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Sent: October 26, 2020 1:27 PM
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Subject: Bill 168
Attachments: Controversies at U of T Law, York University highlight escalating suppression of moderate voices criticizing Israel _ The Star (1).pdf

Dear members of the Standing Committee on Justice Policy and other Ontario MPPs,

I urge you to vote *against* Bill 168. Treating virtually all criticisms of Israel as forms antisemitism seems to me to actually lead to more antisemitism.

I respectfully suggest you review the attached article as evidence of the kinds of problems the IHRA definition leads to.

Yours sincerely, Joan Axelrad
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STAR COLUMNISTS

OPINION

Controversies at U of T Law, York University highlight escalating suppression of moderate voices criticizing Israel

By [Shree Paradkar](#) Race & Gender Columnist

Sun., Oct. 25, 2020 | 8 min. read

At the heart of a University of Toronto [hiring scandal](#) is an academic whose critique of Israeli settlements in Palestine is not what most people would call radical.

At York University, a professor is facing death threats and a campaign to stop him from teaching human rights courses — a campaign that accuses him of anti-Semitism after he debated the definition of anti-Semitism.

While the Israeli-Palestinian conflict has long been a flashpoint on campuses across Canada, legal experts and advocacy groups are raising concerns that these recent incidents suggest an escalation of silencing even moderate critiques of Israel, and not just in the halls of academia, but in the media, the political sphere and social interactions.

“Even when we’re looking at the very core spaces where the space to defend these rights, to defend Palestinians, should be defended, even within these spaces we see these assaults happening,” said U of T-educated legal scholar and journalist Azeezah Kanji, whose own outspokenness has invited the wrath of pro-Israel organizations in Canada.

U of T’s law school sparked an international controversy last month over its decision to [deny a job](#) to Valentina Azarova, allegedly [due to pressure](#) from a sitting judge upset by her past scholarship on the Middle East. Her work on Israeli human rights abuses in Palestinian territories is widely seen as legitimate in Israel, adhering to international consensus.

Israeli settlements in Palestinian territory occupied since 1967 have been deemed “a [flagrant violation](#)” of international law by the UN Security Council. They have been deemed illegal in a series of resolutions of the General Assembly and in decisions by the International Court of Justice.

The U of T scandal led to a joint complaint to the Canadian Judicial Council — which investigates judges — by the Arab Canadian Lawyers Association, Independent Jewish Voices Canada and the BC Civil Liberties Association. The groups sought to highlight how U of T’s decision affected the suppression of Palestinian advocacy.

“In one of its most dangerous forms, anti-Palestinian racism consists of attempts to deny the history and ongoing suffering of the Palestinian people,” the complaint said. “It also aims to paint those who are critical of Israel’s treatment of Palestinians as anti-Semitic and unfit for employment.”

In a further response to the law school fiasco, a “Statement on Palestine Speech Suppression and University of Toronto Faculty of Law,” [signed by](#) more than 1,400 lawyers and academics, said the signatories were “deeply troubled and exasperated by the pervasive repression of speech and scholarship on Palestine.”

Signatories included public intellectuals such as Angela Davis, Viet Nguyen and Noam Chomsky, and Richard Falk, the former UN Special Rapporteur on Palestinian human rights.

The statement was distributed to notable Canadian media outlets but wasn’t published anywhere, Kanji said. That missing coverage speaks to the context of suppression of pro-Palestinian voices, which allows scandals such as the one at the U of T to arise, she said. “I hope this can also be an opportunity for inward looking and reckoning on the part of media.”

Journalists, academics, lawyers and politicians can be reluctant to publicly wade into Middle Eastern issues seen as complex and intractable. It could be they’re not familiar with the details or nuances. They may also fear a backlash or being labelled anti-Semitic.

That fear is not unwarranted. (Whether to bow to it is a different question.)

In a [recent article](#) on “pro-Israel cancel culture,” Professor Emeritus Larry Haiven of St. Mary’s University in Calgary listed more than two dozen examples of campaigns by Canadian groups against those who critique Israel or support Palestinian rights [here](#).

Kanji herself faced a campaign to be removed as a speaker at the 2019 Gandhi Peace Festival at McMaster University. Her talk wasn’t even about Palestinian issues, it was about Islamophobia. In that case, the organizers did not concede, although some sponsors withdrew.

When it comes to Canadians' lack of exposure to Palestinian issues, Reem Bahdi, an associate professor at the University of Windsor, and the first of two Palestinian law professors in Canada, has an observation. Canadian organizations that advocate for Israel have a long history of taking police, politicians, journalists and even judges to Israel, where they wine and dine them and expose them to the official narrative, Bahdi said.

"Those who attend these trips might get lip service paid to the Palestinian perspective when the organizers add a few hours to a week-long agenda," she said. "It's not a surprise then that they come back with a skewed perspective and little understanding about Israel's transgressions. Back in Canada, they get this narrative reinforced by our political leaders."

Still, it doesn't take a whiz in political science to understand the essential injustice of a people displaced by a sovereign state; colonization is widely understood to be a violation of fundamental international norms.

Ultimately, though, that combination of ignorance and fear doesn't just mean people with platforms don't speak up. It means they shut out Palestinian rights advocates, allowing supporters of Israel to dominate the conversation.

The diversity of voices protesting this undue penalizing of Palestinian supporters makes clear that this is not a battle based on national or religious identity, nor is it one on equal footing. It's a human rights issue, often split along ideological lines of left and right wings, pitting colonial aspirations against anti-colonial resistance.

At York University, the chilling of pro-Palestinian expression is tied to a controversy over the definition of anti-Semitism.

The definition — in itself not seen as controversial — was adopted in 2016 by the International Holocaust Remembrance Alliance. That the Jewish people have suffered historically and continue to face hate today is undeniable, but critics say "illustrative examples" attached to the definition conflate anti-Semitism with criticism of Israel.

Ontario will become the first province to mandate the use of this "working definition," if it passes [Bill 168](#) into law. The Combating Antisemitism Act would require the government to adopt that definition and its list of "illustrative examples." The bill, which has passed second reading, would act as a guide for Ontario to interpret rules and policies that protect against discrimination.

Corey Balsam, national co-ordinator of Independent Jewish Voices Canada, said those illustrative examples of contemporary anti-Semitism are problematic. For instance: "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour."

"This example is being used to suggest that anti-Zionism (opposition to an Israeli state that structurally privileges Jews and oppresses Palestinians) is a form of anti-Semitism, and that saying Israel is racist *is racist*," Balsam said. (Parentheses are his.)

Critics say the definition is being [used to silence](#) Palestinian solidarity movements globally. That is why even the definition's main drafter [opposed](#) its official adoption by public institutions. "It was never intended to be a campus hate speech code," Kenneth Stern, director of New York's Bard Center for the Study of Hate, [wrote](#) in the Guardian.

According to [media](#) reports, the U.S. State Department is edging closer to declaring humanitarian groups such as Amnesty International, Human Rights Watch and Oxfam "anti-Semitic," and that a report from the office of its [special envoy on anti-Semitism](#) says some of their activities meet this IHRA working definition.

It was debating this definition that earned York Prof. Faisal Bhabha the ire of a pro-Israel lobby group, which accused him of anti-Semitism and began a campaign to bar him from teaching courses in international human rights.

Bhabha, who has worked for Israeli and Palestinian human rights organizations and was vice-chair of the Ontario Human Rights Tribunal before he joined York, said during the June 10 debate:

"Zionism as an idea and as a practice is the suppression of Palestinian human rights for the purpose of ensuring Jewish supremacy, and it is exactly what is being protested against in the United States against white supremacy.

"I am equating white supremacy with Jewish supremacy. I think both are equally morally repugnant and deserved to be called out and spoken against."

On the subject of conflating the Jewish people with Israel, Bhabha said: "Accusing the Jews as a people of inventing the Holocaust is a classic anti-Semitic trope. Accusing Israel — as a state — of exaggerating the Holocaust, could be for some, a plausible argument."

In a petition, B'nai Brith Canada said "Mr. Bhabha's twisting of Zionism rhetorically transforms hundreds of thousands of Canadian Jews into 'Jewish supremacists.'" It also said Bhabha suggested the "Jewish state may have 'exaggerated' the murder of 6 million Jews."

Bhabha denied both claims [in a letter](#) to the university president. Independent Jewish Voices [supported Bhabha](#) and released a transcript to argue his comments were twisted out of context.

Bhabha says he is now facing a barrage of hate mail and death threats. One of the earliest messages Bhabha received after the B'nai Brith petition says "F--- you. Pack your camel bags and leave." A white Jewish academic who repeated Bhabha's views on Israel at the debate faced none of the vitriol he did.

Bhabha told the Star: "It is painful to receive racist hate mail and threats of violence. But what has added insult to injury is the feeling of being betrayed by my employer ... To this day, the petition calling for my removal remains active online. It will continue to incite hate. The president has still said nothing to condemn it."

York University told the Star in an email that it "unequivocally upholds the principle of academic freedom and we have been clear about that in private correspondence and in a [public statement](#)" Sept. 29.

That public statement does not denounce or mention the petition against Bhabha.

Spokesperson Barbara Joy said: "The University typically does not make public statements in relation to matters concerning individual faculty members. In addition to our desire to protect the privacy of those involved, it is our experience that such statements tend to increase rather than decrease harassment and negative interactions. This is particularly true where there is considerable public controversy and polarized opinion surrounding the matter in question."

Speaking of muted support for pro-Palestinian voices generally, University of Windsor's Bahdi said "universities are supposed to be spaces where different perspectives get put on the table and analyzed from different angles.

“Maybe from some people’s point of view the Palestinian perspective is a dangerous one because what it does is it gives legitimacy to the claim that Israel should be censored, that it has done some significant things wrong. And in some people’s minds Israel is beyond reproach.”

Said Kanji: “On the one hand, we have the worsening of the situation for Palestinians. On the other hand, we have the intensification of repression against people who are daring to say anything about it.

“It’s a very disturbing situation.”



Shree Paradkar is a Toronto-based columnist covering issues around race and gender for the Star. Follow her on Twitter: [@ShreeParadkar](#)

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