

Sidestepping Lethal Antisemitism – The EU's Response in the Aftermath of Terror

R. Amy Elman
Kalamazoo College
5 March 2015

Please do not cite without my express permission. This *draft* conference paper follows on heels of the recent terrorist attacks in Brussels, Paris and Copenhagen. The background for this work is derived in large measure from my book, *The European Union, Antisemitism and the Politics of Denial* (University of Nebraska, 2014).

In 2014, the European Commissioner's former president (José Manuel Barroso) refuted suggestions that Europe's Jewish communities had no future; he maintained that European values are incompatible with antisemitism and insisted Europe's integration is an antidote against it. His remarks were in tribute to the four people murdered by a French jihadist at the Brussels Jewish Museum, an attack he characterized as “a wound to the heart of the European Union.”¹ Since the additional slayings of Jews in 2015, that wound has deepened.

Barroso's faith in European values and the EU's ability to condemn antisemitism seems misplaced. For instance, shortly after the slaughters at Charlie Hebdo and the kosher supermarket, the EU's culture ministers issued a unanimous condemnation of the "intolerance and ignorance" that led to the "senseless barbarity" of the Charlie Hebdo murders and omitted mention of those Jews who were murdered for simply being Jews.²

Although the EU nonetheless insists it takes every opportunity to condemn antisemitism, one cannot assume that its condemnations render Europe's Jews less vulnerable to prejudice, much less violence. Ironically, the underlying reality may be that the polity's myriad pronouncements, policies and reports conceal a dangerous reluctance to forcefully and consistently confront the problem. This conference paper explores this possibility by reviewing the EU's recent responses to *lethal* antisemitism. The paper then

¹ Maureen Shamee, "EU Commission President: 'There is a future for all people living in the European Union,'" *European Jewish Press* (11 September 2014). The next month, the Commission held a seminar on combating racism, xenophobia and antisemitism in Jerusalem (27-28 October). Given the attack Brussels, particular attention extended to antisemitism.

² Fight against terrorism/freedom of expression – Joint statement issued by the European Union culture ministers on freedom of expression," The French Embassy in London (11 January 2015). <http://www.ambafrance-uk.org/EU-culture-ministers-condemn>.

considers how these reactions might undermine (however unintentionally) the very fundamental rights of Jews and others the EU claims to champion.

For countless EU officials, opposition to historical antisemitism offers a teaching moment; an inspiring narrative about Europe's integration that has little to do with Jews. At a 2013 conference on “the branding of Europe,” the EU's Ombudsman (Emily O’Reilly) explains: the best way to “spin a tale around the meaning of Europe that binds hearts and minds” is to “tell the tale of peace forged from the ashes of Auschwitz,” because it is “harder to *romanticise* fiscal stability mechanisms ...”³

That the place once "synonymous with abject evil" for its gas chambers and ovens designed and built specifically to annihilate Europe's Jews,⁴ has been transfigured by the Ombudsman into a figurative centerpiece for marketing Europe is truly rich. Yet, such obliviousness (or indifference) to the genocidal treatment of Jews is so pervasive it rarely raises eyebrows. Auschwitz instead provides retrospective utility. “Tucked away safely in Europe’s past," it was "overcome by the defeat of fascism and the development of the European Union.”⁵

The instrumentalization of the Holocaust plumbed new depths in 2014 when, in her capacity as the polity's first High Representative for Foreign Affairs and Security Policy, Catherine Ashton wrote,

³ Emily O'Reilly, “Civil Society Media Seminar 2013 - European Economic and Social Committee - Address by the European Ombudsman,” 25 November 2013, emphasis added. <http://www.ombudsman.europa.eu/activities/speech.faces/en/52642/html.bookmark> (Viewed 22 February 2015). Elected to the position of Ombudsman in 2013 by the European Parliament, O'Reilly is tasked with mitigating the maladministration of myriad EU bodies when they either contravene the law and/or violate human rights.

⁴ See Catherine Chatterley, "The Truth About Auschwitz," *Huffington Post*, 23 February 2015.

⁵ Robert Fine, “Fighting with phantoms: a contribution to the debate on antisemitism in Europe,” *Patterns of Prejudice*, 43, no. 5 (2009), p. 463.

On Holocaust Remembrance Day, we must keep alive the memory of this tragedy. It is an occasion to remind us all of the need to continue fighting prejudice and racism in our own time. We must remain vigilant against the dangers of hate speech and redouble our commitment to prevent any form of intolerance. The respect of human rights and diversity lies at the heart of what the European Union stands for.⁶

In substituting platitudinous references to racism, intolerance and human rights for antisemitism's centrality to the Holocaust, Ashton managed to withdraw Jewish genocide from a catalogue of Nazi infamy. That she accomplished this through an international Holocaust commemoration statement under the guise of promoting “human rights” offers a somewhat ironic victory to the assassins of memory, regardless of her intent.

Tempting though it may be to disregard Ashton’s text as politically insignificant, it was far from minor and unrehearsed. And, as the EU’s premier foreign policy chief tasked with representing the EU at international fora, she was a privileged political player whose manipulation of “human rights” discourse mirrors countless EU policies and statements, including those issued by the European Union's Fundamental Rights Agency (the FRA). Its mission is to help EU institutions and Member States promote and protect fundamental rights within the EU.

In 2011, the FRA issued a glossy brochure that was – like Ashton’s statement -- similarly averse to identifying antisemitism as in any way central to the Holocaust. In

⁶ CEC, "Statement by EU High Representative Catherine Ashton on Holocaust Remembrance Day" (27 January 2014).

http://eeas.europa.eu/delegations/israel/press_corner/all_news/news/2014/20140127_02_en.htm.

Previously, Holocaust commemorations offered EU officials high profile opportunities to burnish their credentials as opponents of antisemitism and insist that the Community was born in opposition to it. In 2012, the European Commission funded a conference on remembrance in Denmark entitled “Remembering for the Future.” There it claimed, “the horrors of the Holocaust and the need to prevent it from ever happening again are what we may call a *constitutive factor* in building the European union”(European Commission 2012, emphasis added). Antisemitism was, therefore, portrayed as antithetical to a “Europe” whose reputation is tarnished by its association with it (see the European Policy Centre’s paper on the “European Year of Intercultural Communication” 2008 statement). Perhaps Ashton's successor will restore this lens (see below).

Human rights education at Holocaust memorial sites, the FRA's chief concern was that "most of the memorial sites ... do not systematically include education on human rights in their work."⁷ For those who doubted whether Jewish rights are "human rights," the FRA's synopsis on "Holocaust education" is revealing. That the brochure's distribution sparked no public outcry signals how too few notice, fully grasp and/or are troubled by the (discursive) exclusion of Jews from the panoply of fundamental rights.

With the most deadly manifestation of antisemitism excluded from the rubric of "human rights" violations by the same EU authorities entrusted to promote them, it is unsurprising that the lethal attacks against Jews in Paris and Copenhagen prompted little, if any, unequivocal outrage among them. As we will discover, the EU's culture ministers were not alone in overlooking Jewish casualties.

While the current Commission President (Jean Claude Juncker) expressed, in writing and on camera, his indignation and "highest solidarity" with France following the massacre at Charlie Hebdo,⁸ he issued no separate condemnation of the slayings at the kosher market. Weeks later, after Denmark's double homicide, the Commissioner released a curt denunciation of antisemitism. It read: "We stand against anti-Semitism

⁷ European Union Agency for Fundamental Rights. FRA, *Human rights education at Holocaust memorial sites across the European Union*. (Vienna: European Union Agency for Fundamental Rights, 2011), 31, emphasis added.

⁸ CEC, "Statement by President Juncker following the attacks on Charlie Hebdo premises citizens and injuring several others. Even one life is one too many. Our thoughts are with the victims and their families. Europe stands united with Denmark in upholding freedom of speech and freedom of expression. *We stand against anti-Semitism and all forms of discrimination*. Europe will not be intimidated." (Italics added, See http://europa.eu/rapid/press-release_STATEMENT-15-4431_en.htm)

⁸ See <http://www.europarl.europa.eu/news/en/news-room/content/20150109IPR06302/html/EP-pays-tribute-to-victims-of-Paris-terrorist-attacks>

⁸ See <http://fra.europa.eu/en/news/2015/eu-agencies-express-full-solidarity-victims-attacks-paris>. The statement was issued on 8 January 2015, emphasis added. (7 January 2015), Brussels. See http://europa.eu/rapid/press-release_STATEMENT-15-3002_en.htm

and all forms of discrimination."⁹ Impossible to oppose on its own, antisemitism is condemned only within contexts that acknowledge discrimination against others. The converse is rarely true – a point to which we will soon return.

In responding to the murders in France, the European Parliament understandably called for a moment of silence for *all* victims. However, its apparent inability to account for the significant distinctions between them was evidenced in the remarks of its President, Martin Schultz. He stated, "These 17 cartoonists, journalists, police officers, employees and ordinary Jewish citizens were killed because they represented things that fanatics cannot stand: criticism, humour, satire and free speech."¹⁰ Whether Schultz regarded the murdered Jews as critics, comics, or exemplars of the EU's citizenship is beside the point. His failure to mention antisemitism signals a dangerous reluctance to forcefully confront the reasons why "fanatics" single out Jews.

Like the European Parliament, the FRA conflated all the victims and thus obscured the specific threats faced by European Jews. After expressing its "horror at *the crime* and its sympathy with all those close to the victims," the Agency acknowledged the "attacks on the editorial offices of the French magazine ... and the subsequent hostage

⁹Within hours of the first shootings (on 14 February 2015), his position was unequivocal. "The European Commission and the High Representative deplore today's crime in Copenhagen costing the life of at least one citizen. One life is one too many. Our thoughts are with the victims and their families. Europe stands united with Denmark in upholding freedom of speech and freedom of expression. Europe will not be intimidated." (See http://europa.eu/rapid/press-release_STATEMENT-15-4431_en.htm). Following the murder of a Jew outside the city's main synagogue, the statement was revised. It read: "The European Commission and the High Representative deplore the attacks in Copenhagen costing the life of at least two citizens and injuring several others. Even one life is one too many. Our thoughts are with the victims and their families. Europe stands united with Denmark in upholding freedom of speech and freedom of expression. *We stand against anti-Semitism and all forms of discrimination.* Europe will not be intimidated." (Italics added, See http://europa.eu/rapid/press-release_STATEMENT-15-4431_en.htm)

¹⁰ See <http://www.europarl.europa.eu/news/en/news-room/content/20150109IPR06302/html/EP-pays-tribute-to-victims-of-Paris-terrorist-attacks>

crisis."¹¹ As Professor Robert Zaretsky notes, the Jews at the HyperCacher market were "no more hostages than the victims at Charlie Hebdo were insurance adjusters." "The latter were killed," he explains, "because they were cartoonists, while the former were executed because they were Jews."¹²

By contrast, Federica Mogherini, the Commission's new Vice President and High Representative for Foreign Affairs, was one of the few EU officials to bring an element of clarity to the horror when she explicitly noted its antisemitic dimensions. Following her meeting with a delegation of the European Jewish Congress after the terror in Paris, she expressed her condolences to all the victims and observed that the subsequent attack on the kosher market exacerbated the horrors that had already transpired. Then, when it came time for the EU to issue its annual statement to commemorate International Holocaust Remembrance Day, she observed that while 2015 marked the 70th anniversary of the liberation of Auschwitz, the murders at the kosher market served as a sobering and grim reminder of antisemitism's persistence.¹³

The FRA's reticence to identify "the crime" as murder and name its perpetrators persisted in the two reports it issued soon after. One focused on the intersection between "nondiscrimination and internal security"¹⁴ and the other emphasized the public's

¹¹ See <http://fra.europa.eu/en/news/2015/eu-agencies-express-full-solidarity-victims-attacks-paris>. The statement was issued on 8 January 2015, emphasis added.

¹² See <http://forward.com/articles/212611/why-jew-is-rarely-spoken-word-in-france-even-aft/#ixzz3POLTK2sa>

¹³ CEC, "Statement by High Representative/Vice-President Federica Mogherini on the International Holocaust Remembrance Day" (27 January 2015).

¹⁴ Fundamental Rights Agency, "Embedding fundamental rights in the security agenda," FRA Focus (01/2015). <http://fra.europa.eu/en/publication/2015/embedding-fundamental-rights-security-agenda>

reactions to the massacres in Paris.¹⁵ Both underscored the fears of the Muslim *and* Jewish communities with no mention of the fact that, in France, Muslims have long been the primary perpetrators of anti-Jewish attacks. That evidence has been available in earlier FRA reports for anyone who cares to look at them.¹⁶ Indeed, twelve years ago the FRA's predecessor agency, the European Union Monitoring Centre (EUMC), found that the most violent attacks against Europe's Jews were often tied to virulent anti-Zionism and to radical Islamicists and young Muslims of Arab descent who were themselves victims of racism.¹⁷ The Centre's efforts to suppress these conclusions by referring to them as methodologically unsound or "divisive" backfired once the experts released their draft report and exposed the Centre's countless efforts to alter its results. Despite the international scandal that ensued and discredited the EUMC, it seems the FRA is repeating some of its predecessor's mistakes.

In turning its attention from the victims of the jihadist assassinations, the FRA was able to focus on those Muslims whose alienation they insisted was conducive to their "radicalization." Notably, the Agency extended no similar concern to the victims, including Europe's Jews whose resulting despair and isolation increases the chances of their departure from Europe. If one knew nothing about "the events of January 2015,"¹⁸

¹⁵ Fundamental Rights Agency, "Reactions to the Paris Attacks in the EU: Fundamental Rights Considerations," FRA Focus (01/2015). <http://fra.europa.eu/en/publication/2015/reactions-paris-attacks-eu-fundamental-rights-considerations>

¹⁶ For a detailed description and analysis of these reports (e.g., from 2009, 2011 and 2013), see R. Amy Elman, *The European Union, Antisemitism and the Politics of Denial* (University of Nebraska, 2014).

¹⁷Ibid. Researchers in France found that "the largest percentage of anti-Semitic violence attributable to the extreme-right was only 9% in 2002 (against 14% in 2001 and 68% in 1994)," in European Monitoring Centre on Racism and Xenophobia, *Manifestations of Anti-semitism in the EU 2002-2003*, p. 21.

¹⁸ Fundamental Rights Agency, "Embedding," p. 5.

in reading the reports one might have supposed that the terrorists were Islamophobes whose largest group of victims were Muslims.

Even after the attacks in Denmark, the FRA's Director remained diffident about ascribing blame to terrorists. Instead, he insisted that all religious leaders unite in a condemnation of the attacks to avoid "polarization." Morten Kjaerum further advised political leaders "to use the momentum to formulate far-sighted policy that tackles the root causes of radicalization."¹⁹ Sensitive to the implications of this emphasis, Eve Garrard warns: "What counts as the root cause may itself be a matter of dispute" because a root cause might be "the result of prior political commitments and pre-judgments which ensure that the blame for the problem lands exactly where the observer has already decided it belongs."²⁰

Days later, a Swedish Public Radio reporter (Helena Groll) stepped into the void left by Europe's leaders in their reluctance to apportion guilt and she queried Israel's ambassador about whether "Jews themselves have any responsibility in the growing anti-Semitism that we see now."²¹ When the ambassador endeavored to explain why he "reject[ed] the question altogether," an undaunted Groll attributed the recent attacks to the conflict in the Middle East. Thus, she had just expressed, however inadvertently, "two of the oldest of anti-Semitic tropes – that Jews cause themselves to be hated, and that Jews

¹⁹ Fundamental Rights Agency, "FRA mourns deaths in Copenhagen, an attack on the rights to life, dignity and freedom of expression," 16 February 2015. <http://fra.europa.eu/en/news/2015/fra-mourns-deaths-copenhagen-attack-rights-life-dignity-and-freedom-expression>

²⁰ Eve Garrard, "Anti-Judaism, Anti-Zionism, Antisemitism," *Fathom*, Autumn 2014. <http://fathomjournal.org/anti-judaism-anti-zionism-antisemitism/>

²¹ Yair Rosenberg, "Swedish Public Radio Asks: Are Jews Responsible for Anti-Semitism?" *Tablet Magazine*, 18 February 2015. <http://tabletmag.com/scroll/189064/swedish-public-radio-asks-are-jews-responsible-for-anti-semitism> This link contains the original interview.

anywhere are responsible for the actions of Jews everywhere."²²

Offensive as Groll's comments were, they are in step with Sweden's political and chattering classes. Consider the best selling author and journalist Jan Guillou. He denies the existence of antisemitism altogether by attributing its spread to Jews intent on evoking sympathy for Israel's suspect policies. Swedes more willing to acknowledge antisemitism frequently dismiss it as an understandable response, especially when expressed by Muslims. This last tact is bolstered by the legal precedent established by Sweden's former Chancellor of Justice years prior, a ruling that might have been contradicted by the European Union's 2005 Working Definition of Antisemitism had it ever been formally adopted and subsequently implemented.

In 2006, Chancellor Lambertz ruled that the threats of extermination emanating from Stockholm's Great Mosque were “permissible” and did not constitute racial incitement because such “battle cries and invectives are a commonplace feature of the rhetoric surrounding the [Middle East] conflict.”²³ This and similar justifications for “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion”²⁴ are those the EU informally established as “antisemitic” in its working definition – a definition that was then unknown to Lambertz and his Swedish colleagues.

It was, however, precisely the persistent indifference to and acceptance of hate mongering that inspired the EU's adoption of working definition in the aftermath of the

²² Ibid.

²³ Justitiekanslerns beslut, Decision Beslut 2006-01-02; Dnr 6335-05-33, Stockholm, author’s translation.

²⁴ European Union Monitoring Centre, *Working Definition of Antisemitism*, (Vienna, 2005).

above noted EUMC scandal in 2003. Unable to monitor and analyze a prejudice it did not understand and had never defined, that definition reads:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.²⁵

The guide that accompanied the definition made clear that manifestations of antisemitism “could also target the state of Israel, conceived as a Jewish collectivity.”²⁶ It explained, “holding Jews collectively responsible for actions in the state of Israel” and presenting caricatures of contemporary Israeli policy that draw comparisons to Nazi policy is antisemitic.²⁷ Although the Centre explained that when criticism of Israel is similar to that leveled against any other country, it cannot be regarded as antisemitic, the Centre also acknowledged that the application of “double standards” for Israel (standards not expected of any other democratic state) and/or “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)” is antisemitic.²⁸

Expecting that the (informal) definition might oblige Member States to combat antisemitism, Jewish organizations and various state actors (perhaps especially those based outside of Europe) hailed its 2005 informal adoption. For instance, the Canadian Members of Parliament adopted a resolution to combat antisemitism in 2007 that cited the EU’s seemingly authoritative definition, as did the Australian Online Hate Prevention

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

Institute (OHPI) when it was established in 2012 to combat cyber hate. Yet, few within the EU seemed aware of it – including Sweden's Chancellor Lambertz and the members of his government.

Rather than translate the working definition for adoption throughout the Member States or call upon the Commission or its colleagues in Parliament to at least recommend it (as it does for other groups whose interests it claims to represent), the Centre disseminated its English-only text to its national research network (RAXEN) and did little else to promote it. Indeed, the definition appeared in none of the Centre's annual reports that detail important developments and responses to discrimination.

When I arrived at the FRA (previously the EUMC) in 2009 and asked about the definition's conspicuous absence from the EU's myriad documents, an official from the Agency insisted that the definition was merely a "work in progress." No novice on the intricacies of EU anti-discrimination politics, he explained that, as a "work in progress", the working definition of antisemitism required testing and further comment from throughout the Community before its practical use and effectiveness could be established and supported fully. Yet, by repeatedly ignoring the working definition, never translating it, and refusing to issue it in any of the Agency's reports, its effectiveness could never be determined and, in turn, supported fully. Perhaps this was the point.

As the definition languished on the FRA website, the Agency issued two brief overviews concerning antisemitism (one in 2009 and the other in 2012).²⁹ Both lamented that because so few Member State authorities had bothered to define antisemitism, there

²⁹ European Union Agency for Fundamental Rights, *Anti-Semitism - Summary overview of the situation in the European Union 2001-2008* (February 2009); European Union Agency for Fundamental Rights, *Anti-Semitism - Summary overview of the situation in the European Union 2001-2011* (June 2012).

was a dearth of statistical data related to it. This was an odd admission given that the Centre's earlier adoption of a working definition might have resolved this conundrum. Nonetheless, the Agency revisited – without the least irony—the methodological quandaries that stem from reporting a problem its researchers had yet to define.

Then, just months prior to releasing its latest and most comprehensive report on antisemitism in 2013, the FRA quietly withdrew the definition from its website. That act was first reported by the pro-Palestinian website Electronic Intifada. By the time Europe's Jewish community and its allies discovered the FRA had removed the definition they appealed to the Agency to reinstate it. In response, an FRA spokeswoman insisted she was “not aware of any *official* definition.” Moreover, she submitted, “The agency does not need to develop its own definition of antisemitism to research these issues.”³⁰ Despite the outcry her answers provoked, she was technically correct -- the EU had never adopted an official (and thus legal) definition of antisemitism and its 2013 survey report on antisemitism testified to the research that could be done without one.

The FRA's 2013 final survey report offered an ominous glimpse into conditions for Jews throughout Europe. In addition to enduring antisemitic harassment and discrimination, nearly half of the 5,847 respondents from 3 of 8 Member States (Belgium, France, and Hungary - and over a third elsewhere) stated they had considered emigrating from their country of residence because they did not feel safe. Thousands had grown weary of wearing anything that might identify them as Jews. Moreover, they feared the consequences of attending synagogue, purchasing kosher food or frequenting Jewish cultural events.

³⁰ In Shimon Samuels, “EU disowns the ‘EU working definition of anti-semitism,’” *Times of Israel Blog* (December 3, 2013), <http://blogs.timesofisrael.com/e-u-denies-validity-of-eu-working-definition-of-antisemitism> (Viewed 14 July 2014).

In addition to registering the profound (and eerily prophetic) fears of Jewish respondents to escalating antisemitism, the FRA's 2013 survey exposed the limited confidence that these respondents had in any authority or organization to counter it. In fact, over half of those surveyed claimed that reporting antisemitic discrimination and/or hate crimes would be of no consequence, a finding which suggests that Europe's Jews recognized the public's general acceptance of their abuse and were aware that politicians seemed disinclined to move against it.

In the aftermath of lethal antisemitism and the dispiriting response of EU leaders, the doubts of Europe's Jews were far from misplaced. Indeed, any additional loss of faith on their part will further erode the public's declining trust in EU institutions. In "Europe Reborn: How to Save The European Union from Irrelevance," Matthais Matthijs and R. Daniel Kelemen insist it is insufficient for the EU to "reclaim its credibility as a bastion of economic and political freedom," without also defending the "shared democratic values that bind together its member states."³¹ With no greater threat to those values than the terror that has gripped Europe's capitals in the last few weeks, the tentative condemnations of EU leaders suggests that Europe's future might be bleak.

Far from taking every opportunity to condemn antisemitism, the responses of EU leaders to lethal antisemitism (including statements related to the Holocaust) make clear that European integration is no antidote to the virus. That the polity's credibility and values hang in the balance is perhaps still unclear to those EU leaders who persist in their unwillingness and/or inability to recognize and unequivocally oppose antisemitism.

³¹ Matthais Matthijs and R. Daniel Kelemen, "Europe Reborn: How to Save The European Union from Irrelevance," *Foreign Affairs* (January/February 2015), 97-98.