EXCLUSIVE
What do Australians think about the Israeli-Palestinian Conflict? Results and analysis of new YouGov poll

AUSTRALIA’S VOTING RECORD on ANNUAL UN RESOLUTIONS on ISRAEL

Protecting EUROPE’S JEWS
Improving Legal and Other Protections for Europe’s Jews

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My recently published paper in Justice, the scholarly journal of the International Association of Jewish Lawyers and Jurists, addresses a subject on which I spend increasing amounts of my professional time, and which I have recorded and analysed from different perspectives in other journals over the years. That is, the seriousness with which European inter-government agencies treat anti-Semitism.

Among the most pressing and urgent concerns for European Jews has been the dramatic rise in anti-Semitic incidents and discourse over the past twenty years. Of course Europe is not alone in witnessing a rise in anti-Semitism. Jews elsewhere face similar problems but they assume a greater threat in Europe given the background of two millennia of anti-Semitism, followed by the Shoah.

European states recognised rising anti-Semitism at the start of the millennium, but at that point were reluctant to name it, acknowledge the new directions from which it was coming, or to discuss effective remedies. These only followed gradually, and were sometimes a consequence of determined efforts to combat the growth in a wider racism aimed at religious and other minorities, and asylum seekers and migrants.

The need to measure hate crime, to enable policy-makers to create effective counter-strategies, and to institute lasting education programmes on anti-Semitism and the Holocaust, particularly in former Soviet Bloc states where none existed, had become pressing. Thereafter, a series of terrorist attacks against Jews and Jewish institutions provided the necessary impetus to go beyond the pluses public statements and resolutions which Jewish activists campaigned for, but which seldom had any effective follow-up or outcomes.

I start the paper by referring to a previous paper published in Justice (Issue 5/7) in which I had noted that the case law of the Strasbourg-based European Court of Human Rights had improved legal protections for Jews. The Court applies the 1993 European Convention on Human Rights, and in a series of cases between 1997 and 2016, it upheld judgements referred to it by superior courts in several Council of Europe member states. These had led to the convictions of those who incited ethnic, racial and religious hatred against Jews in public, the creation of any association governed by statutes containing anti-Semitic statements, denying the existence of crimes against humanity, denying the historical facts of the Holocaust, public defamation against a group belonging to a given ethnic community, and the condoning of war crimes. Among the last of the cases, I noted a 2015 judgement which held an internet platform liable for knowingly publishing criminal content.

States which ratify the Convention are required to take note of the Court’s judgements in their national courts, and this particular set of judgements have accorded a measure of legal protection to Jews where none had existed previously. They have consequently been reflected in court judgements in many European states, and I briefly described some of the interesting cases, particularly recent cases that involved the Internet.

Starting in 2014, the Organisation for Security and Cooperation in Europe (OSCE), the largest regional security body, convened a High Level Conference in Berlin to review the outcomes of the first such conference held ten years previously. It noted elevated anti-Semitism levels as well as Jewish concerns about them. A series of consultative meetings were held thereafter by the OSCE Human rights affiliate body, and by the European Parliament in Brussels, which ultimately led to the OSCE Words into Action programme. This is intended to counter the twin threats of anti-Semitism and anti-Jewish terrorism, and has been designed as a two year programme for governments and law enforcement agencies by OSCE staff and representatives of several European Jewish communities and their community security organisations. The programme is based on three areas of work: education of young people; interfaith / inter community working; training and adoption of best practices in securing Jewish communities and their communal institutions. Preliminary meetings were held in late 2016 and early 2017 across the three tracks, including with police representatives in Toulouse and Kiev.

The programme was launched in the German Bundestag, the government is funding it, and again in Vienna with national diplomatic representatives accredited to the OSCE. The second launch was followed by a workshop in Vienna for representatives of the Jewish community, Austrian police and federal security service. Similar workshops are planned at national level following the signing of a memorandum of understanding between the OSCE and national states’ parties.

In March 2015, the newly created European Parliament Working Group on Anti-Semitism convened a meeting for members of the Parliament and the European Commission which focussed on enforcing existing mechanisms designed to reduce anti-Semitism. Shortly after, they convened a meeting to examine the rise in Muslim anti-Semitism.

In March 2016, the 31 member states of the International Holocaust Remembrance Alliance (IHRA), adopted the Working Definition of Anti-Semitism which had originally been formulated at the request of the European Union Monitoring Centre to enable human rights monitors to recognise contemporary anti-Semitism. In preparing the 2003 report on anti-Semitism for the European Commission they had complained that while anti-Semitism prior to 1945 was obvious it was less obvious when it might be cloaked by unwarranted criticism of Israel. The EUMC was replaced by the European Union Agency for Fundamental Rights (FRA) which dropped the Definition in 2013 despite objections by Jewish groups, who continued to lobby for its adoption by other European agencies. As originally intended, the Definition is not meant to replace existing legislation but to serve as a guide on how anti-Semitism is manifested for human rights groups and criminal justice agencies. It now joins the IHRA Definition of Holocaust Denial as a set of guidelines to enable states to measure anti-Semitism in a consistent fashion. This has become increasingly important as the European Union, and the wider Council of Europe, seeks to approximate laws and judicial responses to hate crime.

In the same month, the German Parliament and Foreign Ministry hosted a joint conference with the Inter-parliamentary Coalition for Combating Anti-Semitism which was addresses by the German Chancellor Angela Merkel, European Union Vice President Frans Timmermans, UNESCO Director General Irina Bokova, and the UK Justice Secretary, Michael Gove MP. A
Announcing the Tisch Center for Jewish Dialogue

By Andrew Tisch & Irina Nevzlin

Improving Legal and Other Protections for Europe’s Jews, is published in Justice (Issue 59) and is available here: http://intjewishlawyers.org/justice/no59/

In March of last year, a small group of Jewish philanthropists, activists and thinkers from Israel, and around the world met at the Museum of the Jewish People in Tel Aviv. The conclusions that followed, summarized below, will come as no surprise to anyone familiar with the opinion pages of any Jewish newspaper or website. Importantly, they call for urgent redress. While diversity and disagreement are neither new nor inherently problematic for the Jewish people, the level of disharmony among Jews today seems unprecedented. Because of the uphill nature of addressing this issue, and the natural tendency to prioritize more tangible short-term objectives, there remains a clear lack of financial and intellectual investment in this area.

Although countless Jewish groups regularly look at the issues affecting their own region or denominational situation, the effects of both factionalism and logistical constraints tend to limit the options for genuine cross-communal, cross-border Jewish sentiment. The ultimate, regrettably, is a lack of long-term thinking about the Jewish people in terms that relate meaningfully to its entirety and its universality.

In the post-war era, wherever Jews have lived in relative freedom, collective identity has been held together by a number of pillars: building and supporting the State of Israel; a commitment to Judaism and/or Jewish community; and shared immersion in major historical events, such as the aftermath of the Holocaust, the Soviet Jewish movement and the mass Western migration of Sephardic Jews. The effectiveness of each of these pillars at binding together Jewish life is now under question.

Firstly, in the western, educated setting in which most Jews are raised, all religion is facing an overwhelming backlash, aimed principally against the violent excesses of its own turn to extremism. Within this context, it’s clear that there are great sections of the Jewish people for whom Judaism in any form, including its tribal attachment to Jewish peoplehood, is all but meaningless.

Modern Jewish history, too, is showing diminishing returns as a tool toward meaningful Jewish commitment. Young Jews today may well be proud of their historical roots, but not to the extent that those roots dictate a particular life trajectory, or impose a specific sense of communion with other Jews.

Antisemitism, of course, has been a powerful agent historically to bind the Jewish people; however it hardly offers a positive, substantive experience on which to base a nuanced identity.

That leaves the most divisive topic: Israel. For hundreds of thousands of young Jews globally, integration and inclusion are primary values. Definitions of “us and them” or “insider and outsider,” are seen as exclusionary and anachronistic. The notion of a nominally Jewish state sits uncomfortably outside of this framework. To retain its place therefore in the great grace of young hearts, Israel is expected to conform to another modern Jewish value: progressive ethics. A Jewish state, if it is to be embraced at all by this group, must be flawless in its conduct. This demand places an undue burden on Israel, which is, after all, a real-world political construct like any other, rather than a utopia.

Whereas Israel was once the protected darling child of the Jewish world, that metaphor no longer fits. Instead, depending on your perspective, Israeli is either regressed to the role of unruly child, defined by runaway policy and inflam values, orgressed to the role of parent, now responsible for a weakened and subservient diaspora.

The breakdown in the relationship between Israel and sections of the global Jewish community—seen most often around issues of the Israeli-Palestinian conflict and religious pluralism—is further exacerbated by Israel’s ideological history. Decades of