

America's Perfect Anti-Jewish Storm: Anti-Zionism and Critical Race Theory

Abstract:

The American Jewish community has enjoyed a level of success and prosperity almost unparalleled in any historic Jewish community. Despite its integration and influence, antisemitism has moved its way to the mainstream of American politics and society, specifically from the progressive partisan wing. This form of antisemitism is distinct from classical forms of religious or racial antisemitism and is therefore more difficult for the law to adequately address.

This new form of antisemitism stems from two distinct yet interrelated phenomena: anti-Zionism and Critical Race Theory.

Anti-Zionism marginalizes American Jews by denying them the right to identify with the Jewish homeland and the home of half of world Jewry – the State of Israel. Anti-Zionism engages in a systematic falsification of Jewish history, thus robbing Jews of their identity and heritage. It consistently denies thousands of years of Jewish history in the land of Israel and the centrality of Israel to Jewish identity. It promotes the disenfranchisement of American Jews as Jews, by imposing upon them a false identification of Zionism as racism (racism considered as one of the cardinal sins of modern society). This has also been referred to as "erasive antisemitism".

Additionally, Critical Race Theory (CRT) and Intersectionality understand society as comprised of overlapping and interconnected levels of racial oppression. Critical Race Theory simplistically erases the uniqueness of the Jewish experience and identifies Jews as "white", CRT's oppressor class. In fact, CRT often considers Jews to be the *epitome* of white privilege and supremacy. By falsely maligning Zionism as racism, anti-Zionism and the movement to dismantle the State of Israel become an ideological imperative and central tenet in the larger struggle against racism, sexism, homophobia and other forms of oppression.

Therefore, proponents of CRT are unable to recognize attacks on Jews that emanate from quarters other than the far-right or white supremacists. Jews are considered as beneficiaries of white privilege, and not a minority group, so attacks on them do not merit the same concern as on other groups. In fact, attacks on Jewish self-determination and self-identification are seen as *anti-racist*.

This paper will explore anti-Zionism and the "whitening" of Jews in American society, and the effects that these ideological trends have on antisemitism and anti-Jewish discrimination.

It will further discuss several laws and case-law in the United States and other common-law countries (specifically the UK and South Africa) dealing with anti-Zionist antisemitism. The discussion will aim to show that law enforcement and legal professionals have the necessary tools to tackle anti-Zionist antisemitism, although they often lack familiarity with its manifestations, characteristics and effects on Jews.

Finally, the paper will provide a series of practical recommendations to combat the new anti-Zionist antisemitism such as:

- the full adoption and implementation of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism, as the basis upon which to identify antisemitism in all its manifestations;
- greater education and training of legal professionals, attorneys and judges, including with reference to the IHRA working definition;
- Working closer with University administrations to actively affirm the right of Jewish students to express their Jewish and Zionist identities free from punishment, repercussion or harassment. The IHRA working definition of antisemitism should also be incorporated into university codes of conduct and anti-discrimination guidelines;
- Rejection of divisive Diversion, Inclusion and Equity workshops based on CRT principles.

Key words: antisemitism, anti-discrimination law, Zionism, Critical Race Theory,

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