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Leadership Talk by the Chair of the Raoul Wallenberg Centre for Human Rights

The fight against antisemitism is part of a larger common cause that brings us together—the struggle against racism, against hate, against antisemitism, against mass atrocity, and against the crime whose name we should even shudder to mention, namely genocide. And mostly, and here I reference my mentor and teacher Elie Wiesel, against indifference and inaction in the face of injustice and antisemitism; and all this is part of the larger struggle for justice, for peace, and human rights in our time.¹

As it happens, the conference “An End to Antisemitism!” took place at an important moment of remembrance and reminder of bearing witness and taking action. It took place in the aftermath of International Holocaust Remembrance Day, reminding of horrors too terrible to be believed but not too terrible to have happened. Of the Holocaust, as Elie Wiesel would remind us again and again; of a war against the Jews in which “not all victims were Jews, but *all* Jews were victims.”² The conference “An End to Antisemitism!” also took place on the seventieth anniversary year, moving towards both the Genocide Convention and the Universal Declaration of Human Rights.

The Genocide Convention was called the “Never-Again-Convention,” but after it, genocide has occurred again and again. The Universal Declaration of Human Rights, being the Magna Charter of the UN, as former UN secretary-general Kofi Annan said, “emerges from the ashes of the Holocaust intended to save succeeding generations from the scourge of war.”³ Both bears that reminder today, that a UN that fails to be at the forefront at of the struggle against antisemitism and other forms of racism, denies its history and undermines its future.

The conference “An End to Antisemitism!” also took place in the aftermath of the seventieth-third anniversary of the liberation of the death camp Oświęcim,

1 Cf. E. Wiesel, “The Perils of Indifference,” speech delivered April 12, 1999, Washington, D.C. <https://www.americanrhetoric.com/speeches/ewieselperilsofindifference.html> (last accessed January 14, 2019).

2 E. Wiesel, “President’s Commission on the Holocaust: Report to the President,” September 27, 1979, reprinted by the United States Holocaust Memorial Museum, June 2005 (<https://www.ushmm.org/m/pdfs/20050707-presidents-commission-holocaust.pdf>, last accessed January 16, 2019), iii.

3 United Nations, “Preamble,” Charter of the United Nations (<http://www.un.org/en/sections/un-charter/preamble/index.html>, last accessed January 16, 2019)

which, as Holocaust survivor Noah Klieger summarized so succinctly, is “the largest cemetery in the world without graves.”⁴ From 1942 to the beginning of 1945, 1.3 million people were deported to Auschwitz, 1.1 million of them were Jews. These 1.1 million Jews were murdered in Auschwitz because of antisemitism. When Auschwitz was liberated, antisemitism itself did not die. It remains the bloodied and often mutated canary in the mine shaft of global evil today.

In this context of remembrance and reminder, I want to express some thoughts, some concerns, some reflections, and some proposals as to what can be done regarding assaults on the Jewish condition and the human condition, regarding assaults on Jews and assaults on human rights, regarding the state of Jews in the world today and the state of human rights as well as the state of the world inhabited by Jews. One cannot really separate, if I can use the term here, the intersectionality of escalating global antisemitism, on the one hand, and escalating global terrorism, and in particular terrorism targeting Jews on the other. Antisemitism is not only the oldest and most enduring of hatreds but also the most lethal. Antisemitism is a paradigm of radical hatred, as the holocaust is a paradigm of radical evil. It is “a lethal obsession,” as the late Robert Wistrich put it in his magisterial work on antisemitism.⁵

A New Antisemitism

The underlying thesis of my remarks is that we are witnessing and indeed have been witnessing for some time a new global, escalating, sophisticated, virulent, and even lethal antisemitism, that is grounded in classical antisemitism but distinguishable from it. This new form of global antisemitism found its first institutional, juridical, and international expression in the “Zionism as racism” United Nations resolution of 1975,⁶ but has gone dramatically beyond that. The US ambassador to the United Nations at the time, Daniel Moynihan, described this 1975

4 N. Klieger, quoted in “Der grösste jüdische Friedhof der Welt,” *St. Galler Tagblatt*, January 27, 2015 (<https://www.tagblatt.ch/international/der-groesste-juedische-friedhof-der-welt-ld.929901>).

5 Cf. R. Wistrich, *A Lethal Obsession: Anti-semitism from Antiquity to the Global Jihad* (New York: Random House, 2010).

6 The United Nations General Assembly Resolution 3379, adopted in 1975, determines that “Zionism is a form of racism and racial discrimination.” In 1991, this determination was revoked following Israel’s claim of revocation of this statement as the condition of its participation in the Madrid Peace Conference. Cf. United Nations General Assembly Resolution 3379 (XXX): Elimination of all forms of racial discrimination, 10 November 1975 (https://web.archive.org/web/20121206052903/http://unispal.un.org/UNISPAL.NSF/0/761C1063530766_A7052566_A2005B74D1, last accessed January 14, 2019).

resolution rightly as “the abomination of antisemitism” and as “the appearance of international legal sanction.”⁷

For this new antisemitism, a new vocabulary is needed to define it. This can best be achieved in a set of metrics anchored in human rights and international law conceptualization in general and in equality rights and equality law in particular. The IHRA Working Definition of Antisemitism which addresses both the old and the new forms of antisemitism does exactly what is needed.⁸ Traditional antisemitism is a discrimination against denial of assault upon the rights of Jews to live as equal members in whatever state or society they inhabit. New antisemitism is a discrimination against denial of assault upon the right of the Jewish people and the State of Israel to live as an equal member of the family of Nations.

The Anti-Defamation League global survey of 2014 demonstrates the importance of my approach. This ADL survey anchors itself in eleven of the classical metrics by posing the questions “Do the Jews have had too much power?,” “Do the Jews control the economy?,” etc. etc. It determined that antisemitism was a persistent and pervasive virus.⁹

I suggest that if we do not take the new metrics into consideration, we may come to a rather disturbing outcome and not fully appreciate what is happening. The example of Sweden demonstrates what I am aiming at. Applying the old metrics, the 2014 ADL global survey identifies only 4 percent of Sweden’s population as antisemitic. But if—considering the new metrics—you ask a question like “How many of you believe, that Israel is acting in the same way as the Nazis did?” it goes up to about 40 percent. One has to look thus at the issue of antisemitism both in terms of the traditional metrics and in terms of a new set of metrics, which I will discuss in this contribution.

Let me try to put this in context by referencing Per Ahlmark. Ahlmark is a former deputy prime minister of Sweden and one of the great leaders in the struggle against antisemitism. In appreciating the interaction of old and new antisemitism, Ahlmark argued that discrimination against Jews would move inexorably to discrimination against and assault on the Jewish nation state in Israel. From discriminating and assaulting the state of Israel it would move again back to assaults on Jews themselves. Ahlmark concluded, and I quote, “in the past,

7 D. Moynihan, “Response to United Nations Resolution 3379,” speech delivered 10 November 1975. <https://www.americanrhetoric.com/speeches/danielpatrickmoynihanun3379.htm> (last accessed January 14, 2019).

8 Cf. “Working Definition of Antisemitism,” International Holocaust Remembrance Alliance, July 19, 2018, <https://www.holocaustremembrance.com/news-archive/working-definition-antisemitism>.

9 Cf. ADL Global 100 Survey 2014, <http://global100.adl.org/> (last accessed January 14, 2019).

the most dangerous antisemites were those who wanted to make the world *judenrein*, free of Jews. Today, the most dangerous antisemites might be those who want to make the world *judenstaatrein*, free of a Jewish state.”¹⁰

Five Metrics of the New Antisemitism

Before I go into detail, I would like to summarize five metrics of the new antisemitism. These are (1) *genocidal antisemitism*, (2) *demonological antisemitism*, (3) *political antisemitism*, (4) *anti-Jewish terror*, and finally, (5) the one that is the most sophisticated and perhaps maybe the most dangerous, because the others are at least overt and public and clear. But the one that I would call *the laundering or the masking of antisemitism under universal public values*, under our shared and common humanity is in my view the most pernicious and prejudicial, and in that sense, threatening aspect of new antisemitism.

Genocidal Antisemitism as the First Metric of Antisemitism

The first metric of the new antisemitism I would call genocidal antisemitism. This is not a term that I use lightly or easily. It is a term that I am taking right out of the Genocide Convention’s “Cumulative Conviction against the Direct and Public Incitement to Commit Genocide.”¹¹ Genocidal antisemitism is the toxic convergence of the advocacy of the most horrific of crimes, namely genocide, embedded in the most lethal of hatreds, namely antisemitism, and involving a public call to kill Jews wherever they may be. The Supreme Court of Canada addressed the last aspect of genocidal antisemitism in upholding the constitutionality of our anti-hate legislation in Canada, which is closer to the European approach than it is to the American First Amendment approach. Canadian hate-crime legislation embodies all the attributes of protected speech or the American First Amendment, but when it comes to matters relating, for example, to the willful promotion of hatred or contempt against an identifiable people or people identifiable by reason of the race, religion, nationality, ethnicity, sex, etc., and in particular with regard to the advocacy of genocide, then this is sanctioned

¹⁰ P. Ahlmark, quoted in Y. Sheleg, “A World Cleansed of the Jewish State,” *Haaretz*, April 18, 2002 (<https://www.haaretz.com/1.5196582>).

¹¹ United Nations, “Cumulative Convictions: Direct and public incitement to commit genocide,” filed November 28, 2007, <http://cld.irmct.org/notions/show/265/direct-and-public-incitement-to-commit-genocide> (last accessed January 18, 2019).

and criminalized under our law. Upholding the constitutionality of our hate-law, the Supreme Court of Canada used a statement that I thought summed it up very well: The Court said that the Holocaust did not begin in the gas chambers. It began with words.¹² These are the catastrophic effects of racism. These are the chilling facts of history.

In another case, the Supreme Court of Canada established a very important principle and precedent which has gone almost unknown in the international legal community, but which deserves not only referencing but needs to be acted upon. I mean the Mugesera case. Mugesera was a Rwandan who came to Canada in 1992 and sought refugee status, which he preliminary received. In 1994, the genocide of the Tutsis in Rwanda took place. During the legal proceedings of his case, Mugesera's refugee status was transformed to that of accusing and charging him of incitement to hatred and to genocide. And Mugesera defense was, "well, how can you accuse me of that? I came to Canada in 1992, the genocide in Rwanda occurred in 1994. I wasn't even there! I had nothing to do with the genocide that took place!"

But the court determined on the evidence is that Mugesera had been involved in the incitement to hate and genocide, which led to the genocide that took place in 1994. The court concluded in its very important judgement, that "the very incitement to hate in general constitutes the crime, whether or not acts of genocide follow."¹³ That is why Mugesera was then deported back to Rwanda for trial, which took place there.

That was the first expression of genocidal antisemitism. But there are a number of others of which I will address only the most important ones: the second manifestation of genocidal antisemitism are the covenants, charters, declarations, and programs of Iranian surrogates, i.e., Hamas, a Sunni surrogate, and Hezbollah, a Shiite surrogate. Perhaps, I should just preface my elaborations regarding this second expression of genocidal antisemitism by saying, that the twenty-first century began with Ayatollah Khomeini saying, and I quote, "there can be no solution to the Arab-Israeli conflict without the annihilation

¹² Cf. "Canadian Anti-hate Laws and Freedom of Expression," September 1, 2010, revised March 27, 2013, <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2010-31-e.pdf> (last accessed January 18, 2019).

¹³ *Mugesera v. Canada (Minister of Citizenship and Immigration)*, Report [2005] 2 SCR 100, June 28, 2005 (<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2273/index.do> , last accessed January 14, 2019).

of the Jewish state.”¹⁴ Khomeini relinquished in this statement all euphemisms about “the Zionist entity” but expressed himself clear. Over the last seventeen years, events moved from Khomeini’s statement and other inciting references of the need to excise the supposed cancer or tumor Israel from the Middle East to manifestations of and parading of Shihab missiles with the emblem “Wipe Israel off the map!” etc. At regular intervals, leaders of the IRGC are calling for the annihilation of the Jewish state.

What is so disturbing about these calls to genocide is that they are standing violations of the prohibition against the incitement to hate and genocide in the Genocide Convention. It mandates state parties to the Genocide Convention, to hold the leadership of those who engage in such incitement to account, as was done with regard to Mugesera. This is not a policy option, this is an international legal obligation of state parties to the Genocide Convention, who have yet to invoke it against any of the leaders in Iran in that regard. I mentioned above in this context Hamas and Hezbollah, because they cannot be seen alone but must be seen, as surrogates of their larger *patron*, Khomeini’s Iran. I use the term Khomeini’s Iran to distinguish it from the people and public in Iran.

In its own public charter, Hamas calls for the destruction of Israel and the killing of Jews wherever they may be. You can find it in article 7.¹⁵ In May 2017, Hamas purported to amend this article. But it remains unclear whether the original Hamas charter is still in place, which I think it is, and that this has just been an amendment to it. But even if it is not in place anymore, the important thing to understand is that, if you look at the original Hamas charter and covenant, Jews, not Israelis, are accused of being responsible for all the ills of human history. According to the Hamas charter, they are responsible for the French Revolution, the League of Nations, and the United Nations. In other words, those things that we would look upon positively, the Hamas charter looks upon as evils for which the Jews’ evil footprint is responsible. The only change in the charter, that was amended in May 2017, is that the word “Jew” was switched to “Zionism.” Everything else, in fact, remains the same. But of course, it looks much more politically correct to accuse Zionism and Zionists than to you accuse Jews and Judaism.

With regard to Hezbollah, we know of its public threats for the destruction of Israel. But Hassan Nasrallah, the physical leader who not only speaks about

¹⁴ Cf. M. Newman, “Iranian supreme leader calls for Israel’s ‘annihilation’,” *The Times of Israel*, November 9, 2014 (<https://www.timesofisrael.com/iranian-supreme-leader-calls-for-israels-annihilation/>).

¹⁵ Cf. The Platform of the Islamic Resistance Movement (Hamas), “The Charter of the Hamas: The Charter of Allah,” <http://www.acpr.org.il/resources/hamascharter.html> (last accessed January 18, 2019).

“Israel’s disappearance,” but he is also a classic case study of how the old and the new antisemitism come together: As Nasrallah put it, “if all the Jews were gathered in Israel, it would be easier to kill them all at the same time.”¹⁶ And in a lesser known but no less defamatory and incendiary expression he said, “if we search the entire world for a person more cowardly, despicable, weak, and feeble in psyche, mind, ideology, and religion, we would not find anyone like the Jew.” To make matters even more clear, Nasrallah adds, “note, I’m not saying the Israeli, I am saying the Jew.”¹⁷ Thus, Shiite scholar Amal Saad-Ghorayeb, author of the book *Hizbu’llah: Politics and Religion*,¹⁸ sums up succinctly, that Nasrallah’s statement provides moral and ideological justification for dehumanizing the Jews. She demonstrates the grave antisemitism underlying the terrorist assaults against Jews in Israel: “the Israeli Jew becomes a legitimate target for extermination” under this Nasrallah ideology, “and it also legitimates attacks on non-Israeli Jews.”¹⁹ So again, the classical and new antisemitism come together. The whole serving is a form of prologue for the attacks against Jews themselves.

A third manifestation of genocidal antisemitism are the religious fatwas or execution writs calling for the killing of Jews wherever they may be. I can give a litany of them that find regular expressions by radical Imams whether they be in Paris or Berlin or in Spain or North America, where Jews and Judaism, not just Israelis in Israel, are held out to be the perfidious enemy of Islam. In these incendiary genocidal calls, Israel emerges as the Salman Rushdie among the nations. The object of these ongoing religious fatwas is to call for the murder of all Jews.

In addition to these three manifestations of genocidal antisemitism, other manifestations exist, which include a populist antisemitism in the streets of Europe with expressions of “Jews, Jews to the gas!” Genocidal antisemitism marks also ISIS and other terrorist organizations like Al-Qaeda. It needs to be remembered that these groups are killing not only Jews but others in even greater numbers. But killing others more than Jews, they also always add “we will get to the Jews!” Incendiary incitement can therefore be found with these groups as well.

16 Cf. E. Lappin, “The Enemy Within,” *The New York Times*, May 23, 2004 (<https://www.nytimes.com/2004/05/23/books/the-enemy-within.html?pagewanted=1>).

17 H. Nasrallah, quoted in A. Saad-Ghorayeb, *Hizbu’llah: Politics and Religion* (London: Sterling, 2002), 170.

18 Cf. note 17.

19 A. Saad-Ghorayeb, quoted in J. Goldberg, “In the Party of God: Are Terrorists in Lebanon Preparing for a Larger War?” *The New Yorker*, October 14, 2002 (<https://www.newyorker.com/magazine/2002/10/14/in-the-party-of-god>).

Yet another manifestation is online genocidal antisemitism: Studies have shown, that every sixty or even every fifty seconds this kind of incitement, racism, hate, and indeed genocide occur online. And so it is, that under this phenomenon of genocidal antisemitism, Israel becomes the only state in the world today—and the Jewish people become the only people in the world today—that are the standing targets of genocidal antisemitism.

Demonological Antisemitism as the Second Metric of Antisemitism

This brings me to the second metric of the new antisemitism, namely what I would call demonological antisemitism. Being the globalized indictment of Israel and the Jewish people as the embodiment of all evil in the world today, of Israel as a racist, imperialist, colonialist, ethnic cleansing, child killing, apartheid, genocidal, Nazi state—the embodiment of the worst evils of the twentieth century and constitutive of all evil in the twenty-first century. And so it is that Israel and the Jewish people become not only the only state and the only people that are standing targets of genocidal antisemitism, but the only state and the only people that are systematically accused of being genocidal themselves. All of this serves as a form of prologue if not justification for the incitement and assault upon Israel and the Jewish people. It serves as a warrant for genocide, or justification for that genocide. It represents the fundamental denial of the rights of the Jewish people and only the Jewish people in that regard.

Political Antisemitism as the Third Metric of Antisemitism

And so, if the first indicator of the new antisemitism is the public call for the destruction of Israel and the Jewish people, and if in the second metric is to regard Israel and the Jewish people as the embodiment of all evil, then the third metric is political antisemitism. Political antisemitism expresses itself in the denial of Israel's right to exist to begin with, in the denial of its legitimacy, in the denial of Jewish people's right to self-determination, and in the denial even that the Jews are a people. As Martin Luther King Jr. put it, it "is a denial to the Jews of the same right, the right to self-determination, that we accord African nations

and all peoples of the globe. In short,” Martin Luther King Jr. concluded, “it is antisemitism.”²⁰

Anti-Jewish Terror as the Fourth Metric of Antisemitism

This brings me to the fourth metric of antisemitism and that is the increasing anti-Jewish terror. It underpins and begins with anti-Jewish hate and incitement, which leads to that terror. It finds expression—in terms of the Palestinian terrorism—in the glorification of that terrorism, the celebration of the terrorists as a martyr, the rewarding by both Hamas and the Palestinian Authority of that terrorism, in a word the “incentivization” of terrorism as we have seen it.

Above I referred to the beginning of the twentieth century with regard to the first metric of genocidal antisemitism. The fourth metric of antisemitism represents the intersection of antisemitic incitement to terrorism as demonstrated by what happened in Israel at the beginning of the twenty-first century. If you want to understand the psyche of the Israeli people today, then you have to understand that from 2000 to 2004 in what was called the Second Intifada—itsself a kind of sanitizing term—but what really was in empirical terms one of the worst terrorism in contemporary history. Some 600 Jews were murdered in the first two years of that Intifada; equivalent to a half a dozen 9/11s in comparative demographic terms. At the same time, and this goes ignored, there were a series of major attacks that never took place because they were thwarted. I am referring to the attempt to bomb the Azrieli towers, which could have been Israel’s 9/11. I am referring to specific anti-Jewish terror, which included the targeting of synagogues, Jewish community centers, the Hebrew University, etc. What we were witnessing in all this, is the ignoring, or marginalizing, or sanitizing, or indifference to such attacks.

Personal experiences from my stay in Israel over the December-January break 2015–2016 exemplify what I mean. I went to Israel to participate in a meeting of an international assembly of Jewish parliamentarians. When I arrived at the airport on December 20, I read in the paper, that while I flew to Israel three terrorist attacks happened in Ra’anana. As it happens, my daughter and grandchildren live in Ra’anana. I called them immediately and my daughter said, “no we’re fine, daddy, but our neighbors, in fact, were attacked, but happily

²⁰ M. L. King, Jr., quoted in S. M. Lipset, “The Socialism of Fools: The Left, the Jews and Israel,” *Encounter*, December 1969, 24. Cf. also: J. Lewis, “I Have a Dream for Peace in the Middle East: Martin Luther King, Jr.’s Special Bond with Israel,” *San Francisco Chronicle*, January 21, 2002.

that they're fine too." On January 1, New Year's Day, I walked to visit my son, who had just made *Aliyah*. I got caught up in a dragnet, because of a terrorist attack on Dizengoff, in the heart of Tel Aviv. Some two weeks later, a pregnant woman was attacked and fortunately survived the attack together with her fetus who happened to be my cousin.

I tell you all this because when I returned to Canada, I had a meeting as it happened with Prime Minister Justin Trudeau. We are old colleagues being in Parliament together and the like. And he said, "so, Irwin, how was your Christmas and New Year's?" And I told him that I spent the holiday in Israel, and then I told him about these three events and he looked at me and said, "I'm sorry, Irwin, I didn't know about that." And in fact, nobody in Canada really knew about that, because while Israel was experiencing this type of state sanctioned incitement, that led to terrorist attacks and the like, Canada and Canadians, happily, were on vacation.

Up to the present moment, my family and I happen to have an Israeli channel in our home in Canada, so I watch Israeli news every night. And almost every night you'll see that it leads off with some terrorist attack to which sometimes even the Israeli public becomes inure to these attacks. This terror has been particularly prevalent but it is neither understood, nor experienced, nor felt, and, mostly, not even known by the international community. Because the international community was not aware of the terror in Israel when it began at the beginning of the twenty-first century, it was not prepared for what the terrorist attacks in Europe that followed. It was not prepared for what happened in Paris and Copenhagen and Brussels. If you look at these terrorist attacks, you can find antisemitic footprints which ended up in those acts of terrorism. The interaction between antisemitism and terrorism against Jews as well as Europeans reaffirms again the notion that while it begins with Jews, tragically, it does not end with Jews.

The Laundering and Masking of Antisemitism under Universal Public Values as the Fifth Metric of Antisemitism

This brings me to the final and most important metric of antisemitism. It might be called the "laundering" of the de-legitimization of Israel under universal public values. I will mention four public values abused for this purpose, giving one example for each of these values.

The first rubric is the laundering under the protective cover of the United Nations, the laundering under the authority of international law, the laundering under the culture of human rights, the laundering under the struggle against rac-

ism. I mention this because—and I can tell you as somebody who lives and works in the world of human rights—the Jewish community is very often not there. They are with and amongst the Jews, but they are not interacting in the human rights community where this laundering of de-legitimization is taking place. And you have to be present, and you have to be engaging, and you have to be acting if you want to counteract it.

Regarding the laundering of the de-legitimization of Israel under the protective cover of the United Nations, an annual ritual exists at the United Nations: Every December some of the resolutions of condemnation are adopted against one member-state of the international community—which happens to be Israel—and four resolutions against the rest of the world combined. In this way, one UN-member-state is singled out in a breach of equality before the law and exculpatory immunity is given to the major human rights violators. This exculpatory immunity acts as an incentivization for their crimes against the innocence of their countries.

What is important here is not only the critical mass of inditement against Israel in these resolutions, but the critical mass of exposure to that inditement. The regular ritual inditement of Israel has been going on now for some forty-five years. Consider how many people come to the UN and sit there as members of their country's delegation, academics, parliamentarians, faith leaders, journalists, and the like, until the resolution is passed in December. Every inditement goes through a three-month process of discussion and debate, they come there as *tabula rasas*, basically uninformed, but after three months of the drumbeat of inditement, they internalize the notion of Israel as the major human rights violator of our time. In a world, in which for over forty years now, human rights emerged as a new secular religion of our time, positing Israel as the major human rights violator of our time, lets Israel emerge as—to use a contemporary metaphor—a new Antichrist of our time.

Which brings me to the second rubric, i.e., the laundering of de-legitimization under the authority of international law: The contracting parties of the Geneva Convention have come together three times in the last fifty years to put one state in the docket for its violations of international humanitarian law, war crimes, crimes against humanity, and the like. No, it's not Iran, it's not Syria, it's not Russia, it's not Sudan—on all three occasions, only one state in the international community was put in the docket and that state is Israel. I do not want to say that Israel is not itself responsible for any violations of international humanitarian law, like any other state. But to be the only state singled out three times in fifty years, where the rest of the world has enjoyed exculpatory immunity, has dangerous repercussions. To give but one example: The history of Israel's inditements is taught in the jurisprudence of law schools,

but what is not taught is the context of the nature of these inditements before the Geneva Convention.

This brings me to the third example of the laundering of de-legitimization and that is laundering under the culture of human rights. I referenced this above in terms of Israel emerging as a new Antichrist of our time. One example will illustrate what I mean. In 2006, the head of the United Nations Commission on Human Rights, Louise Arbour, herself a former colleague of mine and a member of the Supreme Court of Canada, became the UN Commissioner. She called me and asked me if I would join a commission of inquiry into the killings of Palestinians in Beit Hanoun, in northern Gaza.

Louise Arbour said, “Bishop Tutu will be the one member of that commission and you will be the second.” I said to her, “will this commission also be going to Sderot in the Negev?” and she said, “well, why would it be going to Sderot?” I said, “because of the rockets fired from Beit Hanoun into Sderot.” Israel responded to this rocket fire, and regrettably and tragically one response went astray, and some fourteen Palestinians were killed. She said, “well, you know, you can be a member of that commission and you can share that.” I said, “Louise, I’ve read the resolution establishing this commission of inquiry. It says in the resolution that Israel *willingly* murdered eighteen Palestinians in Beit Hanoun. So what is there to investigate? This commission of inquiry has already predetermined the outcome, has not only put Israel in the docket but, in fact, in this ‘Alice-in-Wonderland situation’²¹—this sentence has already been adopted even before the evidence has been considered.” I can go on about Operation “Protective Edge.”²² The Commission of Inquiry that established Operation “Protective Edge” by the UN had eighteen references, eighteen express references to Israeli criminality in the resolution establishing an inquiry into the Israel-Hamas war and not one reference even to Hamas. So is it surprising that the outcome was as it was?

21 Cf. I. Cotler, “The UN, Hamas, and Alice in Wonderland,” *The Jerusalem Post*, July 26, 2014 (<https://www.jpost.com/Opinion/Op-Ed-Contributors/The-UN-Hamas-and-Alice-in-Wonderland-368970>).

22 Operation “Protective Edge” (Hebrew: מבצע צוק איתן – Mivtsa Tzук Eitan) was a military operation launched in July 2014, aiming at the restoration of security of the south of Israel which had previously suffered from a series of missile attacks by the Hamas and other Palestine military groups from Gaza. It ended in August with the announcement of an open-ended ceasefire following extensive fighting. Cf. Israeli Defense Forces, “Operation Protective Edge (July/August 2014),” <https://www.idf.il/en/minisites/wars-and-operations/operation-protective-edge-july-august-2014/> (last accessed January 18, 2019).

My final example and case study has to do with the laundering of de-legitimization under the struggle against racism. The worst thing you can say about any particular state is to refer to it as a racist state. The very label supplies the inditement and if any further proof is required, then you refer to it as a racist, apartheid state. Because those who drew up and drop this inditement know very well that apartheid is defined in international law as a crime against humanity. And so, if Israel is an apartheid state, it is a crime against humanity, and if it is a crime against humanity, then has no real right to be.

But it does not stop there. Israel also referred to as a Nazi state. Not only does Israel have no right to be, but we as an international community have an obligation to see that Israel has no right to be, because we have an obligation to see that an apartheid, Nazi state cannot remain a member of the community of nations.

We have to appreciate the cumulative effect of these allegations. I just gave you one example but there are many, under each of the rubrics of de-legitimization, namely de-legitimization under the authority and the protective cover of the UN, under the authority of international law, under the culture of human rights, and under the struggle against racism.

Recommendations for Fighting the New Antisemitism

I want to close with a set of recommendations on how to fight the new antisemitism I have discussed above. My first recommendation has to do with the laundering of de-legitimization under the four universal values. To counter this de-legitimization, referencing it in terms of Israel, will not succeed. It has to be pointed out instead that this laundering of de-legitimization under the protective cover of the United Nations is eroding the integrity of the United Nations itself. It needs to be made clear that it is diminishing the authority of international law and that it corrupts the culture of human rights. The laundering of de-legitimizations is undermining the struggle against real racism and real apartheid, and against the real gender apartheid of our time, be in Iran, Saudi Arabia, or elsewhere. So, if you care about these universal values, then you have to be protecting these universal values, forget about the question with regard to Israel!

My second recommendation regards the role of Israel and Judaism. We've got to get out of the docket of the accused and stop always being defensive as the accused in the docket. Israel and Jewish associations should take issues of international humanitarian law seriously and become the plaintiff, become the claim-

ant, instead of saying we are not going to have anything to do with the United Nations, and we are retreating from the United Nations. Instead of such a retreat, we have to engage with the United Nations. A positive example for such an engagement is Hadar Goldin and the Goldin family. Hadar Goldin was murdered and his remains were abducted by Hamas in violation of a United Nations mandated humanitarian ceasefire during Operation “Protective Edge.” Three and a half years later, the Goldin family cannot get any information from Hamas about Hadar nor has Hamas, as they are obliged under international humanitarian law, provided any information about Hadar’s remains or repatriated them to the Goldin family.²³

I mention the case of the Goldin family because we went before the United Nations Security Council in what was called the area hearing. All members of the UN Security Council were present, except for China, which apologized for not being there. Lea Goldin gave a very compassionate and compelling talk. I then identified seven violations of international humanitarian law by Hamas, and at the end of that hearing, all members of the UN Security Council identified with the pain and plight of the Goldin family and others murdered or missing in Hamas territory. My example shows how important it is to recognize the violations of international humanitarian law committed by Hamas and to recognize that the United Nations, as the trustees of international humanitarian law, has a responsibility to remedy this and that this must begin with also holding the PA accountable.

I am referring to the example of the Goldin family because if we do not use United Nations in a manner in which it was intended to be used, then we are not only allowing the continuing singling out and continuing discriminatory actions against Israel, we are harming our common humanity as a whole. This is all the more important now, at the seventieth anniversary of the Universal Declaration of Human Rights, which was intended to promote and protect human rights that grew out of “the ashes of the Holocaust,” as the former secretary-general Kofi Annan put it,²⁴ and which was intended to prevent and protect succeeding generation from the scourge of war.

23 Cf. M. Cotler-Wunsh, “Hadar Goldin is the Victim of a Humanitarian Cease-Fire,” *The Jerusalem Post*, August 9, 2018 (<https://www.jpost.com/Opinion/Hadar-Goldin-is-the-victim-of-a-humanitarian-cease-fire-564520>).

24 “UN Has ‘Sacred Responsibility’ to Combat Hatred, Intolerance, says Kofi Annan at Jerusalem Holocaust Memorial,” United Nations Secretary-General, issued March 15, 2006, accessed January 12, 2018, <https://www.un.org/sg/en/content/sg/speeches/2006-03-15/un-has-sacred-responsibility-combat-hatred-intolerance-says-kofi>.

An admonition my parents gave to me when I was young, brings what I want to say aptly to the point. My mother and father would say to me: “*Tzedek tzedek tirdof—justice, justice shall you pursue* (Deut 16:18). My father would explain to me that the commandment “is equal,” as he put it, “to all the other commandments combined.” And this, as he put it, “must be what you teach your children.”

The word *tzedek*, in Hebrew and even in Arabic requires at least three or four words in English or French to accommodate it—justice, charity, compared righteousness, and the like. But when my mother would hear my father sing the commandment of Deut 16:18, she would say to me that if you want to combat injustice, if you want to pursue justice, then you have to understand, you have to feel the injustice about you. You have to go in and about your community and feel the injustice and combat the injustice. Otherwise, the pursuit of justice remains a theoretical abstraction.

This is our responsibility in terms of protecting our common humanity and in terms of protecting the universal values. It is not just a matter of Israel and the Jewish people being singled out for differential discriminatory acts. It is a matter of protecting our common humanity as part of *tzedek tzedek tirdof* (Deut 16:18).

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