

## **REMARKS BY LARRY HAIVEN, OF INDEPENDENT JEWISH VOICES CANADA, TO LAW AMENDMENTS COMMITTEE ON BILL 96 “DISMANTLING RACISM AND HATE ACT”**

- I'm professor emeritus at Saint Mary's University, and a member of Independent Jewish Voices Canada<sup>i</sup>, a national Jewish human rights organization
- I want to speak today about antisemitism and warn against the adoption of one particular definition of it
- But first, I congratulate the all-party committee that devised Bill 96. It's a big step forward for Nova Scotia, especially given the rise in xenophobia, bigotry and white supremacy, of which antisemitism is a symptom
- Of course, Bill 96 could be improved, but I'll leave it to others to propose amendments
- I would suggest, only that, along with the new bill, the Office of Public Prosecutions be much more aggressive in using the hate speech provisions of the Criminal Code; we are much too timid here
- Now to antisemitism
- I grew up in a tight-knit Jewish community in Toronto; my dad was a survivor of the Nazi concentration camp Auschwitz; my Mom arrived in Canada before the War but her family was subject to antisemitism; and I have been the victim of attacks myself; so I'm well acquainted with the subject
- I'm also author of several monographs<sup>ii</sup> on it
- Bill 96 proposes that the anti-racism strategy will include development, with marginalized and racialized communities, of definitions of specific types of systemic hate, inequity and racism
- I want to warn you about an initiative to have one particular, highly controversial, definition of antisemitism adopted
- It's called the International Holocaust Remembrance Alliance (or IHRA) Working Definition of Antisemitism<sup>iii</sup>
- We've met with representatives of all three parties in the legislature on this
- The IHRA definition is especially dangerous as it focuses on, not hatred of Jews per se, but criticism of the policies and practices of the State of Israel
- And these are two very separate things; Israel is a country, like any other, and criticism, even harsh criticism of it, is not antisemitism
- For example, if I, as a scholar, highlight Israeli offences while giving other countries less attention, that violates the IHRA definition
- If I report true accounts of Israeli settlers terrorizing and killing Palestinians, well that does too
- If I take Israel's 2018 "Nation State Law"<sup>iv</sup>, that makes Christians and Muslims second class citizens, and compare it to the 1935 Nuremberg Laws, well that violates another prohibition
- Yet all of these SHOULD be within the bounds of informed debate; but the IHRA definition is being used to shut them down
- If somebody doesn't like what I say, they should demand that I prove it; argue against me, or rebut me; but don't shut me down or try to have me fired
- Academics across Canada and elsewhere have overwhelmingly denounced the IHRA definition as a threat to academic freedom and effectively censoring dissent
- 38 faculty associations in Canada have passed motions against it.
- Over 170 prominent Canadian Jewish scholars<sup>v</sup> came out against it.
- Almost 700 Canadian academics<sup>vi</sup> have signed an open letter opposing it.
- Last November, the Canadian Association of University Teachers (CAUT) national council representing 72,000 academic staff at 125 institutions, voted unanimously to oppose<sup>vii</sup> it
- Even an original author of the IHRA definition, legal scholar Kenneth Stern, has warned<sup>viii</sup> of the grave impacts to academic freedom if universities adopt it.
- There is no consensus. A better definition, if one must be used, is The Jerusalem Declaration on Antisemitism<sup>ix</sup>, endorsed by 350 of the world's top scholars in Jewish and Holocaust studies and antisemitism. It discusses not only what IS, but also what IS NOT antisemitism
- The Nova Scotia Jewish community is not large, less than 3,000 people<sup>x</sup>, and its institutional organizations would like you to believe they alone speak for the Jewish community, but Jewish opinion is strongly divided
- A 2018 EKOS poll shows a deeply split Canadian Jewish community. Between 1/3 to 1/2 of Canadian Jews are critical of Israel, to the extent that THEY THEMSELVES might fall afoul of the IHRA definition

- I don't have time to read them, but in the notes I've distributed, there are several examples of the weaponization of IHRA, which come from an even larger list<sup>xi</sup>
- In none was disparagement of Jews as Jews an issue. In all of them it's criticism of Israel.
- *A Lawsuit against U Mass Amherst, using the IHRA definition, tried to cancel a 2019 event "Not Backing Down." A lawyer for the event's sponsors noted the irony of the IHRA definition "used to censor a meeting about censorship."*
- *At UC Berkeley, in 2018, following the Pittsburgh synagogue shootings and Gaza bombings, a Palestinian and a Jewish organization planned a joint vigil of mourning. Opponents claimed it contravened the definition by holding Israel it to a higher standard. The event was canceled.*
- *A few months ago, IHRA proponents at St. Peter's College Oxford tried to have a webinar canceled that involved renowned movie director Ken Loach, a graduate of the college, claiming that his strong support for the Palestinians rendered him antisemitic under the definition. At first the college said it wouldn't engage in de-platforming. The event went ahead but the head of the College later apologized for event.*
- *Last year the Ryerson Center for Free Expression held a debate on the IHRA definition and included Osgoode Hall Law School human rights specialist Faisal Bhabha. B'nai Brith launched a petition, citing the IHRA definition, accusing Bhabha of antisemitism and calling for the law school to bar him from teaching any human rights classes. Bhabha claims "B'nai Brith have proven my point." I agree.*
- *In 2018 an event at the University of Winnipeg about the U.S. embassy move to Jerusalem featured a Jewish, a Muslim and a Christian speaker. Participants criticized Israel's violations of human rights. Watch the recording for yourself. It was the MOST benign of events; if that kind of meeting is not allowable, we're all in deep trouble; And yet B'nai Brith, using the IHRA definition had the meeting smeared it with a complaint of antisemitism.*
- *German officials disinvited the highly respected Cameroonian post-colonial philosopher Achille Mbembe as opening speaker of a German festival in Northwest Germany in 2020 because he had in the past compared Israel's treatment of the Palestinians to apartheid in South Africa.*
- I don't believe definitions are necessary to fight hatred, but if we must consider one, then we must steer clear of the controversial IHRA document and also appreciate that no one organization speaks for any marginalized group, most especially the Jewish community and remember that when consultations begin.

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<sup>i</sup> [www.ijvcanada.org](http://www.ijvcanada.org)

<sup>ii</sup> <https://www.ijvcanada.org/antisemitism-in-context-its-use-and-abuse-an-ijv-report/>;

<https://canadiandimension.com/articles/view/cancel-culture-and-the-pro-israel-lobby;>

<https://canadiandimension.com/articles/view/what-really-happened-at-a-public-meeting-in-winnipeg-labeled-anti-semitic>

<sup>iii</sup> <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

<sup>iv</sup> <https://www.theguardian.com/world/2018/jul/19/israel-adopts-controversial-jewish-nation-state-law>

<sup>v</sup> <https://jewishfaculty.ca/jewish-faculty-against-the-ihra-defn/>

<sup>vi</sup> <https://www.ijvcanada.org/open-letter-from-canadian-academics-opposing-the-ihra-definition-of-antisemitism/>

<sup>vii</sup> [https://council.caut.ca/sites/default/files/motions\\_resolutions\\_for\\_caut\\_council\\_website-en.pdf](https://council.caut.ca/sites/default/files/motions_resolutions_for_caut_council_website-en.pdf)

<sup>viii</sup> <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>

<sup>ix</sup> <https://jerusalemdeclaration.org/>

<sup>x</sup> <https://www.jewishcanada.org/profiles/atlantic-canada>

<sup>xi</sup> <https://www.ijvcanada.org/ihra-definition-at-work/>