The initial array of antisemitic theories that circulated soon after the 9/11 attacks still circulate today, but certain conspiracy theories have increased in popularity over the past decade. The most prevalent antisemitic conspiracy theory that initially circulated following the attacks alleged that 4,000 Israelis or Jews were told to stay home from the World Trade Center on 9/11. This theory, at least in the United States, has receded into the background, while other major antisemitic conspiracy theories have come to the forefront. Believing that the September 11 attacks fit the pattern of cunning and wickedness supposedly typical of Jewish plots, antisemitic conspiracy theorists espoused the notion that it was not Al-Qaeda that was behind the attacks, but either Israel specifically or the Jews more generally. Some conspiracy theorists blame Israel’s intelligence agency, the Mossad; others claim that “Jewish owners” of the World Trade center plotted to destroy the Twin Towers to obtain millions in insurance money. While 9/11 is a relatively recent event, these (and other) conspiracy theories are essentially updated versions of the old canard that Jews manipulate and control world events for their own benefit and are willing to commit acts beyond comprehension to further their financial and political power.

In part because of new technologies, conspiracy theories do not remain static for very long. They often take on a life of their own as new elements are added and new versions of older theories proliferate. These 9/11 conspiracy theories are reminiscent of the *Protocols of the Elders of Zion*, an antisemitic

forgery first published in 1903 which claimed to reveal the secret plans of Jewish leaders for world domination. Moreover, blaming national tragedies on “false flag” operations that are supposedly part of some larger Jewish plot does not end with 9/11. Antisemitic conspiracy theories reappear with each national tragedy.

In the aftermath of the massacre at Sandy Hook Elementary School in Newtown, Connecticut in December, 2012, Internet posts blaming Jews for the killings began to appear on various online message boards and conspiracy theory websites. One theory, for example, recycled the old canard about Jews and the entertainment industry, claiming Jewish-controlled Hollywood encourages shooting sprees with subliminal messages glorifying gun violence. Another attributed the violence to the State of Israel, claiming Israel perpetrated a “false flag” terrorist attack on American soil as alleged punishment for American foreign policy vis-à-vis Israel and the Palestinians. Whether mentioning Jews explicitly or using the State of Israel as a more tangible representation of the Jewish people, both demonize Jews as a group.

*Press TV*, the Iranian government’s platform to disseminate its ideology in English to America and beyond, interviewed Mike Harris, a man with ties to America’s largest neo-Nazi group, and—describing him as an expert—asked him to comment on the Sandy Hook shooting. Not surprisingly, he used this opportunity to claim that Jews were both the inspiration for and perpetrators of these killings and that “Israeli death squads” were also behind the 2011 Tucson, Arizona shooting in which Congresswoman Gabrielle Giffords and 18 others were shot (six fatally) as well as the 2012 shooting in the Aurora, Colorado movie theater that killed 12 and injured 70.

Hateful conspiracies and age-old stereotypes about Jews and money have also taken on a new life online. At the start of Wall Street’s economic downturn in 2008, for example, ADL saw a significant increase in the number of antisemitic statements being posted to online discussion boards devoted to finance and the economy as well as on online comments sections of mainstream publications’ websites. Some examples of the more virulent antisemitic posts included comments that Jews have “infiltrated Wall Street and Government and have ruined our country;” that Jews “love money and nothing else, no faith or religion can be so heartless to their victims;” that, “Jews are greedy rotten slime balls;” and countless other anti-Jewish statements.

There was a similar dramatic upsurge in antisemitic comments on a wide range of websites after the financial scandal surrounding Bernard Madoff broke in the news. The antisemitic reaction to the Madoff scandal appeared in the comment sections of some mainstream newspaper websites, blogs and message boards. For example, commenters, empowered by their anonymity,

wrote, “The greed and corruption of the Jews has brought the financial system and the American economy low;” “Nice he could manage to send money to Israel and pass the losses on to US investors;” “This is what happens when you let Jews run amok in a country for too long;” “You are guaranteed to get screwed when trusting a JEW.” The comments in the *Palm Beach Post* were so offensive and virulently antisemitic that the paper chose to close down the comments feature.

### Anti-Israeli Context

The anti-Israel movement in the United States has long served as a “safe space” for antisemites and antisemitic attitudes. While anti-Israel programs are ostensibly focused on opposing Israeli policies and supporting Palestinian rights, more vitriolic expressions against Israel that sometimes include antisemitic narratives regularly seep into anti-Israel events and protests. The second intifada, which began in September 2000, sparked a new round of anti-Israel activity in the United States, as well as the establishment and proliferation of several hundred groups in the United States dedicated to demonizing Israel. The activities organized by these groups include demonstrations against Israeli military action, strategy conferences and other public programs. Such events often feature extreme narratives that cross the line into antisemitism. These crossovers into bigotry include holding all Jews accountable for Israeli policies toward the Palestinians, drawing analogies between Israelis and Nazis, and claiming that the “Jewish lobby” controls the United States government and media and forces these and other institutions to take pro-Israel positions.

American college campuses, which have been fertile ground for a variety of social protest movements throughout the 20th century, also serve as a venue for demonstrations and public events against Israel that are frequently marked by antisemitic propaganda. In the past decade, a variety of antisemites who harbor anti-Israel viewpoints have been embraced by the broader anti-Israel movement, willing to ignore their hateful ideas about Jews for the sake of their positions on Israel. For example, Gilad Atzmon, a self-described “ex-Israeli and ex-Jew,” and two imams, Muhammad al-Asi, and Amir Abdul Malik Ali, have been fixtures at week-long anti-Israel programs like “Israeli Apartheid Week” and Palestine Awareness Week programs on campuses in California and elsewhere around the United States. Between 2001 and 2012, Malik Ali and al-Asi were invited almost every year to speak at events held at the University of California, Irvine. The titles of some of these week-long programs—“Never



Again? Palestinian Holocaust” and “From Auschwitz to Gaza: The Politics of Genocide”—underscored their antisemitic subtexts.

In a May 2002 appearance, Malik Ali, the leader of a mosque in Oakland, California, delivered a diatribe about the Jewish people’s supposed responsibility for the financial crisis. In his words:

The current financial crisis and collapse, the architects of it are Zionists. Whether you’re talking about Greenspan or whether you’re talking about Geithner or whether you’re talking about Summers or whether you’re talking about Blankfein or whether you’re talking about Dimon. I’m saying Zionism corrupts you. Zionism corrupts you. These are not righteous Jews who are doing this. These are not righteous practitioners of the Jewish faith who are doing this. These are them who are mix[ing] injustice with their religion.

At a similar event in May 2010, Malik Ali cautioned pro-Palestinians against dialogue with Jews on campus, saying that Zionist Jews are the “new Nazis.” The above quotes elucidate numerous aspects of the confluence between anti-semitism and anti-Israel ideologies, namely the embrace of antisemitic ideas behind a veneer of political opposition to the state of Israel, the offensive and all-too-often-heard comparisons between Israel and Nazi Germany, and the extension of blame for Israeli policy to all Jews.

On a grassroots level, military conflicts involving Israel such as the 2006 war against Hezbollah in Lebanon and Israeli-led military campaigns in Gaza to thwart Hamas rocket attacks spurred hundreds of demonstrations in major cities across the United States that featured blatantly antisemitic slogans, signs and rhetoric. Major Israeli leaders, including Ehud Olmert, Ariel Sharon, and Ehud Barak, were compared to various leaders of the Nazi party in Germany. Protesters called Gaza the “new Auschwitz” or a “concentration camp.” Various speakers condemned the “Jewish lobby” and claimed it wields excessive control over the United States media and government. Such imagery is pervasive on the Internet as well, particularly on social networks like Facebook and Twitter.

ADL considers Holocaust analogies in the anti-Israel context to cross the line into antisemitism. Such comparisons employ the worst evil in modern history to demonize Israel, and by doing so, target not just Israel but Jews as a whole. Invoking this aspect of Jewish history in the Israel context not only minimizes Jewish suffering during the Holocaust, but also serves to conflate Israelis and Jews. This is readily apparent when the phrase “the victim has become the oppressor” is being used interchangeably to demonize Israel and Jews.

Because antisemitism has continued to find its way into the periphery of the anti-Israel movement in recent years, it is essential to distinguish between legitimate criticism of Israel, anti-Israel activity, and antisemitism. ADL, and others in the organized Jewish community, find many criticisms of Israel and/or its blatant delegitimation to be biased or inaccurate. But at the same time, serious distinctions need to be made to parse out three disparate arenas: legitimate criticism of Israel; anti-Israel activity; and anti-Israel activity that crosses the line to antisemitism.

Anti-Israel activity crosses the line to antisemitism when it invokes anti-Jewish stereotypes or includes traditional antisemitic imagery. Such examples include but are not limited to portraying Israel or Israelis as demonic figures, referencing the blood libel in the anti-Israel context, and portraying Israel as part of a Jewish conspiracy that manipulates world events and markets to further a goal of world domination. One example was a widely circulated cartoon of former Israeli Prime Minister Ariel Sharon depicted as a butcher wearing a blood-splattered apron that was designed to look like the blood of Palestinians.

In recent years, we have also seen the proliferation of antisemitic stereotypes regarding claims of an omnipotent Israel lobby, which acts on behalf of Jewish self-interest to the supposed detriment of American society. Such stereotypes were on full display in the 2006 article by John J. Mearsheimer of the University of Chicago and Stephen M. Walt of Harvard University, titled “The Israel Lobby and United States Foreign Policy,” which was later developed into a book of the same name published in 2008.<sup>3</sup> In the article and the book, Mearsheimer and Walt assert that the “Israel lobby” in the United States has always pressured politicians and stifled criticism of Israel to ensure America’s pro-Israel policies, supposedly against America’s true interests and only serving the interests of the Jewish state.

### Extremism

Antisemitic narratives are the backbone of many extremist ideologies. While extremist groups differ in whether they base their ideology on radical political views, racial superiority, or other extreme worldviews, antisemitism can be a central component of an extremist ideology or it can be a more peripheral aspect, as it is with Black Nationalist groups. This section examines how

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3 John J. Mearsheimer and Stephen W. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus and Giroux, 2008).

antisemitic ideology has manifested itself over the past decade in white supremacy, Holocaust denial, Islamic extremism and Black supremacy.

One of the major sources of antisemitism in the United States continues to be white supremacy. ADL, which tracks extremism in the United States, estimates that there are at least 75,000 hard-core white supremacists within the country today, and a greater number of people with some sort of commitment to white supremacist ideology. White supremacists have convinced themselves that the white race is doomed for extinction by a “rising tide of color,” controlled and manipulated by Jews for their own nefarious ends. White supremacists believe that unless they take action, including violence, the white race will face an inevitable demise. Because white supremacists believe that Jews are masterminding a vast conspiracy in the United States and throughout the world, it is common for white supremacists to blame any issue of concern to them on the Jews.

To take one example, following high-profile mass shootings in the United States, the issue of gun control became a topic of serious national discussion, with legislators at the federal, state, and local levels proposing various gun control measures. White supremacists were quick to blame Jews, peddling conspiracy theories alleging Jews wanted to disarm whites so that they could not defend themselves against violence from racial minorities. According to one: “Basically, its [sic] Jews disarming White, Christian Americans,” posted one person to the popular online white supremacist forum, Stormfront. In another white supremacist forum, an extremist wrote, “I don’t know about the rest of you, but I’ve had enough. I’m ready to fight now, without these kike-inspired false flags and criminal manipulations. F— THEM ALL.” Referring to President Obama, the same person wrote in a separate posting that “If this n—— and his kike handlers are successful, they will get their civil war, no doubt about it.” A white supremacist blog claimed that “Most United States federal gun control legislation has been written, introduced, and sponsored by Jewish Congressmen and Jewish Senators.”

Although American white supremacists target other racial or ethnic minorities with violence more often than they target Jews, they have been and continue to be the victims of violent attacks. In 2011 in California, for example, when finally apprehended by police, a white supremacist couple who had engaged in a multi-state killing spree along the West Coast was, allegedly, on their way to Sacramento to “kill more Jews.” In 2009, a white supremacist and Holocaust denier translated his racist ideology into violent action when he attempted to shoot his way into the United States Holocaust Memorial Museum in Washington, DC, killing a security guard. The shooter, James Von Brunn, was a long-time neo-Nazi and white supremacist who expressed his

antisemitic and racist views for decades before the shooting. For example, he wrote that, “JEWS always stab their host-nation in the back . . . JEWS have AMERICA in their grip,” and called on those with similar beliefs to “Stop talking. Organize. Take action. Targets swarm across the landscape. You know their murderous intent, you know who they are. DO IT.” These words were written by Von Brunn in 2007, two years before his attack at the USHMM. Von Brunn was motivated not only by a white supremacist ideology but also by Holocaust denial.

While superficially appearing as an esoteric challenge to the well-documented atrocities committed by the Nazi regime during World War II, Holocaust denial serves as a powerful conspiracy theory uniting otherwise dissimilar extremist groups. Despite the massive amounts of evidence documented in books, museums, memorials, and elsewhere, Holocaust deniers convince themselves that all such evidence is fabricated by industries under Jewish control. Thus, they invoke a modern form of the age-old antisemitic canard maintaining the existence of an evil Jewish cabal manipulating world events.

Holocaust denial groups and individuals are empowered by the Internet to deny aspects of the Holocaust or the entire existence of a systematic German program to annihilate the Jews of Europe. Over the past decade, Holocaust deniers have continued to spread their hateful messaging, appealing to new audiences through the rise of social media. While maintaining that their conspiracy theories constitute a legitimate alternative point of view, Holocaust deniers generally allege that Jews somehow fabricated the Holocaust, or “Holohoax,” as they often call it. Other deniers claim that aspects of the Holocaust did happen but are exaggerated by modern Jews. These Jews use their supposed financial, political, and media control to manipulate the Holocaust in order to gain further control over non-Jews or to gain sympathy for Jews, particularly in their quest to have their own homeland. Many Holocaust deniers posit that their propaganda has been misrepresented, and that they are victims of a Jewish conspiracy to suppress an open historical dialogue. In making these claims, Holocaust deniers try to exploit peoples’ openness to critical thinking.

Holocaust deniers generally spread their hateful conspiracies online. Bradley Smith, for example, founder of the “Committee for Open Debate on the Holocaust” (CODOH), stated in a 2013 interview with Carolyn Yeager on an online radio program on The White Network, that the supposed myth of the Holocaust has come to be accepted as truth because American universities, as well as the American government and media outlets, have been “totally taken over” by Jews and the “Jewish lobby.” When asked if he believes the Holocaust is promoted through a Jewish conspiracy, Smith replied that it’s “not

a conspiracy. It's a project. It's wide open." In addition to promoting such views on The White Network, which describes itself as "Whites talking to Whites about White interests," Smith and Yeager run a website called "Elie Wiesel Cons the World," which is "dedicated to exposing the false Testimony of the world's most famous Holocaust survivor." These sites are just a few of many run by like-minded antisemites.

Holocaust deniers do not confine their activities to the online environment. Throughout former Iranian President Mahmoud Ahmadinejad's term from 2005 to 2012, he made no secret of his support for Holocaust denial. In 2012, Ahmadinejad hosted American Mark Weber, director of the California-based Institute for Historical Review (IHR), a pseudo-academic organization that considers the Holocaust to be a hoax perpetrated by Jews for political and financial gains. During the visit, Weber was given multiple platforms to espouse his hateful conspiratorial views, such as in a lecture to college students in Tehran titled, "The Zionist Lobby in America." He was also honored with a meeting with President Ahmadinejad himself, generating international press attention.

In 2006, the Iranian Foreign Ministry hosted a Holocaust denial conference which brought together in Tehran a diverse group of antisemites—many from America. This group included white supremacists, neo-Nazis, radical anti-Israel activists, and Islamic fundamentalists. The conference was entirely devoted to denying that Jews were the victims of genocide under the Nazis and to delegitimizing the State of Israel. Not surprisingly, no academic scholars of the Holocaust participated.

### **Islamic Extremism**

In the years since the 9/11 attacks, a significant number of American citizens and residents involved in terror related plots and conspiracies have been influenced by violent ideologies developed by Al Qaeda and other foreign terrorist organizations, many of which promote hatred of Jews and Israel. According to these ideologies, Jews are the eternal enemy of Muslims and the embodiment of true evil. These anti-Jewish themes have increasingly been propagated online, including in English-language terror propaganda intended to appeal to Western audiences. For example, Al Qaeda's "Inspire" magazine has influenced numerous domestic extremists, including the Boston Marathon bombers. The English-language magazine, which is disseminated online, has been filled with either direct threats against Jews and Jewish institutions or diatribes against Jews and Israel since it was first launched in 2010. It has encouraged

readers to target “places where Jews are gathered, their leading personalities and institutions. . . .”<sup>4</sup>

Since the September 11, 2001 terrorist attacks, an alarming number of American citizens and residents inspired by radical interpretations of Islam have planned and attempted acts of terrorism targeting Jews and Jewish institutions. Many other American Muslim extremists, who have been arrested or convicted on terror-related charges, have openly claimed hatred of Jews and Israel as a motivating force.

Some examples of Islamic extremism incorporating antisemitism into plots over the past decade:

- March 2013: Ahmed Ferhani, a legal United States resident from Algeria, was sentenced for his 2011 plot to attack a New York City synagogue. Ferhani made his hatred of Jews clear, stating at the Manhattan Supreme Court that his objective was “to create chaos and send a message of intimidation and coercion to the Jewish population of New York City, warning them to stop mistreating Muslims.”
- September 2009: Zarein Ahmedzay, a naturalized United States citizen from Afghanistan, and two other New Yorkers were arrested for plotting to detonate homemade explosives on New York City subway lines during the days following the eighth anniversary of the 9/11 terror attacks. While entering his guilty plea a year later, Ahmedzay stated that “the real enemies of this country are the ones destroying this country from within” and condemned “a special group of Zionist Jews” who want to “establish a permanent shadow government in the United States of America.”
- May 2009: Four Muslim converts, three American and one Haitian, were arrested for an alleged plot to attack two synagogues in the Bronx and to shoot down planes at a military base in Newburgh, New York. James Cromitie, the apparent leader of the group, and the other three men allegedly began surveillance of several synagogues and a Jewish Community Center in the Bronx in April 2009. “These were people who were eager to bring death to Jews,” Assistant United States Attorney Eric Snyder said at a court hearing the day after the arrests. The men were subsequently sentenced to 25 years in prison.
- February 2007: Russell Defreitas, a naturalized United States citizen from Guyana, and three other men were arrested for plotting to attack New York’s

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4 *Inspire Magazine Highlights “Jewish Enemy” To Recruit Jihadists*, ADL, May 31, 2013, <http://blog.adl.org/anti-semitism/inspire-magazine-highlights-jewish-enemy-to-recruit-jihadists> (accessed 15 June 2015).

John F. Kennedy International Airport. The men plotted the attack in part because they wanted to take revenge on the United States for its diplomatic relationship with Israel. Defreitas later told an informant that Muslims “incur the wrath of the world while Jews get a pass,” and that he “wanted to do something to get those bastards,” according to court documents. Defreitas also suggested targeting a nearby Jewish school or a predominately Jewish neighborhood. Defreitas was subsequently sentenced to life in prison.

- August 2004: American citizen James Elshafay and another man plotted to bomb New York’s Herald Square subway station. In conversations secretly recorded by an undercover informant, Elshafay talked about his hatred of “Zionists” and his solidarity with the Palestinians, according to court documents. The men also watched terrorist videos and shared books that claimed the Jews were conspiring to take over the world’s economy. Elshafay was subsequently sentenced to 30 years in prison.

While most of the terror plots in the United States have been foiled by law enforcement before they could be carried out, the number of attempts targeting Jewish institutions provides ample evidence of the ongoing threat posed by extremists motivated by hatred of Jews and Israel.

One of the more extreme groups to emerge in the United States after 9/11 was Revolution Muslim (RM), a fringe antisemitic Muslim organization that justified terrorist attacks and other forms of violence against non-Muslims and sought “the dismantlement of western, secular dominance across the world.” RM’s statements included implicit, if not explicit, threats of violence, and its radical ideology was rooted in the propagation of violence. In October 2009, the site featured a poem asking God to “kill the Jews” that listed ways Jews could be hurt, including by burning “their flammable sukkos while they sleep” and throwing “liquid drain cleaner in their faces.” In January 2009, in response to the Israeli military operation against Hamas in Gaza, RM posted a picture on its Web site of Chabad’s world headquarters in Brooklyn with a message encouraging readers to “make EVERY attempt to reach these people and teach them the message of Islam or leave them a message from Islam.” The posting, which was titled “Do Not Let Orthodox Judaism Get Away From Murder in Ghaza [sic],” reportedly prompted a police investigation. RM, which had only a handful of active members, was founded in 2007 by Yousef al-Khattab and Younes Abdullah Muhammad, both converts to Islam. Their purpose was to promote the ideas of Abdullah al-Faisal, a Jamaica-born Muslim preacher who served four years in a British prison for urging his followers to kill non-Muslims, including Americans, Hindus and Jews. In 2013, Yousef al-Khattab pleaded guilty to using the Internet to threaten Jewish organizations, bringing

the group one step closer to its demise. Younis Abdullah Muhammad was sentenced to prison in 2012. The arrest of the Revolution Muslim leaders in recent years has led to its demise.

While violent extremist movements represent the fringe of the fringe in America, some extremist ideologies promote hate without calling for violence and tend to enter the mainstream discourse more easily despite their over-the-top antisemitic or racist views. For example, Nation of Islam (Nation of Islam) leader Louis Farrakhan continues to publicly express his hatred and conspiratorial views on Jews, white people, and other groups under the guise of instilling African-Americans with a sense of empowerment.

While the Nation of Islam has little in common with previously mentioned extremists in that it does not call for violence, its hateful ideology is certainly harmful. Still, its leader is too often welcomed by mainstream institutions and public figures. Throughout the past decade, Farrakhan has intensified his wide-ranging campaign against the Jewish community, featuring some of the most hateful speeches of his 30-plus years as head of Nation of Islam. In front of various audiences, through the Nation of Islam's media arm and through social media and other online platforms, Farrakhan has asserted that Jews conspire to control the American government, economy, media, Hollywood, and various Black individuals and organizations. He claims the Jewish religion is nothing more than a "deceptive lie" and "theological error" invented by Jews to further their political and financial control.

Farrakhan's public speeches and sermons can attract tens of thousands of followers, as did his 2013 Saviours' Day convention in Chicago, where he accused Jews of setting up the Anti-Defamation League, the Federal Reserve Bank, and the Internal Revenue Service in tandem to control the fiscal policies of the United States, an accusation he previously made in a 2000.<sup>5</sup> Additionally, Farrakhan takes his unique brand of bigotry to universities and churches across the country. For example, during a sermon at a prominent Detroit church, Farrakhan told the audience that the "Synagogue of Satan," a phrase he frequently uses to refer Jews, has "mastered civilization now, but they've mastered it in evil," using Jewish control of Hollywood and the media to "put you before the world in this disgraceful manner."

While Farrakhan continues to promote his hatred at large public Nation of Islam events, he also has taken full advantage of the Internet and social media to spread his propaganda. His latest attempt to reach significant new audiences is a 52-week online lecture series, launched in January 2013, where he

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5 See *Farrakhan In His Own Words*, ADL, [http://archive.adl.org/special\\_reports/farrakhan\\_own\\_words2/on\\_jews.html#.VYBmMPIVhuA](http://archive.adl.org/special_reports/farrakhan_own_words2/on_jews.html#.VYBmMPIVhuA) (accessed 15 June 2015).



portrays Jews as “Satanic” and promotes his typical wide range of antisemitic conspiracy theories alleging Jewish control over a number of sectors. While these are only the most recent examples of Farrakhan’s blatant antisemitism, such rhetoric is consistent with the hatred he has spewed throughout the last decade and indeed his entire career.

White supremacists, Holocaust deniers, Islamic extremists, and Black nationalists subscribe to belief systems that, for the most part, share little overlap. However, the one common thread in each of their extremist ideologies is the notion that the Jews are somehow collectively responsible for the problems of the white or Black race in America or even of Muslims in the Middle East, often living in countries where they are few or no Jews. For these extremists, the collective Jew makes a convenient scapegoat for their communities’ perceived economic and political problems.

### **What is ADL Doing to Combat Antisemitism in America?**

ADL takes a multifaceted approach to combating antisemitism in America both online and offline, day-to-day and long-term. ADL monitors and analyzes trends in antisemitism and uses this information to respond to antisemitic acts. A key goal is to prevent antisemitic acts and ideologies from spreading.

Today, ADL is the leading nongovernmental trainer of law enforcement in the United States, training more than 10,000 officers and agents in 2012 alone. Senior law enforcement officers, who participate in our Advanced Training School course on Extremist and Terrorist Threats, or our National Counter-Terrorism Seminar in Israel, receive up-to-date information and learn about the most effective counterterrorism techniques and strategies. Such trainings directly help counter threats to Jewish individuals and institutions. In addition, ADL regularly provides timely alerts and intelligence about extremist activities, and assists with criminal investigations. We use our expertise to support law enforcement in investigating threats, identifying suspects, and convicting extremist offenders. ADL calls these efforts “law enforcement assists,” and we provided about 450 of them in 2012 alone.

Building on ADL’s relationships with law enforcement, expertise in monitoring and exposing the activities of organized hate groups, and in crafting legal and legislative responses to hate crimes, ADL offers a hate crimes training program for law enforcement professionals that helps protect the Jews and other minorities from such crimes. ADL training seminars offer information on the special nature of hate crimes, the legal and constitutional framework in which hate crime statutes operate, and how to perform investigative and enforcement

duties in a way that supports the victims and helps alleviate community fears. Depending on the level of knowledge and prior experience of the law enforcement agency, these programs can last anywhere from two hours to two days.

ADL pioneered Law Enforcement and Society (LEAS), an innovative law enforcement training program conducted in partnership with the United States Holocaust Memorial Museum, which has trained more than 80,000 law enforcement officers since its establishment in 1998. LEAS participants examine the history of the Holocaust and its implications for law enforcement officers today. We are also a security resource specifically for Jewish institutions, providing guidance, tools and training for the community. Our comprehensive security awareness manual and list of “Best Practices for Jewish Institutional Security” help train synagogues and community centers to be more proactive about security. Additionally, each year in advance of the Jewish High Holidays, ADL reaches out to synagogues and Jewish communal institutions across the country to provide information on security preparedness and reminds them to “always think security.”

ADL also spoke out regarding the troubling trend of under-reporting and under-participation by law enforcement agencies in the FBI’s 2012 Hate Crime Statistics Act report. We were profoundly disappointed at the failure of more than 25% of the nation’s law enforcement agencies to provide the FBI with their hate crime statistics.

ADL has taken the lead in addressing the growing challenge of antisemitism and hate on the Internet. In 2013, ADL National Director Abraham Foxman and Internet attorney Christopher Wolf co-authored a book, *Viral Hate*, which summarized the depth and breadth of the problem and offered strategies for responding. ADL works closely with key players in the Internet industry, including Facebook, Twitter, and Google and YouTube, to find new and more effective ways to respond to cyberhate. In October 2013, Facebook hosted a conference on ADL’s behalf called “Free Speech, Civility and the Challenge of Cyberhate.” The program was live-streamed on Facebook, and it is available online. In addition, ADL has created a Cyber-Safety Action Guide that makes it easier for individuals who encounter antisemitism and hate online to report such hate speech to major Internet providers and social media sites, including Facebook, YouTube, and Twitter. This ADL resource provides quick links to each company’s cyber-bullying and harassment policies and terms of service, as well as links directly to online complaint forms. These formal complaints are what companies generally rely on to identify offensive speech, and the guide facilitates this process.

We continue our traditional “naming and shaming” of those who make anti-semitic remarks, making it clear that antisemitism has no place in a decent

society. In the past year, we condemned and received an apology for a statement by the state majority leader in the Oklahoma House of Representatives for using the antisemitic expression “Jew down” during a debate. We did the same when the Chicago Tribune newspaper published a crossword puzzle with the clue, “Shylock,” and the answer, “Jew.” We condemned and received an apology from a major retail chain after a store employee in New Jersey told a Jewish patron that the store “does not cater to you people.”

Importantly, ADL continues to be the leading anti-bias educator in the United States. Thus, our trademarked “A World of Difference” materials are used by schools, universities, corporations, law enforcement agencies, and community organizations throughout the United States and abroad, and have impacted over 51 million adults and youth.<sup>6</sup> Along similar lines, our trademarked “Confronting Antisemitism Program” provides tools for middle school, high school, and university students to empower and equip them with constructive and effective responses to antisemitic incidents and the persistent antisemitic stereotypes that are often at the root of such incidents. Additionally, our trademarked “No Place for Hate” initiative provides schools and communities with an organizing framework for combating bias, bullying and hatred, leading to long-term solutions for creating and maintaining a positive climate. Since its inception in 1999, No Place for Hate has directly reached over 3.5 million people and is currently active in more than 1500 schools and communities nationwide. While our methods for fighting antisemitism and other forms of bigotry have certainly made a significant impact, there is unfortunately still enough hate to keep ADL fighting for the next decade and beyond.

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<sup>6</sup> See *Education and Outreach: Anti-Bias Education*, ADL Web Site, <http://www.adl.org/education-outreach/anti-bias-education/> (accessed 15 June 2015).

**PART 4**

*Antisemitism and Hollywood*





## When Hollywood Was Scared to Depict Antisemitism, It Made ‘Gentleman’s Agreement’

*Saul Austerlitz*

For an industry run primarily by Jews, Hollywood had long been fearful of any special pleading for Jewish causes. In the years leading up to the American entry into World War II, American films had chosen not to talk about the tenuous status of European Jewry—even in films ostensibly about the Nazi menace. (The word “Jew,” famously, never made an appearance in the 1940 anti-Nazi drama *The Mortal Storm*.)

But as writer Mark Harris describes in *Five Came Back* prominent American filmmakers returned from WWII convinced that Hollywood would have to grow up, at long last, and tell adult stories marinated in the pain and horror of the real world, at home and abroad.<sup>1</sup> A series of award-winning pictures followed (as Hollywood was quick to pat itself on the back). The 1945 Best Picture winner *The Lost Weekend*, starring Ray Milland, deals with the subject of alcoholism, and the 1946 Best Picture winner *The Best Years of Our Lives* tackles the topic of the reintegration of WWII veterans back home. Fitting squarely into this trend was Elia Kazan’s *Gentleman’s Agreement*, which in 1947 took on an equally serious topic, and one long ignored in Jewish-run Hollywood: antisemitism. To watch it today is to glimpse both the virtues and limitations of the newly mature Hollywood described by Harris, one in which prestige and seriousness intertwined.

In the film version of *Gentleman’s Agreement*, Gregory Peck plays Philip Green, a prominent journalist recently relocated to New York and assigned the task of writing a magazine series on antisemitism. After struggling to locate a hook for the series, Green settles on a catchy stunt: “I Was Jewish for 6 Months.” Green looks at himself in the mirror, assessing his hair, eyes, and mannerisms, and assuring himself that each could “pass” as Jewish. He then proceeds to present himself to his new colleagues and friends as Jewish, and the film is assembled out of his charged encounters with editors, secretaries, hotel managers, and superintendents, each of whom reveals a new facet of prejudice.

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1 Mark Harris, *Five Came Back* (New York: Penguin, 2014).

Kazan based *Gentleman's Agreement* on the best-selling novel by former advertising writer and Time Inc. executive Laura Z. Hobson, whom many readers assumed was, like her protagonist, not Jewish.<sup>2</sup> While identifying herself as avowedly secular, Hobson, born Laura Zametkin, was Jewish as well, making for a Möbius strip of shifting cultural allegiances: a Jewish author with a WASPy name creating a non-Jewish character intent on passing himself off as Jewish for the purposes of peeling back the ugly truth of antisemitism. (And to add another layer, the film version was produced by the sole major non-Jewish studio head, Fox's Darryl F. Zanuck. According to Richard Schickel's *Elia Kazan*, Harry Warner of Warner Bros. organized a meeting of studio executives in a fruitless attempt to convince Zanuck to drop his plans, for fear of prompting more antisemitism by tackling the topic head-on.)

*Gentleman's Agreement* is about passing, requiring the presumably disinterested gentile intermediary of Philip Green to give its audience access to the brutality of antisemitism. Jews, as represented here primarily by a returning vet named Dave Goldman (played by John Garfield), might feel the anguish of antisemitism, but contemporary social mores seemed to require a non-Jew to explain, codify, and present it. The film version of *Gentleman's Agreement* is a strange mix of daring and cowardice. It was, in the words of film historian Siegfried Kracauer, "a mountain of dialogue bringing forth a mouse." Names are most decidedly named; prominent antisemites like Rep. John Rankin (who once called Walter Winchell "the little kike"), Mississippi Sen. Theodore Bilbo and America-First founder Gerald L.K. Smith are mentioned, as are well-heeled Connecticut towns like Darien and New Canaan, notorious for keeping Jews out. And yet, antisemitism is a distinctly local affair here, confined to the United States, and the well-heeled corridors of the East Coast at that. Kazan's film is a remarkable document of a vanished era of American Jewish life, as much for what it chooses not to depict as what it does.

In both novel and film, Phil Green is a scold, climbing atop his moral hobbyhorse at regular intervals to lecture others—his upper-class WASP fiancée Kathy (Dorothy McGuire) in particular—about their inconsistencies and failings. Antisemitism is a poison that only Phil—and a handful of likable supporting characters, like his mother—are immune to.

*Gentleman's Agreement* finds its emotional heft in the ups and downs of Phil and Kathy's relationship. Kathy is supportive—she is the one who first had the idea for a series on antisemitism—but not as fervent on the topic as Phil, and her subtle prejudices, like reassuring Phil's son that he is not actually Jewish, are the source of much friction in the film. This is true in Hobson's

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2 Laura Z. Hobson, *Gentleman's Agreement* (New York: Simon and Schuster, 1947).

novel as well, with one key difference: Phil, too, feels it. Hobson describes the “dart of relief” Phil feels when he realizes that he, alone among all the Jews of the United States, has an “escape clause” from being Jewish. The book’s Phil is its moral conscience, and also a bit of a drip, as he himself acknowledges in an argument with Kathy: “I’m a guy that gets tense, see? I snarl up and I god-dam well can’t help myself. I care about a thing and forget about other things.” Peck’s Phil, by contrast, is relentlessly, and somewhat tiresomely, upstanding.

Every direction Phil turns, he encounters prejudice in his new life as a Jew. A doctor who pays a house call on his sick mother recommends a specialist with a Jewish name who, he specifies, doesn’t overcharge, like some of those others. An editor at the magazine asks him if he was in public relations in the Army, because he is so “clever.” His building’s superintendent strongly hints that he would never have been able to rent his apartment if its owner had known he was Jewish. A pricey Vermont resort that Phil books for his planned honeymoon with Kathy rescinds his reservation when he reveals he is Jewish. And Phil’s childhood friend Dave struggles to find housing for his family in order to take a prestigious new job in New York, in part because of the restrictive housing practices in many middle-class suburban towns.

In the film’s most prominent set piece, Phil flies to Vermont to confront the employees at the restricted Flume Inn. They are, he says, “persistent little traitors to everything this country stands for, and stands on. You have to fight them.” The desk clerk and manager both hesitate to explicitly acknowledge they do not accept Jewish guests, trying to ascertain whether Phil is Jewish himself, or a fellow antisemite. Peck’s Green presses them: “Do you, or don’t you?” Eventually he is asked to leave, and in the film’s most memorable shot, he stands facing away from the hotel lobby, hyperventilating from rage and shame, as guests stare at him and a bellboy carries his bags away. (“Always pushing in, that’s the Jew of it,” a woman comments in the novel.)

The film’s peculiar sense of balance requires that Jews, too, be guilty of anti-semitism, and that Phil—the Jew for six months—repeatedly lecture them about their failings. At the editorial meeting announcing the new series, an accommodationist editor, pointedly named Irving, takes umbrage with the project. Later, Phil’s secretary, Elaine Wales (played by June Havoc, sister to Gypsy Rose Lee), tells him that she changed her name from the more Jewish Estelle Walovsky after being turned down for a job at the magazine. Phil convinces the magazine’s editor to revamp its hiring practices, but rather than be flattered, or pleased, Elaine is unhappy about the new arrangement. “It’s no fun being the fall guy for the kikey ones,” she tells Peck, describing her fear of being associated with the kind of Jews who are loud and wear too much rouge. Phil takes umbrage at her use of the word, telling her that “words like yid and



kike and kikey and nigger and coon make me kind of sick no matter who says them.”

“Jew” was at long last an acceptable cinematic word, repeatedly intoned like a mantra in *Gentleman's Agreement*, but the words “Europe,” “Nazi,” “Hitler,” and “concentration camp” are never mentioned in the film. This is a hard-hitting movie about antisemitism, unafraid of specificity in its choice of targets, that nonetheless depicts anti-Jewish sentiment as being primarily confined to the types of people and places a well-heeled Manhattan journalist might encounter. The irony was not lost on contemporary viewers. As Bosley Crowther wrote in his *New York Times* review of the film:

Although the hero of the story is apparently assigned to write a definitive article on antisemitism in the United States, it is evident that his explorations are narrowly confined to the upper-class social and professional level to which he is immediately exposed. And his discoveries are chiefly in the nature of petty bourgeois rebuffs, with no inquiry into the devious cultural mores from which they spring.<sup>3</sup>

Most reviews were more in line with *Time* magazine's, which described it as “an important experiment, honestly approached and successfully brought off.”

Kazan himself changed his opinion of his work over time. For some years after making *Gentleman's Agreement*, he argued that it had expanded the American consciousness. “For the first time,” Kazan said, “someone said that America is full of antisemitism, both conscious and unconscious and among the best and most liberal people.” But by the 1970s, as Richard Schickel documents in his biography of Kazan, the director had changed his mind, focusing more on its antiseptic qualities.<sup>4</sup> “Whenever I see it,” he now said, “it reminds me of those illustrations in ‘Redbook’ and ‘Cosmopolitan’ in those days. I mean, those people don't shit.” Its characters were wooden, mouthers of liberal platitudes without blood or nuance.

The absence of the Holocaust from the film had been a conscious excision. The novel by Hobson, whose father had been an editor at the *Jewish Daily Forward*, made sure to put its depiction of genteel antisemitism in the context of the concentration camps: “In a world where only yesterday human bones powdered to ash in blazing furnaces, the barred register of a chic hotel

3 Bosley Crowther, “Gentleman's Agreement: Movie Review,” *New York Times*, November 12, 1947, <http://www.nytimes.com/movie/review?res=9E0DE7DE13AE233A25751C1A9679D946693D6CF> (accessed 15 June 2015).

4 Richard Schickel, *Elia Kazan: A Biography* (New York: Harpers, 2005).

could scarcely be called disaster.” In its haste to tackle, at long last, the cancer of American antisemitism, the film of *Gentleman’s Agreement* eschewed some of the book’s necessary context. “No big things,” Phil thinks to himself in the novel. “No yellow armband, no marked park bench, no Gestapo. Just here a flick and there another. Each unimportant. Each to be rejected as unimportant. But day by day the little thump of insult. Day by day the tapping on the nerves, the delicate assault on the proud stuff of a man’s identity. That’s how they did it.”

It would be strange enough, in 2014, to describe antisemitism as a social ill whose primary effect was on Jews’ choice of homes and vacation destinations. In 1947, just two years after the end of WWII, talking about antisemitism without mentioning the fact that 6 million Jews had just been murdered in Europe was more than an oversight. It was an obfuscation. Hollywood wanted to be serious, but was still terribly afraid of any ugliness more lasting than social shame.

As it happens, another film about antisemitism came out in 1947, although it won no Oscars and received only a portion of the praise accorded *Gentleman’s Agreement*. *Crossfire*, directed by Edward Dmytryk, from a novel by Richard Brooks, was also about returned veterans and the Jewish problem, but it maintained a grubbiness missing from the often-antiseptic *Gentleman’s Agreement*. Everyone here is intimately familiar with violence. In the film, after a Jew named Samuels turns up dead, Robert Mitchum’s vet Keeley pleads guilty to having killed before. Det. Finlay (Robert Young, a long way from *Father Knows Best*) asks him where, and Keeley responds, “Where you get medals for it.” The war may have been heroic, but it was also brutalizing.

And antisemitism is not polite. “I’m not going to let any stinking Jew tell me how to drink his liquor,” the vicious Montgomery (Robert Ryan, chilling) says to his accomplice. The expressionist, near-noir shadows of *Gentleman’s Agreement* are matched here by a genuine sense of darkness. Everyone in *Crossfire* is constantly bathed in a light sweat, their faces shining with perspiration. Men kill each other for brutish, inexplicable reasons, and hatred cannot be expunged by well-meaning liberals or five-part magazine features. “There’s the ‘you can’t join our country club’ kind, the ‘you can’t live around here’ kind, there’s the ‘you can’t work here’ kind,” Det. Finlay enumerates, “and because we stand for all of these, we get Monty’s kind.” *Crossfire* pushes forward where *Gentleman’s Agreement* hesitates, taking the crucial extra step from social disapproval to violence.

James Agee praised *Crossfire* as “the best Hollywood movie in a long time” while acknowledging the recurring tendency of “awarding Hollywood a sprinting-prize for taking Baby’s First Step.” “In a way,” wrote Agee, “it is as

embarrassing to see a movie *Come Right Out Against Antisemitism* as it would be to see a movie *Come Right Out Against torturing children*." *Crossfire* beat *Gentleman's Agreement* to theaters, substituting a Jew for the gay victim of Brooks' novel to capitalize on the cutting-edge film topic of 1947. But it also offered a more compelling vision of the true ugliness of antisemitism, illogical and without purpose.

As Finlay observes, "The motive had to be inside the killer himself. Something he brought with him, something he'd been nursing a long time. Something that had been waiting. The killer had to be someone who could hate Samuels without even knowing him." The camera tracks in on Finlay's face, settling in for an uncomfortably intense close-up as he contemplates the nature of the Jew-killer. *Crossfire*, too, never mentions Hitler or the camps. But in this moment, we see Finlay, and we know, and we know he knows. Hating Jews is no country-club matter.

## Antisemitism in Hollywood: An Endangered Species List

*Steven Alan Carr*

The diffusion of consumer technologies specifically geared for home entertainment has opened new frontiers for the study of how film and television represents the Holocaust and other themes central to the Jewish experience. In the past, one could only view these films during television re-broadcasts, at a theatrical revival house, or on a visit to a film and television archive. Today, many of these titles are available in new and portable formats accessible to much wider audiences. This availability not only has promised new possibilities for greater public familiarity with classic representations of Jewish ethnicity, antisemitism, and the Holocaust. It also has revolutionized the very study of these topics; theaters no longer function as high temples for encountering these images, and scholars and critics no longer serve as high priests and priestesses for their interpretation. At the same time, however, these technologies come with new trade-offs in consistency and permanence. Which titles will survive the next migration to a new consumer technology format? Which will end up relegated to the cultural dust bin, all for lack of a monetized target audience? And which will languish in cultural obscurity, despite their importance to or popularity with historical audiences. A paradox thus exists for studying the Holocaust and representations central to the Jewish experience. As technology democratizes the study of these representations, economics and technological obsolescence establish new regimes with their own restrictions and barriers, imposing new arbitrary and ahistorical limits upon cultural literacy and public memory.

This chapter evolved from a list originally developed from a 2009 *Moment Magazine* interview as part of a special issue devoted to great Jewish films. What struck me then, as now, was how many historically important films depicting Jews, Jewish themes, and the Holocaust are inconsistently available, or simply unavailable, all because some of these titles did not survive the cut to the next generation of consumer technology. Some of these titles, or clips from some of them, may make fleeting appearances on sites like YouTube. But not having consistent access to the titles in their entirety ultimately diminishes our literacy. Our ability to make informed judgments about what

comprises a Holocaust and/or Jewish film depends not just on what is available today, but how what was available yesterday would have meaning for those audiences then.

For *Moment*, I made a strategic decision to list five films that at the time were commercially unavailable on DVD. Those films were *Birthplace* (New Yorker, 1992); *The Search* (MGM, 1948); *Little Man, What Now?* (MGM, 1934); *Playing for Time* (CBS, 1980); and *The Last Stage* (Times, 1948). I'm happier to report that since the appearance of this list, though I doubt because of it, a few of these titles now are available in a current format. The questions raised above, however, persist. After DVDs become obsolete, which films will survive the transition to the next technological format? Will streaming, downloading, bootleg DVDs, accessed either legally or illegally, adequately allow audiences to make informed determinations regarding which "Jewish" films are the great ones? Who or what will determine the choices for audiences? In response to these questions, I began to develop an "endangered species list" of films I believed important enough for audiences to recall, despite their relative unavailability in an accessible format.

This expanded list, included in the appendix, includes a broader range of films representing theatrical as well as non-theatrical titles that are unavailable on a consistent basis. It also represents a wider range of genres, including more television programs, short subjects, educational films, and even unused footage. I quickly realized that the amorphous body of both newly available titles as well as forgotten ones waiting for rediscovery would preclude any one person from ever producing the definitive inventory of all titles related to Jewish or Holocaust film. Because I believe having some kind of inventory of Jewish and Holocaust-themed films is better than having no list at all, I created a collaborative wiki for ongoing communication, participation, and sharing of information around this topic and it can be seen via the website: [stevanalancarr.pbworks.com](http://stevanalancarr.pbworks.com).

Here, academics and popular audiences can help cooperatively maintain lists of films they believe important enough to deserve a commercial release. And because no one person can ever develop an exhaustive inventory, crowd-sourcing is a better model to compile these kinds of lists and build a community around the study of this important topic.

As important as maintaining this amorphous catalogue of titles is, though, if the study of Jewish and Holocaust films will ever mature into a full-fledged discipline, we ultimately must broaden the current established practice beyond only inventorying and re-inventorying the canon of Jewish and Holocaust films. To illustrate the need for a broader view of these films, consider this

deceptively simple question. What is a Jewish or a Holocaust film? The answer is not so simple. Does this body of films include only features which depict Jewish characters? Films which overtly depict the Holocaust? What about non-theatrical titles screened only in churches, schools, and the military? Films not necessarily Jewish, but specifically marketed to Jewish audiences, or films popular with these audiences? Films widely understood by audiences to be about Nazi antisemitism, but with no overt reference to it? Or films made by Jewish creative personnel, but without overt depictions of Jewish characters or themes?

Because the question *what is a Holocaust or Jewish film?* engenders such varied and protean responses, we must move beyond only cataloguing these films and consider a multi-faceted approach to the topic. This approach must account for movie-going and television watching in all of its dimensions. More than viewing images of Jews or the Holocaust, it involves overlapping methods of textual analysis, production history, and audience reception. I propose a normative framework that seeks not only to expand the canon of "usual suspects," but that also seeks to expand our definitions of what studying movie-going and television viewing involve. For each mediated text, these norms include evaluating each film on the basis of the following criteria: 1) Significance of artistic achievement, 2) Facticity and authenticity of representation, 3) Influence upon subsequent films and genres, 4) Notable conditions of production e.g. on-location vs survivor re-enactments, 5) Critical reception at the time of release, 6) Audience influence and expectations re: representation of Jews, antisemitism, the Holocaust.

Seeking to establish some norms for what constitutes a Holocaust or Jewish-themed film does not necessarily impose a rigid template upon the discussion. Rather, establishing a transparent set of ground rules for discussing the impact and qualities of these films potentially opens new possibilities for which films and what aspects of them merit discussion. The somewhat conventional manner of talking about a Holocaust film can uncritically rely upon a relatively limited canon established mostly through popular reviews or auteurist scholarship. Yet these discussions today sometimes seem as unaware of the material forces establishing that canon as it is of the economic and technological forces determining which films from that canon become available for discussion. If we can discuss artistic achievement on a par with facticity and authenticity, for example, we can appreciate a relatively low-budget film such as *The Last Stop* (Times, 1948), shot on location at Auschwitz by a team of female survivors when placed alongside a Hollywood blockbuster like *Schindler's List* (Universal, 1992). Perhaps the Japanese anime version of *The Diary of Anne Frank* deserves

at least as much consideration as the 1959 film version of the Goodrich and Hackett play, even though *Anne No Nikki* (BAC, 1995) remains commercially unavailable in the U.S.

### Anne Frank in Anime (1995)

If some discussions regarding Holocaust and Jewish-themed films involve more than considering what makes these titles great masterpieces, others alternatively focus upon decidedly mimetic and ethical questions regarding how well these mediated representations performed. Were they “realistic?” Do they engage in stereotypes? Do they, in Lawrence Langer’s words, “universalize” the Holocaust into a series of digestible yet banal lessons for us to learn?<sup>1</sup> Or worse, do they trivialize the Holocaust as a form of mere entertainment? Just as questions of aesthetic value and canon inclusion have no permanent resolution, questions of mimesis and representational ethics are impermanent because our norms and conventions for what constitutes a “realistic” or “ethical” treatment also remain in flux. Upon release, Holocaust “comedies” routinely generated controversy over tastelessness, but films such as *To Be Or Not to Be* (United Artists, 1940) to *The Producers* (AVCO, 1967) to *Life Is Beautiful* (1997; Miramax, 1998) all eventually merited a place in the canon of Holocaust-themed films, and in some cases even Jewish-themed ones.

While both aesthetic and mimetic approaches to these films will and should continue to discuss and debate the merits of individual films, these discussions should not operate to the exclusion of a more systematic approach to considering how these films represent Holocaust and Jewishness, or how actual audiences might have perceived these representations. Tastes change; standards of realism shift according to conventions of the time; and methods of evaluating a film, whether by director, genre, or individual film, all go in and out of style. If the study of Holocaust and Jewish films is to maintain credibility, it must be able to historicize and account for these shifts, rather than simply perpetuate or naturalize them.

In addition to moving beyond the established practice of attempting to inventory these films, we also must move beyond what I call the “reflection paradigm.” Annette Insdorf’s groundbreaking *Indelible Shadows* offers a telling example of just how difficult it is to define a Holocaust film. The films included in her survey are not Holocaust films, but films that stand in relation to the Holocaust. Defining the Holocaust film as that which “illuminates, distorts,

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1 Lawrence J. Langer, *Preempting the Holocaust* (New Haven: Yale University Press, 1998), 8.

confronts, or reduces the Holocaust,” Insdorf explores this relationship thematically, in terms of “cinematic language,” “narrative strategies,” depictions of Nazi atrocity, and those films that shape “documentary material through a personal voice.”<sup>2</sup> Maintaining this distinction between the totality of an event which can never submit fully to representation and the representation itself has a long and respected tradition which we should continue to observe. But how does this tradition help us to make sense of a science fiction action adventure film like *X-Men* (20th Century-Fox, 2000), with its opening explicitly set in a Nazi death camp? As Lawrence Baron has noted, some critical responses concluded that this was yet another trivialization of the Holocaust. As Baron’s essay argues, however, the film functions on multiple levels, appealing to a teenage male audience while simultaneously reflecting allegorical connections between the Jewish-American experience and dialectical anxieties over state-sanctioned discrimination in both the U.S. as well as in Nazi Germany. Baron notes that the comic books on which the film is based are even more explicit in making these connections.<sup>3</sup> Clearly no one looks to *X-Men* for an accurate depiction of a concentration camp. But can we so easily dispense with its allegory or its complex networks of historical meaning simply because it comes from a comic book and appears to trivialize the Holocaust in ways that higher brow documentary and fiction don’t?

The identity politics of what constitutes a Jewish film move us even further from a clear answer to this deceptively simple question. In *Hollywood’s Image of the Jew*, a 1982 pioneering study of representations of Jews in American film, Lester Friedman made a similar argument to Insdorf: film exists in relation to the American Jewish experience rather than embodying some part of that experience. To understand Jewish film, one had to understand “how Jews had been portrayed in American films.” By doing so, one “could say something about Jews as well as about Americans.”<sup>4</sup> Two years after the publication of Friedman’s book, Patricia Erens proposed a more systematic genre-oriented framework to examine representations of Jews in American cinema. Like Friedman, she conceived of film narratives as “incorporating Jewish elements” that “relate to American society in general and to the American-Jewish community in particular.” And like Friedman, she argued that these films reflect

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2 Annette Insdorf, *Indelible Shadows*, 3rd ed. (Cambridge: Cambridge University Press, 2003), xvi. (Originally published in 1983).

3 Lawrence Baron, “X-Men as J Men: The Jewish Subtext of a Comic Book Movie,” *Shofar* 22, no. 1 (2003): 45.

4 Lester D. Friedman, *Hollywood’s Image of the Jew* (New York: Ungar, 1982), xviii.



something of “actual experiences and latent attitudes” both toward and among the Jewish community.<sup>5</sup>

Insdorf, Friedman and Erens all staked out an important and necessary distinction at a time when film studies still had to achieve respect as an academic discipline: the cinematic representation is not interchangeable with the thing represented. Furthermore, being able to distinguish between cinematic depictions and what those depictions represent can yield greater insight into protean subjects like the Holocaust or Jewish identity. And while these pioneering works have their limitations, as all works do, they helped set a paradigm for analyzing film as reflection. This essay thus is not so much a critique of that paradigm, as it is an attempt to rethink a different set of possibilities outside the reflection paradigm.

*The Life of Emile Zola* (Warner Bros., 1937) illustrates the necessity of moving outside of this paradigm. Does it constitute a Jewish film? An anti-Nazi one? An example of how Hollywood treated antisemitism? Save for a single fleeting close-up of the word “Jew” appearing in a shot, the film makes no explicit reference to Zola’s involvement in combatting antisemitism during the infamous Dreyfus Affair. Yet in depicting an event that audiences absolutely would have recognized as being about the infamous Dreyfus affair, Warner Bros. actively marketed the film to Jewish audiences and encouraged them to draw the topical and relevant parallels to contemporary Europe. The problem is not that there is a “reflection” paradigm. The problem is that this dominant paradigm cannot fully account for what *The Life of Emile Zola* actually did with audiences in 1937. Yet, for Holocaust and Jewish-themed films, the reflection paradigm operates largely to the exclusion of other production- or audience-oriented paradigms that might better explain what audiences did with films like *The Life of Emile Zola*.

The remainder of this paper explores how new approaches can move beyond the reflection paradigm and begin to address a range of lesser-known and in some cases unavailable titles spanning narrative, non-fiction, short subject, non-theatrical, and even experimental films addressing the Jewish experience and/or the Holocaust. Again, the essay has not conducted exhaustive research on these films, and the selections are purely arbitrary. However, the case studies briefly outlined here are meant in the spirit of suggesting a new direction for research on Holocaust and Jewish-themed films, and thus represent the beginnings of a more systematic three-part method that considers

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5 Patricia Erens, *The Jew in American Cinema* (Bloomington, IN: Indiana university Press, 1984), xi.

the text, production history, and reception—all applicable to almost any film whether publicly available or not.

In the book I wrote, *Hollywood and Antisemitism*, I made the conscious decision not to cast the discussion as one focused on films depicting antisemitism, or as one charging Hollywood films with antisemitism.<sup>6</sup> Yet some reviewers thought these were the books I should have authored. Instead, I chose to discuss how various individuals and organizations directed antisemitism toward Hollywood, and how the industry chose to respond, and in some cases not respond, to these attacks.

Three examples the endangered species list—*Little Man, What Now?* (Universal, 1934), *Professor Mamlock* (Amkino, 1938), and outtakes from *The Great Dictator* (United Artists, 1940)—all reveal the necessity for scholars to think beyond the films themselves when considering a broader popular context for antisemitism in American life. *The Great Dictator*, of course, is widely available on DVD, but archival research has suggested the possibility of additional footage set in a concentration camp. If such footage still exists, it would prove invaluable to the study of popular perceptions of Nazi concentration camps before Liberation.

Within a relatively short time-span, each of these films became a cultural index for the varying and shifting ways in which audiences could imagine Hollywood in relation to antisemitism. As films, each exists differently in relation to its depiction or lack of overt depiction of antisemitism. *Little Man, What Now?* was one of the first Hollywood films to depict social conditions in Germany after the Nazis came to power, although it neither references Nazism nor antisemitism. A Soviet film, *Professor Mamlock* achieved notoriety as one of the first films American audiences saw to confront Nazi antisemitism directly. And *The Great Dictator* is arguably one of the most forthright Hollywood films ever made to confront Nazi antisemitism.

*Little Man, What Now?* (Universal, 1934) has generated some disagreement among film historians as to whether it even constitutes an anti-Nazi film. Part of the problem, of course, is that very few people have actually seen the film. As Richard Koszarski noted back in 1969, the film “had the reputation of being anti-Nazi, but is really just anti-politics.”<sup>7</sup> Some of the confusion may stem from *Little Man* being based on a novel that did portray both Nazism and German antisemitism. Its story of two newlyweds struggling to survive amid

6 Steven Alan Carr, *Hollywood and Antisemitism* (New York: Cambridge University Press, 2001).

7 Richard Koszarski, “Lost Films from the National Film Collection,” *Film Quarterly* 23, no. 2 (1969): 31.

harsh conditions in Germany after World War I also bears similarity to an MGM cycle of films set in Germany, directed by Frank Borzage and starring Margaret Sullavan. The cycle included the later *Three Comrades* (1938) and *The Mortal Storm* (1940), and although *The Mortal Storm* made explicit reference only to “non-Aryans,” the cycle moved progressively toward a more pointed critique of Nazi antisemitism as events in Europe moved closer to World War II.

Even before Borzage’s later MGM films, however, critical reception already had established *Little Man* as a topical film based on a novel that one commentator “had long thought was a story about the career of either Hitler or Dollfuss.”<sup>8</sup> In considering how most screen versions of novels disappoint, critic Howard Barnes singled out the screen adaptation of Hans Fallada’s novel as an exemplar, since it scarcely captured the book’s “ominous accompaniment of suffering and doom that must be familiar to anyone who visited central Europe during the latter part of the bitter post-war period.”<sup>9</sup> As *The Los Angeles Times* observed, the film is “a post-war, deep depression story, with a German background” where two people survive amid “a topsy-turvy sphere, where Communism is pitted against militarism.”<sup>10</sup> These brief examples of a film believed to be anti-Nazi—but that wasn’t explicitly so—indicate the need not just to have the actual film at hand for close viewing and analysis, but also indicate the need to understand how the film’s adaptation from an acclaimed literary text primed critics to interpret the film as being anti-Nazi.

A similar pre-existing context existed for *Professor Mamlock*. As I’ve argued in another essay on anti-Nazi films exhibited in the United States, American audiences in 1938 would have been well-versed—if not with its basic story—certainly with the controversy the Soviet film engendered. As early as 1933, the *New York Times* reported that a group called the Theatre Union would perform a version of the Friedrich Wolf play on which the later film was based, entitled simply *Mamlock*. By 1937, the Jewish Unit of the Works Progress Administration Federal Theatre Project had produced another version of the play bearing the same name as the film. The play’s narrative and Wolf’s biography were closely intertwined. *Mamlock*, like Wolf, was a doctor and veteran of World War I. After the Nazis came to power, both were persecuted, with the real-life Wolf immigrating to Moscow to write *Mamlock*. Unlike Wolf, who was active in the Communist Party, the fictional *Mamlock* began the play largely assimilated,

8 Richard Watts, Jr., “Sight and Sound: They Also Serve,” *New York Herald Tribune*, May 13, 1934, D1.

9 Howard Barnes, “Screen Version of Most Novels Disappointing,” *New York Herald Tribune*, June 10, 1934, E3.

10 Edwin Schallert, “Star’s Talent Revealed Anew,” *Los Angeles Times*, June 15, 1934, 14.

patriotic, anti-Communist, and unconcerned with the rise of Nazism. Only once the anti-Jewish Nuremberg Laws of 1935 removed *Mamlock* from his position as chief surgeon at a university hospital, stripped him of his German citizenship, and justified attacks targeting his own children did he realize the full extent of the Nazi threat, but by then, it was too late.

By 1938, audiences came to recognize the film version of *Professor Mamlock* as a specific indictment of antisemitism. In the advertisement for the premiere for the film, an image of a man appeared in a white coat resembling a straight-jacket with the word JUDE scrawled across his chest. Two brownshirt officers flank him. The tagline for the film read “a crushing indictment of Nazi terror.” In fact, reviews of both the film and the play suggested that audiences already would be familiar not only with the basic story, but with an understanding of taste and politics sufficient to measure what the film could and could not do in comparison to Hollywood. The Russian film significantly addressed “a topic which Hollywood, with its fear of jeopardizing foreign markets, has not dared to touch.”<sup>11</sup> In an interview with the *Times*, Edward G. Robinson claimed that he “would give my teeth to do an American version of *Professor Mamlock*.”<sup>12</sup> At the same time, though, Brooks Atkinson’s review of the Federal Theatre’s production of the play observed that even by 1937 “in one way or another,” the play’s “fiendish story has been told . . . several times,” and that “the whole subject of the Nazi persecution of the Jews needs something more penetrating.”<sup>13</sup> Similarly, film reviewer Frank S. Nugent observed that the Soviet production said “nothing new about Nazi persecution of the Jews in Germany,” and confessed to “a feeling of resentment” over the film’s conflation of Jewish and Communist suffering, and “the simplification of a problem which is not limited to politics but is deeply rooted as well in religious, racial, and economic soil.”<sup>14</sup> However much the actual film fell short in its lack of originality, and its conflation of Jewish with Communist suffering, the film engendered both controversy and status, becoming a cause celebre for those advocating First Amendment protections for the film industry. By 1939, the *Columbia Law Review* noted how *Mamlock* had “received much publicity” for numerous instances where public and journalistic pressure had forced censorship boards

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11 Frank S. Nugent, “Professor Mamlock, a Russian Appraisal of Nazi Culture, Has Its Premiere at the Cameo,” *New York Times*, November 8, 1937.

12 Bosley Crowther, “Little Caesar waits His Chance,” *New York Times*, January 22, 1939.

13 Brooks Atkinson, “The Play: Nazi Customs and Manners,” Review of *Professor Mamlock*, *New York Times*, April 14, 1937.

14 Nugent, “Professor Mamlock.”

in Ohio and Chicago to reverse initial exhibition bans that previously had cited ostensible concerns for public safety and fears of rioting.<sup>15</sup>

Today, the unavailability of a film like *Professor Mamlock* belies the film's importance to audiences then. For many American filmgoers, the foreign film served as their first encounter with cinematic depictions of Nazi antisemitism. Without being conversant with films like *Mamlock* today, we also lose sight of how important these films were as lightning rods for debates over film censorship and propaganda then. Many at the time, in turn, saw these debates as stymying more forthright depictions of Nazi antisemitism in Hollywood film.

Arguably one of the most forthright anti-Nazi films Hollywood made before World War II, *The Great Dictator* (United Artists, 1940) also was one of the few American films during this period to depict overt Nazi antisemitism. While a great deal of scholarship has discussed the film in terms of its black humor and anti-fascist satire, less scholarly attention has focused on the film's depiction of the concentration camp. Production materials reveal that original conceptions of the film devoted far more narrative attention to the concentration camp than the three short scenes depicting the camp in the release print would suggest.

In another essay, I discussed how various script notes and drafts suggested an evolving strategy in which slapstick comedy played a more pronounced role in negotiating the seriousness of Nazi antisemitism. Early drafts of the script made much more extensive use of sight gags, physical jokes, and potty humor in the camp. A rough note from perhaps 1938 or 1939 proposed having the Jewish barber leave his hand up after a *sieg heil* salute with a request to use the bathroom. Such gags remained consistent with the *Little Tramp* persona, intentionally or unintentionally undermining brutish authority, but with escalating consequences—in this case solitary confinement. The final version of the film ultimately shifts its ridicule of the fascist state, setting that ridicule outside the confines of the camp and within that state's own pompous trappings.

Another draft of the script from late October 1938 makes reference to all of “the very best people” being sent to concentration camps. Consistent with Chaplin's *Little Tramp* persona, in the words of the script “the Little Jew hangs on to his optimism.” With the procession of wildlife that occurs when he pats his bed, the lightheartedness of such gags seems striking given more modern depictions of the camps. The same script from October 1938 later shows acts of what it calls “both conscious and unconscious sabotage.” The act of humiliating the humiliators through comic routines remains a familiar motif in these

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15 “Film Censorship: An Administrative Analysis,” *Columbia Law Review* 39, no. 8 (December 1939): 1383.

early drafts. As this example shows, these acts of resistance include slapstick gags such as slapping storm troopers in the face with a dirty mop, or breaking a basket of eggs when giving the Fascist salute.

While unused footage of the concentration camp scenes in *The Great Dictator* may or may not exist, the use of production materials to better understand how these depictions emerged as an overall process remains vital to our understanding, not just of that film, but to how films generally depicted Nazi antisemitism during that time. Similarly, scholars today would do well to understand how Hollywood depicted Nazi antisemitism then by gaining a better understanding of the role that foreign film played during this period, and how American audiences might have had certain expectations for which films could and could not confront this antisemitism. Finally, just as *Professor Mamlock* derived credibility from its theatrical source material, critics interpreted what *Little Man, What Now?* did not do as a film in terms of what its literary source material did do. While these admittedly brief examples necessitate further attention and consideration, beyond only viewing the films themselves, scholars must move beyond the exclusive confines of the “reflection paradigm” and consider the ways in which depictions of antisemitism, the Holocaust, and other themes relevant to the Jewish experience fit within the overlapping dimensions of textual analysis, production history and audience reception.

The lists follow:

### *The Original List*

#### *Birthplace/Miejsce Urodzenia (1992)*

What starts out as a matter-of-fact documentary journey to Poland ends up as a shattering encounter with the past. The film is chilling in how it depicts the unchanged attitudes of a small village in Poland, despite the Holocaust.

#### *The Search (1948)*

An exquisitely restrained look at the relationship between a nine-year-old refugee from Auschwitz and the American GI, played by Montgomery Clift, who adopts him. The film won an Academy Award for Best Writing and was shot in post-war Germany. Now available from <http://www.wbshop.com>.

#### *Little Man, What Now? (1934)*

This film zeroes in on German society at a time when many criticized Hollywood for not being more forthrightly anti-Nazi. It portrays the harsh conditions through the lens of two people who, very much in love, nonetheless struggle.

*Playing for Time (1980)*

It's one of the best depictions of the Holocaust ever aired on American television. With playwright Arthur Miller's adaptation of Fania Fenelon's memoir and a superb performance by Vanessa Redgrave, it's not just a stunning achievement for a made-for-TV movie, but for any fictionalized representation of the Holocaust. Now available from <http://www.olivefilms.com>.

*The Last Stage (1948)*

This docudrama was years ahead of its time. Directed by and starring Wanda Jakubowska, real survivors of Auschwitz reenact their experiences at the actual camp. The film was the first to put a human face on the suffering. Now available from <http://www.polartvideo.com>.

*The Expanded List*

The availability of these titles is indeed a moving target with some of these films likely to be released and others not. The titles themselves serve as a pretext to consider the broader implications of what audiences choose to remember about a particular ethnic group, and the cultural and historical traumas that this group has encountered. By addressing this process of remembering as a complex and somewhat protracted process, I hope to show that what makes for a significant film title derives from a rather intricate interplay between creators, industry, meaning-making, and audiences.

*Hitler's Reign of Terror* (Eureka, 1934)

*Inside Nazi Germany* (RKO, 1938)

*Professor Mamlock* (Amkino, 1938)

*Crisis* (Mayer-Burstyn, 1939)

*Rehearsal for War* (Mayer-Burstyn, 1939)

*Lights Out in Europe* (Mayer-Burstyn, 1940)

*Lost Footage from The Great Dictator* (UA, 1940)

*Hold Back the Dawn* (Paramount, 1941)

*The Sea Wolf* (Warner Bros., 1941)

*Five Were Chosen* (Clasa-Mohme, 1942)

*Friendly Enemies* (UA, 1942)

*Five Graves to Cairo* (Paramount, 1943)

*In Our Time* (Warner Bros., 1944)

*The Master Race* (RKO, 1944)

*The Seventh Cross* (MGM, 1944)

*They Live in Fear* (Columbia, 1944)  
*Death Mills* (US Army Signal Corps, 1945)  
*The Last Chance* (MGM, 1945)  
*Watchtower over Tomorrow* (War Activities Committee, 1945)  
*The Pale Horseman* (OWI, 1946)  
*The Searching Wind* (Paramount, 1946)  
*My Father's House* (Independent, 1947)  
*The Roosevelt Story* (United Artists, 1947)  
*Nuremberg: Its Lesson for Today* (1948; Lipsky, 2011)  
*Border Street* (1948; Globe, 1950)  
*A Foreign Affair* (Paramount, 1948)  
*Answer for Anne* (1950)  
*I Am a Camera* (DCA, 1955)  
*The Original Playhouse 90 Judgment at Nuremberg* (CBS, 1959)  
*Chronicle of a Summer* (1961; Pathe, 1965)  
*Verdict for Tomorrow* (Capital Cities, 1961)  
*Sighet, Sighet* (1964; Alden, 200?)  
*No Way to Treat a Lady* (Paramount, 1968)  
*Reminiscences of a Journey to Lithuania* (Film-Makers' Cooperative, 1972)  
*Lies My Father Told Me* (Columbia, 1975)  
*Memory of Justice* (Paramount, 1976)  
*Soldier of Orange* (1977; International Picture Show, 1979)  
*David* (1979; Kino, 1982)  
*The Revolt of Job* (1983; TeleCulture, 1984)  
*A Painful Reminder: Evidence for All Mankind* (Granada, 1985)  
*The Assault* (Cannon, 1986)  
*Belladonna* (1989)  
*The Longest Hatred* (WGBH, 1993)  
*Anne No Nikki* (1995)  
*Les Miserables* (Warner Bros., 1995)  
*Nightmare's End: the Liberation of the Camps* (Discovery, 1995)  
*The Man Who Captured Eichmann* (Turner, 1996)  
*Wild Man Blues* (Fine Line, 1997)—currently no U.S. distributor for DVD  
*Kurt Gerron's Karussel* (Seventh Art, 1999)  
*Train of Life* (Paramount, 1999)  
*The Debt* (2007)  
*Menachem & Fred* (2008)



# Concluding Remarks

*The Editors*

Many voices speak in this volume but no clear consensus emerges about the current state of antisemitism in North America or its likely course in the future. The authors bring to bear styles and methods from many fields and their politics are far from uniform. Moreover, North America itself is not a single place, but rather several nations and many regions. Some of the writers in this book are focusing on the present, comparing it to what has been. Others focus on what may come to pass, soon, or in the more distant future. The context within which one evaluates antisemitism matters greatly, whether one assesses attitudes and behaviors concerning the Jews in a particular institution, a nation, a broader region, or the global environment. Some contributors to this book have their eyes fixed on particularly disturbing hate crimes. Some are thinking about trends in mass public opinion in the United States and elsewhere. Still other contributors downplay or ignore mass opinion, focusing instead on the opinions and activities of small but potentially influential subgroups, including racial, ethnic, and religious minorities as well as journalists, policymakers, and professors.

Given the range of legitimate topics, questions, and approaches—as well as the very long nonlinear tradition of global antisemitism, the uniquely sympathetic political culture of the United States and Canada, and the diverse local histories of various areas in North America—it is hard to imagine a fair-minded anthology that would turn out uniformly optimistic or pessimistic.

In addition to all of this, there is the intricate and controversial matter of whether some types of anti-Israel sentiments ought to be considered a variety of antisemitism—or perhaps as a source or consequence of antisemitism. In this volume, Judit Bokser Liwerant and Yael Siman speak of “... the complexity embedded in antisemitism, anti-Zionism and anti-Israelism as interacting and overlapping social realities and categories for analysis in a globalized and transnational world.” Addressing Latin America, they argue that:

... mutually reinforcing antisemitic, anti-colonial and anti-imperialist meanings get transferred, and reinforce each other, through a historical and now trans-regional and transnational cultural substratum. Thus, in a wider spectrum, antisemitism gets expressed through criticism of Israel as the embodiment of collective Jewry. Antizionism connects people across countries, regions and continents, operating through the political

agenda of social movements performing at the local, regional, and global levels.

Certain groups in the United States and Canada are not entirely immune to similar processes. Yet, public opinion data suggest that overall most residents of the United States and other North American nations cannot be described as antisemitic and many have positive feelings about the Jews. Moreover, when asked to choose sides in the Arab-Israeli dispute, most Americans and Canadians who are willing to do so side with Israel—though the issue may not loom as large for them as do other issues (keeping out of wars, for example). Certainly, compared to its manifestations in Muslim-majority countries, Europe, and elsewhere, antisemitism in the United States and Canada is gentler and kinder—though it obviously continues to exist. Whether it is vestigial or potentially virulent—this remains a matter of debate. Many important questions remain unanswered or—at least—the answers remain nonconsensual. The contributors to this volume express differing opinions on the extent to which Jews in the United States have cause for concern.

Is it good historical sense, solid empirical evidence, or some form of post-traumatic paranoia that leads many Jews to wonder, “Are the Jews safe in the United States?” “Are the Jews safe throughout North America?” “How long will the good times last?” or—even—“Could it happen here?” During the early twentieth century, Jews in Germany experienced great religious, economic and political freedom. Prior to the Holocaust, Jews were war heroes and active in government, academia, law, medicine, and the arts. Surely, very few believed that a Holocaust was coming. But come it did. Should Jews in North America feel safe and secure? Or, should Jews be cautious that—while they are currently experiencing unprecedented prosperity and freedom—anything can happen at any given time with very little notice? Are there currently any credible reasons for concern? Is worrying in the Jews’ cultural DNA? Alternatively, or perhaps in addition, is the world’s immunological system particularly and perpetually ineffective when confronted by the antisemitic virus?

If extreme antisemitism does develop in the Americas, of course, it will not be bad for the Jews alone. There is reason to believe Canadian Prime Minister Stephen Harper’s assertion that “Those who would hate and destroy the Jewish people would ultimately hate and destroy the rest of us as well.” Like the Jews, the Jewish state may be a canary in a coal mine. Some years back, the renowned longshoreman and social philosopher Eric Hoffer wrote that:

Things permitted to other nations are forbidden to the Jews. Other nations drive out thousands, even millions of people, and there is no

refugee problem . . . Other nations when victorious on the battlefield dictate peace terms. But when Israel is victorious it must sue for peace. Everyone expects the Jews to be the only real Christians in this world.

Not all the contributors to this volume would be comfortable with Hoffer's assessment. However, the point is important that one cannot have a foreign policy or international system that functions fairly and well—except with regard to Israel. Double standards are dangerous. Hostility toward the Jewish state, like hostility toward the Jews, may well be diagnostic of far bigger ailments to come.

In his preface, Michael Berenbaum, the former Director of the U.S. Holocaust Research Institute at the U.S. Holocaust Memorial Museum, calls attention to George Washington's vision of America as a land open to Jews; he highlights Washington's notion of a government that "gives to bigotry no sanction, to persecution no assistance," a government that "requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support." Nobody who knows in detail the history of the Jews in the United States can say that the nation has delivered perfectly on Washington's promise but—compared to elsewhere in the world—the record has been good. Canada and the Caribbean states have also done fairly well by this standard.

The chapters in the first part of the book examine from various angles whether antisemitism remains a big problem in the United States. Political psychologist Neil J. Kressel reviews poll data concerning how people in the United States think and feel about Jews, Israel, and other matters bearing on Jewish interests. Kressel concludes that based on the opinions of the mass public the United States has become "a singularly hospitable abode for the Jews" and that—while nontrivial pockets of antisemitic attitudes remain—there is relatively little basis for "worrying about imminent deterioration in overall tolerance for Jews in the United States." Similarly, Kressel's review of survey data on the Arab-Israeli conflict suggests that—among those who have preferences—Americans continue to side overwhelmingly with Israel—though the issue often is not particularly important to most non-Jewish Americans. For Kressel:

the potential problem for Israel's friends is less that Americans are at risk of changing sides in the foreseeable future, although this is not impossible. The more likely problem is that even a relatively small loss of enthusiasm for Israel can have major consequences, as America is almost singlehandedly backing Israel.

Kressel voices measured concern about attitudes toward Jews in some subgroups in the United States—for example, African-Americans, recent Latino immigrants, members of the far right, Muslim-Americans, and others. He also is concerned about lower levels of support for Israel in certain quarters—most notably, among younger Democrats and intellectuals. He additionally worries about growing isolationism in the United States. All in all, however, he views the circumstances of the Jews in the United States as not too bad—in stark contrast to what he sees as a far more dangerous and deteriorating situation in Muslim-majority countries, some parts of Europe, and other regions of the world. His ultimate conclusion: “. . . if people in the rest of the world thought and acted like Americans, there would be a firm basis for optimism.” As matters stand, regarding much of the rest of the world, Kressel is a pessimist.

The sociologically-oriented Judaica scholar Jerome A. Chanes reviews some of the same public opinion data that Kressel examines. He concludes that: “We must distinguish between *antisemitism*—which does exist and must be monitored, repudiated, and counteracted—and *Jewish security*, which is strong.” He further comments that “Unlike in previous times—indeed not long ago—it is not the *Jews* but *bigotry* against Jews that is the anomaly.” And the means exist to confront this bigotry. For Chanes, “As a general proposition, the conditions for successful counteraction of antisemitism have never been better.” Chanes cites prejudice reduction programs but—above all—he puts his faith in “the improving of social and economic conditions,” arguing that

the data, without fail, assert that in any population, in any geographic area, at any time, in which the conditions of society are improved—primarily economic and educational conditions—bigotry and racism decrease.

This is a broad claim and some may wish to examine closely the data upon which it rests.

Historian Leonard Dinnerstein through his long career has documented some of the worst incidents of American antisemitism. Yet he offers a very optimistic assessment of the Jewish situation today. He writes that:

In recent decades Jews have become the most successful, admired and respected religious group in America. They have attained a place in society and a level of security and success in the United States that would have been thought unimaginable in the middle of the twentieth century. They are comfortable as citizens.

Dinnerstein also believes that the Jews possess considerable power in the United States because: “Jews, and several organizations that represent their interests, understand how to make use of First Amendment freedoms such as the rights to contact their representatives and to express both privately and publicly their opinions and beliefs.” According to Dinnerstein, Jews in the United States and Canada “live in a world where antisemitism is not a daily factor in their own Jewish life.” His conclusion about antisemitism is clear and optimistic—“What the future may bring is impossible to know but what might be said about the climate of bigotry in the United States today is that antisemitism is too minor an issue to think about.”

Rabbi and historian Steven Leonard Jacobs offers a brief overview of the history of Jewish acceptance in the United States. His conclusion is not so far from that of Dinnerstein. Jacobs writes that:

while the past—most especially the differences from the European past—is no guarantor of safety in either the present or the future, it is not wholly unreasonable to suggest that antisemitism, especially religious and theological antisemitism, will continue to diminish especially as the Jewish population becomes less and less a significant factor in America’s overall growth.

Political scientist Asaf Romirowsky is far less sanguine. He focuses not specifically on antisemitism, socioeconomic well-being, or politics, but rather on certain trends he perceives in segments of the American intellectual community regarding the state of Israel. According to Romirowsky, the study of Israel—especially in Middle East studies programs—is now largely handled by those who are deeply hostile to the Jewish state. Moreover, scholars studying areas as far removed from the Middle East as American studies have adopted resolutions that discriminate unfairly against Israeli scholars. Finally, Romirowsky worries about certain self-defeating tendencies among Israeli academics and also members of the American Jewish community. In his piece, Romirowsky does not assert that the United States has become an antisemitic place or even a country hostile to Israel. However, he worries that some parts of the American intellectual community—including some parts of the Jewish-American intellectual community—are becoming increasingly anti-Israel. If he is right, and if the trend continues, American Jews may have something to worry about as disdain for Israeli policy slides all too easily into antisemitism.

Another perspective on the connection between antisemitism and negative feelings about Israel is offered by social psychological researchers Florette Cohen-Abady, et al. This team conducts empirical research showing a con-

nection between the two forms of anti-Jewish hostility and their Modern Antisemitism Israel model sheds light on the bidirectional nature of this relationship. The studies reported in Cohen's chapter also introduce a novel explanation of how hostility to Jews and Israel can both increase when people face or think about their own death (a variable referred to as mortality salience). This happens because—as researchers have demonstrated in numerous contexts—threats of mortality lead to defense of one's cultural worldviews and augmentation of prejudices against outgroups with contradictory beliefs.

Social psychologists in the years following the Second World War studied antisemitism from many angles and their explorations led to some seminal developments in the field. In recent years, however, with only a handful of exceptions, social psychologists have essentially abandoned issues connected to Jew-hatred. It is important that others follow the research team by returning to this topic. Even if some suggest that antisemitism is relatively inconsequential in North America, no reputable scholars argue that it is unimportant in other parts of the world. And research is not likely to be conducted by those residing in areas where the hatred runs rampant. That responsibility falls upon scholars in more enlightened parts of the world.

Part Two of this book examines the situation of the Jews in Canada, Mexico, Latin America, and the Caribbean. Judit Bokser Liwerant and Yael Siman's chapter argues that "In a globalized world of instantaneous transmissions, prejudice acquires borderless fluidity. At the same time, it is grounded and expressed locally, in the terms of different subcultures and among diverse groups in particular countries." The authors present an in-depth analysis of three moments in contemporary Mexican history, showing how antisemitic prejudices and policies, perceptions and behaviors were differentially displayed. They also assess in somewhat less detail the condition of the Jews in other parts of Latin America. Complex phenomena, they suggest, need to be situated in the particular sociocultural and political context in which they develop. Political dynamics and the countries' relationships with Israel cannot be overlooked. Liwerant and Siman therefore assert that new conceptual and methodological tools need to be developed to help clarify and distinguish between discourses, motivations and outcomes. Still, they are willing to offer an overall assessment. They reason as follows:

...while the overall trend toward increased presence of Jewish life in Mexican and Latin American societies is gaining momentum and it has acquired growing levels of legitimacy, thus weakening the risk of antisemitic outburst, new challenges arise from several fronts derived from the new articulation between the local and the global. On the one hand,

a strong and autonomous civil society has developed, thus widening potential allies in the fight against antisemitism. However, the transnational mobilization against globalization of certain international civil society organizations increases the significance of anti-Zionism as a political strategy and a standardized ideological code in multiple contexts.

Steven K. Baum and Anita Bromberg examine Canadian antisemitism, suggesting that its traditional form fit in with the rest of the Canadian demeanor—quiet and never in-your-face—until about the last decade. Recently, according to the authors, antisemitism seems more intense and comes disproportionately from some recent Muslim immigrants to Canada, often in association with calls for Palestinian rights, demands for social equality, and even objections to Islamophobia. Thus, some antisemitism has been tied to Al Quds Day (Jerusalem Day), Israel Apartheid Week, and hate incitement associated with Friday night sermons. Antisemitism in Canada has been aggravated via association with the worldwide phenomenon of Muslim antisemitism; it no longer is the relatively mild variant experienced by the authors during their youth. Andrew G. Bostom, a well-informed student of Muslim antisemitism, offers a brief but disheartening look at the way antisemitism can work its way into a school curriculum even in the middle of Toronto. He also analyzes how Canadian institutions respond when they encounter such bigotry.

Florette Cohen-Abady, poses the question: “Where Have All the Caribbean Jews Gone?” She combines personal reflection with historical and social scientific analysis, and her account might be viewed as disturbing in a counterintuitive manner. The chapter highlights the history of the Jewish migration to various Caribbean Islands, contending that—despite some early problems—there has not been much antisemitism in the islands for many years. If the goal of prejudice researchers is to eradicate prejudice, a lack of it should be unequivocally and unambiguously welcome news. However, along with the low levels of antisemitism Cohen observes the marked reduction in the size of the identifying Jewish community—almost to the point of disappearance. Cohen wonders whether there is a relationship between tolerance and disappearance. If so, did religious tolerance contribute to the disappearance of a religious community? This then prompts the question, why would a community given the option to maintain their cultural and religious identity freely chose to abandon it? Could it simply be due to a lack of Jewish education and spiritual leaders, as was the case in the late 18th century? Or possibly the desire for economic wealth and social standing played a role. But, even so, why when

finally given the opportunity to openly practice Judaism did so few remain Jewish and so many convert to Christianity?

Part two includes Steven K. Baum's examination of Crypto-Jewish origins in North America. To this day, elements of Jewish practice are evident, probably—though not indisputably—a remnant of the era when many Jews did not feel comfortable practicing their religion, rituals, and traditions openly. Baum attempts to show how the difficult circumstances preceding and immediately following the arrival of Sephardim in certain parts of North America led to the secret rituals.

The next section of the book includes four papers on how to fight antisemitism using the law and other approaches. Historian Frederick Schweitzer provides a detailed and eloquent account of how the law has been, and might be, used to confront various manifestations of antisemitism. He notes that to understand the American legal situation intelligently, one must consider it in comparison with other legal traditions, mainly in Europe. He is fairly optimistic that the law is becoming, and could continue to become, a strong tool in the battle against Jew-hatred. For example, Schweitzer acknowledges that antisemitism and other expressions of hatred have not been declining worldwide but that

... substantial progress in condemning and outlawing antisemitism has been made since the norm-setting precedents established in Europe in the early 1990s. Although these forceful instruments are not binding in law, they have much of its moral force and helped impel the UN general Assembly to reverse the antisemitic posture it has adhered to for much of its history.

Schweitzer thinks that some aspects of policy in the United States and some legal decisions have stood in the way of progress in fighting antisemitism. For example, he writes that

One may hazard the suggestion that the United States could appropriately overcome its First Amendment absolutism by emulating Britain's complex of hate speech laws, culminating with the 2006 Racial and religious Hatred act, which effectively curbs hate speech without undermining freedom of expression...

He offers other suggestions as well.

University of Baltimore law professor Kenneth Lasson's chapter reviews the history of Holocaust denial, focusing particularly on the legal, academic,



and human rights contexts within which such denial has occurred. He notes that the number of living survivors continues to decrease every year and that knowledge of the Holocaust is—by many measures—inadequate; thus, Lasson suggests that it is imperative to expand Holocaust and genocide studies departments, to fund museums, and to write texts discrediting the falsehoods of Holocaust deniers. Beyond this, Lasson offers an analysis of how differing legal and academic traditions with regard to freedom of expression have created differing environments for Holocaust denial. When challenged on grounds of factual inaccuracies, deniers frequently have attempted to hide behind the concept of “academic freedom” and “free speech.” However, they have not always been successful in these attempts, especially in Europe.

One problem for those who oppose Holocaust denial is that the academy is characterized by numerous double standards. Lasson writes that:

In seeking to challenge traditional culture, the guardians of political correctness have been tellingly inconsistent. While they would be quick to condemn an historian who denied the evils of slavery, they have been reluctant to spurn Holocaust denial. Perhaps this is because their agenda is essentially anti-western, anti-white, and anti-imperialistic; Jews are not viewed as an endangered minority; Zionism is seen not as a liberation movement, but as racism.

Whatever the merits of this controversial assessment, Lasson examines carefully the differences between the United States and Europe. Regarding the United States, he concludes:

At the very least, if Holocaust denial is allowed to avoid the limitations we have come to put on obscenity, defamation, state secrets, and other forms of expression not accorded First Amendment protection, certain fundamental principles should be clearly recognized . . . Their editorial and advertising matter can be constitutionally treated like that of defamers and pornographers . . . it can be rejected at will by publishers who choose to do so for arbitrary reasons of ideology, space, financial considerations, or even caprice. . . . Universities are places where students are supposed to think critically; they have no moral responsibility to provide a platform for bigots whose sole purpose is to stir up hatred.

Lasson’s chapter provides much guidance for what can and should be done by many political, academic, legal, journalistic, and other leaders who confront

Holocaust denial and see it for what it is—but who are unsure about how Western law and tradition permits us to respond.

Louis D. Brandeis Center for Human Rights Under Law president and general counsel Kenneth L. Marcus, focuses on antisemitism in North America higher education, noting that many Jews feel less comfortable these days on campus than they do in American society in general. He does not perceive a hint of a return to the *de jure* discrimination of the first half of the 20th century, but the problem is an increase in the number of disturbing anti-Jewish incidents. Thus he speaks of “. . . the paradox of North American campus antisemitism: widespread reports document repeated incidents of antisemitic behavior at a time when antisemitic attitudes appear to have receded to negligible levels.” Marcus recounts a sampling of the more notorious of these incidents. After developing criteria for what does and does not constitute antisemitism, he concludes with an assessment of the pros and cons of various modes of response to campus antisemitism.

For the past century, one organization has led the way forward in responding to Jew-hatred in the United States as well as abroad. Regardless of how they assess particular policies of the Anti-Defamation League, all serious scholars and activists acknowledge that the group has done a great deal to fight not only for the rights of Jews but also for all others in the United States who are or have been oppressed. Chapter 15, written by staff members at the ADL, describes how this organization conceptualizes its changing role in the battle against antisemitism and other forms of bigotry. The ADL is only one of several American groups dedicated to this struggle, but its efforts have produced important results. Whether it can continue to be influential depends on how the group adapts to the changing nature and context of hostility toward the Jews.

Finally, part four offered two essays on Hollywood and antisemitism, both historical in approach though quite different. Saul Austerlitz’s essay looks at what is perhaps the most famous Hollywood effort to tackle antisemitism—*Gentleman’s Agreement* starring Gregory Peck. Austerlitz shows that although the film was widely hailed at the time as courageous—and although it was in fact constructive—Hollywood was still unready to use words like “Europe,” “Nazi,” “Hitler” or “Concentration camp.” He explains: “It would be strange enough, in 2014, to describe antisemitism as a social ill whose primary effect was on Jews’ choice of homes and vacation destinations. In 1947, just two years after the end of WWII, talking about antisemitism without mentioning the fact that 6 million Jews had just been murdered in Europe was more than an oversight. It was obfuscation. Hollywood wanted to be serious, but was still terribly afraid of any ugliness more lasting than social shame.”

Film historian Steve Carr had a different goal, to compile an “endangered species list,” that is, a listing of films on antisemitism, the Holocaust, and other Jewish themes that in his opinion are “. . . important enough for audiences to recall, despite their relative unavailability in an accessible format.” To do this, he raises some important issues about just what makes a film qualify as Jewish-themed and significant. Perhaps at the very least Carr’s work will lead people to revisit some deserving films.

Though the chapters in this book focus largely on hatred and discrimination directed toward the Jews, and although much of the content is depressing, viewed collectively the chapters paint a portrait of Jewish life in North America that is far from dark, especially when compared to Jewish life in most other parts of the world. A journey through American history shows that, regarding the Jews, there were many times of suffering and many experiences of bigotry. The path to acceptance was not easy. But the fortunes of the Jews in the United States and other North American countries certainly never fell as low as those of African-Americans and some others. And their fortunes always seemed far better than those of contemporaneous brethren everywhere else on the planet. For the most part, fears of impending decline that seemed justifiable in the 1930s—during the era of Father Coughlin, for example—did not materialize into full-fledged, mass supported attacks on the Jews.

From the end of the Second World War until the end of the twentieth century, there appeared to be considerable improvement in attitudinal measures of antisemitism; institutional antisemitism—for example, in college admissions and residential discrimination—also diminished markedly. Over the past two decades, new concerns have arisen—with regard to the attitudes of certain minority groups toward the Jews. There are also concerns surrounding changing attitudes toward the state of Israel in several subgroups; extreme cases of anti-Israel hostility cross the line into antisemitism, but fortunately we have not seen much of this in the United States to date, or in Canada. There is the dangerous problem of a worldwide increase in antisemitism; an ADL survey shows that over a billion people in 2014 show significant hostility to Jews. In much of the Muslim world, this hatred is burning. North America thus far has been relatively free of this infection, although some signs of spread may be appearing. The authors in this volume disagree about whether this is the case.

Whether American exceptionalism—with regard to the Jews—can endure remains to be seen. Even if North America persists in its domestic traditions of relative tolerance for the Jews, it also remains to be seen whether such traditions will continue to serve well as tools in the global battle against Jew-hatred. The core antisemitic stereotypes—Jews as enemies of the truth faith, evil

yet powerful, disloyal, moneygrubbing, crafty, bent on world domination—have survived against great odds in many cultures over millennia; if we bet that they have finally lost their potency in North America, we may turn out to be correct. But we should not forget that we are betting against history and, perhaps, against human nature.

# Addendum

*Daniel Kaplin and Florette Cohen-Abady*

Hoffer's aforementioned quote in the Conclusion emphasizes the double standard between the Jewish nation and other nations of the world. It is important as well to understand Hoffer's shift from the term "Jew" to "Israel." Written a half century ago, we now understand the change has been used to justify antisemitic beliefs and attacks. Along those lines, Judit Bosker Liwerant and Yael Siman add, "the complexity [of all conceptualization] is embedded in antisemitism, anti-Zionism and anti-Israelism as interacting and overlapping social realities and categories for analysis in a globalized and transnational world." They continue expanding with,

... mutually reinforcing antisemitic, anti-colonial and anti-imperialist meanings get transferred and reinforce each other, through a historical and now transregional and transnational cultural substratum. Thus, in a wider spectrum, antisemitism has become a transnational phenomenon of global concern that in some instances gets expressed through criticism of Israel as the embodiment of collective Jewry. Thus, anti-Zionism connects people across countries, regions and continents, operating through the political agenda of social movements performing at the local, regional and global levels.

North American antisemitism is gentler and kinder than its European counterpart. Survey and media reports demonstrate that antisemitism continues to exist. Yet antisemitism and its latest iterations are taking an academic backseat despite the need. This current edited volume provides a comprehensive review of modern antisemitism throughout North America from historical, psychological, Judaic studies, and political perspectives and thus will prove to be a significant contribution to the revival of empirical antisemitism studies and literature.

Identifying antisemitism has been the subject of mainstream commentary for several years. This book presents real world discourse while at the same time reviewing the scientific research to date that helps to identify when a belief does or does not reflect antisemitism or if it is indeed influenced by antisemitism. In real world situations it is impossible to know with certainty whether demonic portrayals of Israel and her leaders is antisemitism given the

reality of present-day political discourse. This knowledge requires peering into the portrayer's heart and mind, which is naturally impossible.

As of yet, academia has not acquired the tools to do this; however within the context of the laboratory, social scientists can experimentally create conditions which lead people to develop antisemitic attitudes and beliefs that manifest themselves in anti-Israel activism and which, in turn, may or may not reflect antisemitism. Nevertheless, this research is essential because if we stop putting a focus on antisemitism and antisemitism continues to develop, whether overtly or implicitly, Jews will be at risk of double standards, bigotry, hate crimes, and potentially even future holocausts.

Although the rebirth of antisemitism research is relatively recent, this text highlights the reality that antisemitism has infiltrated itself into mainstream education, various social media outlets and popular culture, and despite its egalitarian society, American Jews view antisemitism in the United States as a continuous problem. The review of experimental research provided further insight into the psychological underpinnings of antisemitism while recent incidents of antisemitism reflect the continuing need for this discussion.

Most importantly, the question we should all be asking after a recapitulation of the literature is, "Are Jews safe in North America?" or is there validity to that question that creeps into the minds of Holocaust survivors, "Could it happen here?"

Jews in Weimar Germany experienced religious, economic and political freedom unparalleled elsewhere in Europe. Jews as popular war heroes, government officials, professionals, academics, artists were not unknown. The parallels to current North American Jewry are obvious. Should Jews in North America feel safe and secure? Or, should Jews be cautiously optimistic that while they are currently experiencing unprecedented prosperity and freedom anything can happen at any given time with very little if any notice at all? Collectively, North Americans, Jews and non-Jews alike, must be diligent in their understanding of what is and is not antisemitism and cut it off before it festers. As an epilogue to the current volume, this chapter aims to recount the history, research, awareness and prejudice combating strategies which are necessary tools for distinguishing between tolerance and true acceptance while maintaining a diligent fight for the survival of Jews in North America.

The story of North American Jewry may be known but bears repeating. In 1492, the Inquisition forced at least a quarter of a million Spanish and Portuguese Jews to convert or face expulsion or death. These were practicing Catholics but in their basements, they were Jews. When the *limpieza de sangre* (blood purity) laws considered old Jews and New Christians perverts by blood,

Judaism and crypto-Judaism became forbidden and left no acceptable way for Jews to safely live among their Christian neighbors. This compelled these Jews to leave Europe in search of a new world free from persecution. Many left as under their concealed identities as converses (*those who converted*), anusim (*forced ones*), marranos (*pig, dirty, forbidden*), New Christians, or crypto-Jews, yet, the goal was to be able to worship and live as Jews in a new environment. Initially life was safer as a New Christian in the New World than in the old, but not for long. Until the late 19th century, Jews were allowed to practice Judaism freely in the Americas. Because the North American region is known to be the least antisemitic in the world a general understanding of antisemitism may be achieved by tracing the earliest beginnings of Jews in North America, broken up by four sub-regions: the Caribbean, Mexico, Canada and the United States.

Antisemitism today is global. This is no less true within the North American region itself. There is no disputing that at AIPAC's major annual policy meeting in Washington e.g 2012 both Republican and Democratic leaders, including Vice-President Joseph Biden and President Barack Obama stressed that the United States has "been there" for Israel.

Yet synagogues throughout the North America still continue to be vandalized, "death to the Jews" are chanted at Toronto al-quds day rallies, anti-Israeli and antisemitic commentary are printed daily throughout Mexico mainstream newspapers. It is hard to agree with those writers who convey the theme that antisemitism is really too minor an issue to think about?

There continues to be more questions than answers. Firstly, what constitutes antisemitism? What is the connection between antisemitism and global affairs, particularly those concerning Israel? Secondly, what may be understood from a society in which antisemitism is all but non-existent? To even begin to scratch the surface of these questions research must be conducted to investigate the modern concept of antisemitism. Can the Jewish identity be differentiated from Jewish nationalism? What does it mean to be tolerant in a global society? During the Inquisition Jews converted but did not assimilate or truly accept the Christian way of life and continued to practice Judaism in secret and as a result were persecuted. After the Inquisition ended Jews were not only accepted as Jews but invited into society's elite as equals. As equals these Jews became open to the ideas of their non-Jewish counterparts and more willing to adopt their cultural norms and worldviews; in reality they were actively recruited into society and invited to assimilate.

Antisemitism has occurred for millennia for many different and sometimes contradictory reasons. After the Romans destroyed the second temple, many Jews found refuge by migrating to different geographical regions throughout

Europe, Asia, Northern Africa. At times, Jews were well-received but more often than not, they faced persecution, non-citizen status, expulsions and death. With the creation of the State of Israel in 1948, came new forms of anti-semitism. Today Israel is sanctioned and scrutinized by the United Nations at disproportionately greater rates than any other country. Moreover, the anti-Israel political cartoons presented in Arab and Western newspapers highlight this newer form of antisemitism. More specifically, criticism of Israel is sometimes used to exhibit antisemitic attitudes. But from where do these manifestations of antisemitism originate?

Prejudice has always been a major area of research within the field. Allport, Adorno and Millgram among others pondered at the atrocities of the Holocaust. The research questions often stemmed from how could human beings treat other human being in such a cruel fashion? What were the driving psychological forces that would lead a seemingly sane society to murder another? Empirical research investigating the psychological underpinnings of antisemitism was a huge topic of research in the 1950's and then tapered off in the 1960's in favor of more pressing social issues only to experience a revival over the last ten years with the emergence of new modern forms of antisemitism. Antisemitic incidents, including but not limited to hate crimes, antisemitic rhetoric and antisemitic websites are monitored by governmental and nongovernmental agencies ie., American Jewish Committee and the Anti-Defamation League.

For some commentators, including more than a few Jews, "collective Jewish paranoia" provides the most convincing explanation of heightened Jewish fears about the possibility of increased antisemitism. While most acknowledge that this so-called obsession has a genuine historical foundation, such analysts also maintain that there is no longer much realistic basis for Jewish anxiety e.g, Avraham Burg's "The Holocaust is Over." One need not reject either those who argue that data-based and political foundations or support for egalitarian principles are key.

North American public opinion is, despite its favorable central tendencies, far from unanimously positive on any matters of vital concern to Jews. There is always the possibility that minority antisemitic positions could escalate. There are several cases in the United States and Canada where speakers who were invited to discuss the geopolitics of Israel were interrupted and intentionally derailed from their points. One cannot say with certainty that this reflects anti-semitism, but the traditional antisemitic stereotypes, slurs and defamations are frequently used in these incidents, and that perpetrators sometimes slip and speak derogatorily of "Jews" rather than of "Israelis" or "Zionists."



In order to determine whether a statement reflects genuine criticism of the State of Israel or a subtle form of antisemitism, it is essential to establish appropriate criteria. If the criticism is laced with classic antisemitic stereotypes, double standards for Israel, generalizing and blaming all Jews for the actions of Israel, or suggesting that Jews are engaging in similar practices as the Nazis aka Holocaust inversion, it is reasonable to suggest that these reflect antisemitic attitudes.

Kenneth Marcus has observed that it is not uncommon for Jews to be blamed for human rights violations, similar to the blame they experienced during the Holocaust. Critics equate Jews to Nazis, accuse Israel of apartheid, genocide, and war crimes. Kenneth Lasson poses a key question, "Must writers and speakers who deny the Holocaust be guaranteed equal access to curricula and classrooms?"

The misuse of freedom of speech and expression through offensive content, libelous claims, and the disregard for college policies by these groups are well documented. This could create both a hostile working and learning environment for all. As such, greater oversight and regulation should occur on the college campus to protect the safety of its Jewish students.

The disinformation campaign continues unabated. Syrian author Muhammad Nimr Al-Madani alleges that during WWII, both sides (Allies and Axis) were seeking Jewish extermination; Brooklyn Sheik Fadhel as Sahlani, contends that all aspects of the Holocaust are exaggerated. Alabama attorney general Darby agrees citing typhus as the perpetrator of six million Jews.

Antisemitism presupposes that the Jews are radically "other." This simple central point is a universal, timeless characteristic of antisemitism. Treating Jews as an out-group is significant because this is used as a foundation for prejudice and discrimination. On one level, people generally show favoritism towards their own group over an out-group. However, treating a Jew as an out-group, often leads to denigration.

It is easier to be a Jew in the New World than in the Old, especially in France where record numbers are leaving due to Islamist attacks. Europe's Jews are moving to Israel and places less likely to fall victim to the Islamist led virus called, anti-Israeli campaign.

Exactly how the 6 million North American Jews are going to assist the remaining 8 million Jews and convince the world's 7 billion non-Jews that they are being misinformed is not clear. Never has "Never Again" appeared so formidable.

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