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1-1-2015

### Anti-Zionism in the courts is not kosher law

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## Anti-Zionism in the courts is not kosher law

### Abstract

A German court in Wuppertal held last month that an arson attack on a synagogue causing fire damage was not anti-Semitism but political expression. Also in February, five youths who vandalised 300 Jewish graves and a Holocaust monument in Alsace, France, claimed that the action was not motivated by anti-Semitism.

In general, an attack specifically targeting Chinese would be considered anti-Chinese. Only in an exceptional case, it might not be. Why is the exceptional case becoming the rule for Jews, so that targeting Jews as a group is generally not anti-Jewish but “political”?

Legal artifice is being constructed to make false distinctions between unpalatable anti-Semitism and kosher anti-Zionism.

### Keywords

kosher, not, law, courts, anti, zionism

### Disciplines

Arts and Humanities | Law

### Publication Details

Rose, G. L. (2015). Anti-Zionism in the courts is not kosher law. *The Conversation*, (19 March),

19 March 2015, 1.45pm AEDT

## **Anti-Zionism in the courts is not kosher law**

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### **Disclosure Statement**

Gregory Rose does not work for, consult to, own shares in or receive funding from any company or organisation that would benefit from this article, and has no relevant affiliations.

A German court in Wuppertal held last month that an arson attack on a synagogue causing fire damage was not anti-Semitism but political expression. Also in February, five youths who vandalised 300 Jewish graves and a Holocaust monument in Alsace, France, claimed that the action was not motivated by anti-Semitism.

In general, an attack specifically targeting Chinese would be considered anti-Chinese. Only in an exceptional case, it might not be. Why is the exceptional case becoming the rule for Jews, so that targeting Jews as a group is generally not anti-Jewish but “political”?

Legal artifice is being constructed to make false distinctions between unpalatable anti-Semitism and kosher anti-Zionism.

### **Proposition 1: Jews and Judaism are generally Zionist**

Zionism is the modern political movement for the development and protection of the Jewish nation in Israel. When, in 1948, Britain abandoned the League of Nations mandate entrusted to it to enable a Jewish homeland in the former Ottoman province of Palestine, the Jews declared an independent state themselves.

David Ben-Gurion and his cabinet chose between two names for their country, Israel and Zion. Both were synonyms for the Jewish land and people.

Jewish identity has multiple dimensions. In accord with Wittgenstein’s theory of overlapping groups of objects that words refer to, the word Jewish can mean objects including: adherence to Judaism, Jewish ethnic birth, Jewish cultural practice, or Jewish self-identification. Some people exhibit all these dimensions of being Jewish; some might exhibit only one.

In Judaism, the land of Israel is front and centre in Bible stories: God’s promise to Abraham, Moses leading the Exodus, Joshua’s conquest of Canaan, in the prophets’ teachings concerning in-gathering of exiles. It is inherent in the Mosaic law and teachings of rabbis concerning pilgrimages, offerings of first fruits, taxes, charity, festivals and more. It is ever-present in ancient through modern Jewish prayer towards Jerusalem and liturgy and ritual concerning redemption and worship.

Such Zionism also finds its way into cultural practice, in ornamental symbols such as the national candelabra, representations of grapes, dates and pomegranates as fruits of the land, and in self-identification.

The land of Israel has always been important to the Jews, but with the renaissance of the Jewish state in modern times it has become fundamental to all dimensions of Jewish regeneration. Today, about half the world's Jews are Israeli and they naturally want to live in freedom and security.

Almost three-quarters of the world's Jewish diaspora lives in the United States, where 69% they are very or somewhat emotionally attached to Israel. Outside the US, where assimilation rates are lower, the attachment to Israel is higher, such as over 80% in Australia.

At a conservative estimate, about nine out of ten Jews worldwide support Israel, including its need to exist safely. An important aspect of Jewishness then is Zionism.

## **Proposition 2: Anti-Zionism is generally anti-Jewish**

Anti-Zionism overlaps substantially with anti-Judaism and anti-Semitism. Anti-Zionism is political opposition to the development and protection of the Jewish nation. Mere criticism of individual contemporary Israeli policies, governments or individuals is not anti-Zionism; demonisation or absolute rejection of Israel's existence certainly is.

From a perspective of Christianity or Islam or atheism superseding Judaism, it stands to reason that many such supersessionists might be anti-Zionist. Exceptions include Christian evangelists who support the in-gathering of Jews to Zion for the return of the Messiah.

Anti-Zionism might also be the right fit for those who dislike Jews as an ethnic people. The majority of these antagonists are Christian or Muslim anti-Semites.

A few of Jewish background identify more strongly with other popular cultural systems and argue the impossibility of being classed together with other anti-Semites but they can be, just as lapsed Catholics can have views that are clearly anti-papist and anti-Catholic.

A tiny minority of anti-Zionists are ultra-Orthodox Jews who insist that only the Messiah can restore the Jewish people to the land of Israel; they are exceptional in not being inherently anti-Semitic.

Finally, for people who advocate that Arab Palestine should replace Jewish Israel, anti-Zionism is a political ideology, which usually condemns aspects of Jewish identity. By rejecting peaceful co-existence in adjacent sovereign states, they reject some or all of the Judaic relationship with the land of Israel, of Jewish peoplehood and even of Jewish cultural links with the land of Israel, which are key features of Jewish identity.

The powerful connection between anti-Zionism and anti-Semitism is evident. In Australia, anti-Semitism is commonly expressed in passionate anti-Israel activism on social media pages, at public demonstrations and, fortunately less commonly than in Europe, in the firebombing of synagogues, vandalism of graves and shootings at Jewish places.

At a more sophisticated global level, the United Nations remains the world engine for the propagation of the anti-Semitism inherent in anti-Zionism. The UN General Assembly is dominated by votes of the 56 states of the Organisation for Islamic Cooperation.

In 1975, for example, the UN General Assembly adopted Resolution 3379 to delegitimise the idea of Israel as a Jewish country by alleging that Zionism is racism. Uniquely in UN history, that resolution was rescinded in 1991 at the end of the Cold War. This demonstrated that the resolution was not a statement of ineffable truth but a political weapon.

Yet, a half-dozen specialised UN bodies continue their decades of anti-Zionist work at a cost of almost \$1 billion a year.

### **Proposition 3: Anti-Zionism has found ways into the law**

The ideological machinery humming away for decades in the UN can measure some successes in delegitimising Israel in corners of law schools and courtrooms. Its jurisprudence exerts a strong gravitational pull in the globalising legal system. Its legislative programs are the main source of a proliferating body of international laws.

Given that anti-Zionism is cloaked in the rhetoric of social justice, it can be attractive to the legal mind. Also, judges today were the students of the radical 1960s and '70s and some are prone to a notionally post-colonial intellectual outlook.

For some legal academics, it is much easier to consume a ready-made ideology of fast-food ideas. Anti-Zionism now comes as a burgerism package deal with environmentalism, social activism, anti-imperialism and a special sauce of primitivism. The package is free of cost other than intellectual conformity.

Although anti-Zionism seems “leading edge”, it is neither revolutionary nor new. Stale religious demagoguery about cleansing a land pure of Jews is merely refreshed in modern utopian discourse espousing social justice.

Lawyers wanting to delegitimise Israel should be aware that the viewpoint they are following is mass-produced and contaminated by enduring sibling rivalries between the Abrahamic religions. It is rotten with familiar hatreds, rewarmed for mass consumption.

Exaggerating the distinction between anti-Zionism and anti-Semitism ignores a generally true empirical observation: the vast majority of Jews tend to support Israel, and popular anti-Zionism for the most part does associate itself with anti-Semitism.

By denying any ongoing role of the land of Israel in Jewishness, a lawyer can try to define down anti-Semitism so as to facilitate anti-Zionism, but with such sad consequence as a court deciding that burning a synagogue is not anti-Jewish.