



The Yellow Star in Australia

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Introduction

1. The title of this paper draws on the closing remarks of John Basten of Her Majesty's Counsel in the Full Federal Court appeal in the case now known as "NAGV 2002 v Minister for Multicultural and Indigenous Affairs". Basten QC was appearing for a Jewish gentleman who had arrived in Australia from Russia and sought refugee status. The details of the case are quite extraordinary, and I will relate them to you momentarily. I will also refer to some other cases where a disturbingly inconsistent pattern in the various arms of the Australian Government is developing in relation to civil rights for Jews in Australia.

2. I will also address a second area of considerable risk that Australian Jews should be particularly concerned about. It arises under the new anti-terrorism laws. These laws create a real exposure for abuses of civil rights and for anti-Jewish discrimination in Australia on terms which would have been unthinkable not very long ago.

3. The third and final theme of this paper which I will relate to the first two is the increasing convergence of Muslim and Christian Antisemitism.

4. My thesis is that the position of the Australian Jewish community in terms of civil rights is significantly better than almost anywhere else in the western world today, but the risks of those rights crumbling, and crumbling quickly, should be upgraded. We need a national strategy to abate that risk.

5. Key planks of the strategy should include the following aspects.

6. Our elected leaders need to explain with some significant clarity and passion to our friends in Australian parliaments and in the public arena that commitment to fairness, non discrimination and multiculturalism are good for Australia as a whole and that the strengthening of Australian civil rights is an issue of some significant concern for Australian Jews. The durable bi-partisan support for multiculturalism has dissipated over the last decade.

7. We must be open and consistent in explaining that we benefit from a strengthening of civil rights because we are Australians who care about Australia. We will be listened to because the Australian Jewish community is acknowledged as having a particularly keen sense of injustice and understands what victimisation is all about.

8. A change that must occur, however, is in how we deliver the message, how frequently, and how carefully.

9. Our elected representatives must begin the process of presenting themselves as moderate, sensible and credible players in the political sphere. It is no longer productive or beneficial for the Australian Jewish community to allow its voice to be described as “shrill” or “hardline” as some of the voices purportedly speaking on behalf of the Australian Jewish community have been described by very senior politicians and

newspaper editors in the last 2 months leading up to the award of the Sydney Peace Prize to Dr Hanan Ashrawi and before that.

10. Then, we must reach out through our synagogues, youth, cultural and other organisations to explain to every segment of the Jewish community, in terms readily accessible to that segment, what the risks are, and how they can contribute positively.

Australian laws that discriminate against Jews

11. In *NAGV 2002 v Minister for Multicultural and Indigenous Affairs*,ⁱ the Refugee Review Tribunal – part of the Executive arm of Australia Government, and subsequently Justice Margaret Stone of the Federal Court of Australia, part of the Judicial arm of Australian Government, decided that a Jewish applicant who in all respects met the criteria to be granted refugee status and a protection visa in Australia, could not be a refugee in Australia because he could have gone to Israel. The applicant appealed.

12. Jeremy Jones, in his capacity as President of the Executive Council of Australian Jewry (ECAJ), intervened in the appeal to argue that Jews who had not presented themselves to Israel (and expressed no desire to make Aliyah) ought not be singled out for blanket denial of refugee status in Australia. Stephen Rothman SC and I appeared in Court for the President of the ECAJ. We argued that illegal discrimination arises where a person is denied an outcome that is available to other persons and is denied the outcome by reason of race or religion. *NAGV* fitted that description because as a Jew he could apply for refugee status, they could not be granted it simply because he was a Jew.

13. It is difficult to imagine a right more fundamental than the right to protection from persecution when the fact of persecution (and all other criteria for protection under Australian law) are met.

14. Refugee protection is designed to protect people against persecution by reason of their race or ethnic origin. It would be more than just an exquisite irony if the law were construed so as to allow race or ethnic origin to be a ground upon which a protection against that very persecution is denied.ⁱⁱ

15. The High Court had previously upheld the proposition that there is a right to procedural fairness in Refugee Review Tribunal decisions. We argued that there must be a right to substantive fairness,ⁱⁱⁱ in this case, against an inevitable discriminatory impact.

16. The position of the Zionist Federation of Australia, quite properly, was that the ECAJ could not intervene in the Appeal to argue that Jews ought not be required to go to Israel if they could. However, the Zionist Federation of Australia agreed with the ECAJ that where a Jew had properly exercised the right to come to Australia, any law that discriminated against that person by reason of them being Jewish ought to be opposed. I am sure you can all see that there is a very careful distinction being drawn here. And it is an important one.

17. It is settled law that where a third country has already recognised an asylum seeker's status as a "refugee", Australia can return the asylum seeker to that country and not itself grant refugee status.^{iv} In a number of decisions the French *Recueil de Cours* for example has denied refugee status to Jews who had acquired Israeli

nationality.^v Once an Israeli citizen the Jewish applicant would no longer be fleeing persecution.^{vi}

18.The legal position arrived at in NAGV is in not the legal position in Canada.

19.In *Katkova v. Minister of Citizenship and Immigration*,^{vii} Justice McKeown in the Federal Court of Canada decided as follows.

The issues are whether by virtue of Jewish nationality the applicant has a connection with the State of Israel through the Law of Return and hence Israel should be considered as her country of nationality ... and whether the Board ignored the clearly expressed desire of the applicant not to go to Israel.

20.His Honour further found that:

the Law of Return in Israel requires that it only applies "to every Jew who has expressed his desire to settle in Israel".

21.His Honour set out key sections of the Law of Return which read as follows:

1. *Every Jew has the right to come to this country as an Oleh.*
2. (a) *Aliyah shall be by Oleh's visa.*
(b) *An Oleh's visa shall be granted to every Jew who has expressed his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant*
 - (1) *is engaged in an activity directed against the Jewish people; or*

(2) is likely to endanger public health or the security of the state;

or

(3) is a person with a criminal past, likely to endanger public welfare.

22.The Canadian Court ruled as follows:

The Law of Return states that the desire to settle in Israel is a requirement for immigration. It is not a matter which a tribunal can determine. The Law of Return does not say that every Jew should return to Israel. In this case the applicant clearly stated that she does not want to go to Israel. This is a fundamental error by the Board and it is a finding which is patently unreasonable in light of the requirements of the Law of Return. The Law of Return does not require any applicant to give reasons as to why they desire to return to Israel.

23.McKeown J. stressed that: *“It is important that potential nationality is not confused with actual nationality.”*, and rejected the proposition that: *“the mere fact of being Jewish creates a "genuine link" between any Jewish person and the State of Israel.”*

24.Regrettably, although the Federal Court was invited to follow the Canadian example, by a 2:1 majority the Full Federal Court rejected NAGV’s appeal and declined to decide the points raised by the ECAJ. Justices Finn and Emmett, two of the judges hearing the Appeal, acknowledged that the ECAJ application raised obvious and important points, but exercised their discretion to decline to consider them as they had not been raised by the applicant at trial.

25. Another case in which the appeal was argued last month – not yet decided - raised the Yellow Star question more acutely. *NAEN v Minister for Immigration & Multicultural & Indigenous Affairs* concerned a woman who said that she converted to Orthodox Christianity and who said that she was not a Jew although she was perceived in the Ukraine to have been one. Despite that the Refugee Review Tribunal determined that she was a Jew, and therefore was not eligible for a protection visa in Australia. This was upheld by Justice Sackville in the Federal Court.

26. John Basten QC in *NAGV* has explicitly raised the issue that where an arm of the Australian Government determines that a person who says she is not a Jew, is treated as a Jew, it applies the same criteria as the Nazis applied in respect of who had to wear the “Yellow Star”.

27. *NAGV* is now on its way up to the High Court of Australia.

28. There are more than these two problem cases.

29. The Refugee Review Tribunal in *RRT Reference: N00/36542* decided on 30 May 2003 considered the case of an applicant who left Ukraine because she feared being persecuted because of her ethnicity. The Tribunal Member was Kerry Anne Hartman.

30. The applicant’s father was Jewish and her mother Ukrainian. She claimed that all her life she was a victim of abuse and attack caused by Antisemitism that traditionally exists in Ukrainian society.

31. Her home was vandalised many times and she was personally beaten near her home. She claimed she received numerous threats by phone and mail. She claimed she was told that “sooner or later Ukraine will be cleaned from Jewish pigs”.

32. The applicant claimed that the only way to avoid inevitable death was to flee Ukraine, and added that she is unable to go to Israel because she is a Christian. She claimed she has never been to Israel and is not a Jew under Israeli tradition and she does not consider Israel as her homeland.

33. The Tribunal rejected her claim of persecution. It could not accept that she was discriminated against by reason of being perceived to be Jewish. Ms Hartman referred to an Israeli Embassy opinion that Jews are emigrating from the Ukraine solely for economic reasons, and to published information that the number and intensity of attacks on Jews in the Ukraine had decreased in 2001 compared with the previous year. The subsequent and prior problems experienced by Jews in the Ukraine do not appear to have been relied upon.

34. Startlingly, Ms Hartman concluded that, in contrast to Russia, Antisemitism has played almost no role in political and economic rivalries in Ukraine in the last decade.

35. Just as startlingly, one of the grounds for decision was that the Applicant did not have a “Jewish appearance”.

36. Ms Hartman made a life and death decision in part based on whether a person appeared to her to be Jewish. I trust you are as troubled by that as I am.

37. In another case, RRT Reference: N00/34839 decided on 9 May 2003, Ms Hartman asked another Applicant to explain to the Tribunal how anyone looking at her would know one of her parents was a Jew. The applicant in that case claimed that she looked like her parent but people knew she was Jewish because it was written on her birth certificate. That application also was rejected.

38. The extent of the problem is made stark by the following point or argument that we put before the Full Federal Court. Consider the hypothetical but realistic example of an Iranian applicant who has a Sunni Muslim father and Jewish mother. He comes to Australia alleging persecution both because he is Sunni and because he is perceived in Iran as Jewish. Jews in Iran have been arrested and jailed in the 1990s for having perceived ties to Israel by virtue of their religious practices. The applicant identifies as a Sunni Arab person, but under §36 as construed by the Federal Court, he would be ineligible for a protection visa because he could qualify for entry to Israel under the Law of Return. The policy level problem was recognised but not explored in *NAEN v Minister for Immigration & Multicultural & Indigenous Affairs*^{viii} in his decision rendered on 19 March 2003 by Sackville J at ¶74.4:

In practice, there would seem to be a significant danger of inconsistent and, perhaps, discriminatory application of the effective protection principle. Some nationals or members of particular ethnic or religious groups may be much more vulnerable to exclusion than others, depending on what procedures are followed by the Minister's delegates and the RRT to identify supposedly safe third countries.

39. Counsel who conducted the appeal in *NAEN* did not put the question of compliance with Australia's Racial Discrimination Act to the Full Federal Court in that case. I

understand that he reached that conclusion because other ethnic groups also are ineligible to be refugees in Australia by reason of having countries to which they can go. Examples are Nepalese who can go to India (even though they are discriminated against in India), and Alawite Arabs who can go to Syria. This is not a position we can agree with. Multiple wrongs do not make a right.

40. The ECAJ made representations to the Commonwealth Government at a political level about the NAGV case. Sadly, the representations were unsuccessful. Thus, all three arms of Australian Government have excluded Jews by reason of being Jews from the right to be refugees in Australia.

41. The position is hard to understand for many of us because, we have a Commonwealth Government which is highly supportive of the cause of the State of Israel, and which has an excellent relationship with the Australian Jewish community in most respects.

The risk in antiterrorism laws – not naming your enemy

42. We now have before us therefore a context in which the Commonwealth Government is prepared to countenance specific forms of racial discrimination against Jews. The context at present is limited to refugee law, but the potential is broader. The most acute risk arises in the context of the “war against terrorism.” And that is because the purposes and objects of that “war” are so indefinite.

43. It was Carl Von Clausewitz in his book: “On War” published in 1832 who said:

“If politicians impart imprecise or contradictory goals to their military leaders, their efforts would almost certainly run up against major difficulties”.

44.I suggest that “September 11” was nothing new; it was an extension of an already developed pattern of homicide bombing to a new location. In April 1983, Islamic terrorists destroyed the United States Embassy in Beirut. Those present recall the walls of the building being ripped away like the skin of a body exposing the raw flesh and nerves inside. It was horrible, and American leaders swore revenge but never took it. When the terrorists escalated their tactics, the Americans fled the country. When the terror was unleashed on United States territory, it was, as our North American friends like to put it, a whole new ball game. Whether this proves to be a precedent for the current occupation of Iraq remains to be seen.

45.If indeed there is a war against terrorism, we need to first identify what and whom it is we are defending ourselves against. In the context of a paper on Jewish civil rights, we need to understand how the Courts would balance those civil rights with the need to give the Commonwealth Government some flexibility in implementing laws to protect national security. Then, thirdly, it is important to appreciate the extent to which our democratic freedoms diminish in a time of war.

46.Analysts have been searching since the end of the Cold War for a metaphor to describe the new world order. We are all familiar with Samuel Huntington’s thesis on a clash of civilisations. Huntington argues that the new fault line in world politics will be between the Judeo-Christian cultures of the West and the Islamic cultures of the East. Our leaders both in North America and Australia are at pains to reject the Huntington thesis, and are at pains to indicate the problem lies with a minority of Muslims.

47.Having spent many years of my life working to build Australian relationships with the Islamic world, and having been a keen observer of developments in the Middle East,

and in South East Asia, I would suggest that if the majority of Muslims did not support a war on the west, no polling ever having been done, there is equally no commitment to moderate peaceable conduct to be discerned.

48. Professor Bernard Lewis, Cleveland E Dodge Professor of New Eastern Studies Emeritus at Princeton University wrote in the National Post on June 1, 2002 an essay entitled: "How did the Infidels Win?" the following:

"There has been a lot of talk of late about the clash of civilisations. Most of the civilisations known to history -- such as those of China, India, Greece, Rome, Egypt and Babylon -- have been regional. Christianity and Islam are different. These are the only two civilisations whose underlying religions claim not only that their truths are universal -- all religions claim that -- but also that their truths are exclusive. Both believe that they are the fortunate recipients of God's final revelation to mankind, and it is therefore their duty to bring it to the rest of the world. It is inevitable that you will have a clash between two religions that are geographically adjacent, historical consecutive, theologically akin.

...

Where are we now? Within the Islamic world, more particularly the Middle Eastern world, I think one must divide countries in terms of their attitude to the West into three zones. One zone comprises those countries that have governments that we are pleased to regard as pro-Western and pro-American.

These governments are therefore, and I stress the word "therefore," cordially detested by their people. They are detested not because they are pro-West

but because they are regarded as Western puppets and therefore the West is held responsible for the corruption and tyranny of these regimes. It is no accident that most of the hijackers and terrorists on Sept. 11 came from countries with Western-friendly governments. A second group are countries with hostile governments. I am thinking in particular of Iraq and Iran, perhaps also Syria. These are bitterly anti-American and anti-Western; and therefore their peoples are very pro-Western and pro-American. Let me relate an Iranian joke that I heard only last week from an Iranian, which I think captures the mood. (Jokes are often the only uncensored form of comment in these countries.) When American planes began to fly over Afghanistan, many Iranians put out notices over their houses saying, "This way, please." In these countries whose governments detest the West, all the indications are that there is general goodwill toward the West among the people. In Iran, for example, after 9/11, great numbers of people went out into the streets and lit candles in sympathy vigils. This did not happen in nominally U.S.-friendly countries like Saudi Arabia; quite the reverse.

The third group comprises the Middle Eastern countries where both the government and the people are friendly. There are just two countries in this categories: Turkey and Israel, which happen to be the only two countries with functioning democracies.

49. Daniel Pipes, now recognised as one of the leading analysts of the "War Against Terrorism" has identified some of the key mistakes the United States Government has made and continues to make in conducting this war. He argues, as does Allan Dershowitz in his book "Why Terrorism Works: Understanding the Threat, Responding

to the Challenge”, that it is a mistake to see terrorism as a crime. Terrorism should be seen as a form of warfare. Pipes says:

It is a mistake to blame Islam (a religion 14 centuries old) for the evil that should be ascribed to militant Islam (a totalitarian ideology less than a century old). The terrorism of al Qaeda, Hamas, the Iranian government and other Islamists results from the ideas of such contemporary radicals as Osama bin Laden and Ayatollah Khomeini, not from the Koran.^{ix}

50. Pipes and Lewis are clear in their respective definitions of who is the enemy, but our Government leaders are not. This gives them the flexibility to identify persons as enemy aliens at will. Recently, Hamas, but only its military wing, and the Pakistani organisation Lashkar-E-Taiba became banned organisations.

51. The ban took effect within a few days after the Government received “advice”, which advice it will not reveal to the public.

52. Secret advice could also be used by a less sympathetic government in the future to ban, say, the UPJ. Any involvement or support for UPJ would then be a criminal offence. The ASIO stick has been used against religious groups before.

53. In *Church of Scientology v. Woodward*,^x Justice Murphy dissented from a majority judgment that upheld apparently unauthorised monitoring by ASIO of the Church of Scientology. The Church sought an injunction against ASIO monitoring, but failed. Mr Justice Murphy acknowledged that proving breach of the law by ASIO was a very difficult thing. As His Honour put it:

If a case comes before the Courts where it is claimed on what appear to be reasonable grounds that ASIO has misused its powers, it is to be expected the Courts will be astute to ensure that misuse of power is not “by claims of national security”.^{xi}

54. Remember though that Justice Murphy was the dissident. So what is the law in 2003?

55. Under Part 5.3 of the Commonwealth Criminal Code you can commit a terrorist act. There are three main elements to a terrorist act, which include an action or threat of action:

1. the action must be done or the threat made with the intention of advancing a political, religious or ideological cause;

2. the action must be done or the threat made with the intention of coercing or intimidating the government of the whole of or part of Australia, a State or Territory or a foreign country, or with the intention of intimidating the public or a section of the public; and

3. the action must be action that causes or (in the case of a threat of action) would cause serious harm to a person or serious damage to property, or which endangers a person's life, creates a serious public health or safety risk or seriously interferes with, seriously disrupts or destroys an electronic system of major public or economic significance.

56. It is an offence punishable by life imprisonment to engage in a terrorist act, or to do any act in preparation for, or planning, a terrorist act. Division 101 of the Code also

creates offences of providing or receiving training connected with terrorist acts, being in possession of things connected with the preparation for, engagement of a person in, or assistance in a terrorist act, and even collecting or making documents to facilitate a terrorist act.

57. It is an offence punishable by life imprisonment for a person to provide or collect funds where the person is reckless as to whether the funds will be used to facilitate or engage in a terrorist act.^{xii} A person can commit a terrorism offence against Part 5.3 of the Criminal Code even if no terrorist act (as defined in that Part) occurs.

58. And under the Australian Security Intelligence Organisation Act 1979 as amended last year, like its counterpart US legislation, an accused person has no substantive right to defend him or herself and no effective access to an independent lawyer to provide legal assistance or to mount a defence.

59. Section 34T of the ASIO Act allows questioning of a suspect in the absence of a defence lawyer chosen by the suspect.

60. Section 34U prevents lawyers interrupting questioning of a suspect and denies the lawyers the right to see documents, other than the arrest warrant. Under section 34V similar restrictions apply to parents of suspect teenagers.

61. The lawyer can be imprisoned for 5 years if he or she gathers independent evidence with which to defend the suspect or to prove an alibi.

62. With such draconian provisions in place, you can see that the risk is not entirely fanciful.

63. In Australia we face the inevitable tension of living in a democracy that used to, but no longer, sees multiculturalism as emblematic of the celebration of human difference. The commitment to multiculturalism is eroding in Australia. It does not exist in Europe or Asia.

64. In countries as diverse as Poland and Indonesia, there are significant numbers of people who earnestly believe that September 11 was the combination of a Jewish conspiracy designed to falsely bring blame upon the Islamic world. The suggestion that the hijackers of the aircraft that crashed into the twin towers were principally Saudi Arabs who professed to be observers of Islam, is taken to be an absolute falsehood.

65. But, does this justify a scaling back of civil rights in the hitherto democratic world? In the United States, former Vice-President, Al Gore in his speech to the American Constitution Society on 9 November 2003 criticised the Bush regime because for:

the first time in our history, American citizens have been seized by the executive branch of government and put in prison without being charged with a crime, without having the right to a trial, without being able to see a lawyer, and without even being able to contact their families.

President Bush is claiming the unilateral right to do that to any American citizen he believes is an "enemy combatant." Those are the magic words. If the President alone decides that those two words accurately describe someone, then that person can be immediately locked up and held incommunicado for as long as the President wants, with no court having the right to determine whether the facts actually justify his imprisonment.

Now if the President makes a mistake, or is given faulty information by somebody working for him, and locks up the wrong person, then it's almost impossible for that person to prove his innocence – because he can't talk to a lawyer or his family or anyone else and he doesn't even have the right to know what specific crime he is accused of committing. So a constitutional right to liberty and the pursuit of happiness that we used to think of in an old-fashioned way as "inalienable" can now be instantly stripped from any American by the President with no meaningful review by any other branch of government.

What about the right to consult a lawyer if you're arrested? Is that important?

Attorney General Ashcroft has issued regulations authorizing the secret monitoring of attorney-client conversations on his say-so alone; bypassing procedures for obtaining prior judicial review for such monitoring in the rare instances when it was permitted in the past.

66.Mr Gore went on to say the following.

Listen to the way Israel's highest court dealt with a similar question when, in 1999, it was asked to balance due process rights against dire threats to the security of its people:

"This is the destiny of democracy, as not all means are acceptable to it, and not all practices employed by its enemies are open before it.

Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual's liberty constitutes an important

component in its understanding of security. At the end of the day they (add to) its strength.”

I want to challenge the Bush Administration's implicit assumption that we have to give up many of our traditional freedoms in order to be safe from terrorists.

Because it is simply not true.

67. Al Gore reminded his audience that:

Almost eighty years ago, Justice Louis Brandeis wrote “Those who won our independence by revolution were not cowards. . . . They did not exalt order at the cost of liberty.”

68. The United States Supreme Court on Monday November 11, 2003 took on the first of what could be several constitutional challenges stemming from the war on terrorism, agreeing to decide whether aliens including two Australians, Mr Hicks and Mr Habib, detained at the U.S. naval base at Guantanamo Bay in Cuba can turn to the U.S. courts for habeas corpus review. The cases accepted by the Court will pose a critical test of the Supreme Court's historic deference to the wishes of the executive branch in times of war.

69. In Australia there continues to be a range of views as to the extent to which it is wise to secure democracy by restricting domestic freedoms. In an address to the Law Council of Australia two years ago Justice Michael Kirby commented as follows:

... those societies that succeeded against terrorism refused to play into the terrorists' hands. As the Rand Corporation's analyst, Brian Jenkins has pointed out "Terrorists want a lot of people watching and a lot of people

listening and not a lot of people dead". They want publicity, the last thing that most perpetrators of non-political violence seek.

...

The countries that have done best against terrorism are those that have kept their cool, retained a sense of proportion, questioned and addressed the causes, and adhered steadfastly to constitutionalism.^{xiii}

70. Justice Kirby is however perceived to be in a minority on this issue.

71. There is a real risk that the High Court of Australia is likely to accept that there is a war going on, and that it is different to the wars of the last century. There is a real risk that the antiterrorism legislation will be upheld as constitutionally valid. There is precedent for upholding a law with whose content the Court might have concerns but whose purpose or object is defending Australia from perceived military threats.^{xiv}

72. But there are limits. One must recall the Communist Party case^{xv} in which the High Court had to rule upon the constitutional validity of the Communist Party Dissolution Act 1950. The Act was premised upon the proposition that communists were engaged in activity designed to overthrow the established government in Australia and communist operations were aimed at the dislocation of industries vital to the defence of Australia. On that basis, the Australian Communist Party was declared unlawful and dissolved by the Menzies Government. The Governor General was given power to declare any other organisation to be unlawful if the Governor General was satisfied of certain dangers. The High Court held the Act to be invalid because it was not prepared to allow elected leaders to create a fictional emergency, even if the legislation

was supportably premised upon the defence power. As Justice Fullager indicated in the course of giving judgement:

“a power to make laws with respect to lighthouses does not authorise the making of a law with respect anything which in the opinion of the law maker is a lighthouse”.

73. In present circumstances, the war against terrorism is ongoing. The enemy is undefined, the time frame is indefinite, and the Communist Party Case might not be followed while that war continues.

74. Indeed, the Commonwealth Government would appear to be relying on just such a conclusion being reached. Much of the new legislation passed over the last few months follows the example of the Communist Party Dissolution Act.

75. There is a serious problem in a government taking positive action to create extensive police powers for the purposes of defending Australia in the course of a war where the enemy remains undefined. That lack of definition is a deliberate choice by the Governments of the United States, the United Kingdom and Australia because they are frankly afraid to state the obvious. Extremist Islamism and its numerous adherents around the world are the enemy. They are a definable people with definable views, albeit not constituted by one or more nation states as such. Their views have been boiled in the cauldron of extreme hatred and deprivation.

76. Not unlike the less impoverished Germans between World War I and World War II, they have come to believe their deprivation has been caused not by their despotic leaders nor by reason of their own nations responsibility for any bad war, but rather

because other nations who enjoy greater prosperity must be enjoying that greater prosperity at the expense of the deprived. Add to that the very clear distinction between prosperous nations being closely aligned with the democratic world and nations where economic and political deprivation is rife being closely aligned with the despotic dictatorships, the underlying clash of values and of peoples becomes quite clear.

77. The issue of competing prosperities is a continuing playing out of the north-south dialogue that failed two decades ago. It is also a playing out of the many failures of the World Trade Organisation and the General Agreement of Tariffs and Trade so often targeted by anti-globalisation campaigners.

78. The idea was that developing countries would benefit from affirmative action to allow them to export their goods into the Western World on terms more favourable than those which were granted to developed nations. These schemes unfortunately became the subject of significant political corruption and were diverted and diluted away from their proper course. Rather than fix the problem, many governments reduced or dropped their commitment to such important economic support schemes. The Australian Government scheme known as DIFF which I had direct personal involvement with in the early 1990s was quite simply dumped as one of the first Acts of the Howard Government after it took office.

79. The opposition's spokesperson on foreign affairs, Kevin Rudd, just last month raised with the Jewish community (and elsewhere) an idea of recreating a DIFF scheme specifically to generate vocational and other educational facilities in Indonesia (and other South East Asian nations) that would provide a credible and preferable

alternative to the Pesantren that continue to operate in Indonesia with significant Saudi government funding. It is the Pesantren where terrorists are trained. Mr Rudd's idea deserves to be pursued.

80. The next necessary plank is political engagement. It is not an engagement among friends. It is the necessary engagement with one's enemy. Dialogue with an enemy is always accompanied by deep mistrust and suspicion. However, the dialogue needs to occur and it needs to occur on many levels so that channels of communication exist whereby small problems can be solved, confidence building steps established, and non-military avenues created to resolve differences.

81. The work of international lawyers is full of such confidence building structures, and they are still capable of being exercised. One example will suffice. The now advanced resolution of the West's dispute with Iran over the development of Iran's nuclear weapons program just this week resulted in Iran agreeing - as an act of "benevolence" - for an international inspection and upon a cessation of the importation of weapons grade materials.

82. Can such an engagement be undertaken with the Islamic world? Years of experience tells me that it can be. But one must not speak the language of the West in engaging with Islam. One must speak the language of Islam. That language must include as one element the threat of military intervention, and its judicious exercise. Power relationships are an important part of political dialogue in the Islamic world. Frankly, and even more importantly, in the course of many negotiations on behalf of the Australian Government in the context of trade and finance treaties, it became apparent to me that despite public protestations that Islam has many common values

with Christianity and Judaism, our values are not the same, and the subtleties of cross-cultural communication are too often inadequately understood.

Coalescence of Islamism and European Antisemitism.

83. It is now abundantly clear that "The Protocols of the Elders of Zion" - used by Nazis to stir up hatred of Jews even though it was long known to be a forgery - is again being circulated, this time by Muslim scholars and Islamic Governments. There is much Antisemitic literature, journalism and TV in Arab countries. The more sophisticated Arab governments, however, understand the need to turn a less contorted face to the West with its anti-racist liberal campaigners.

84. The words recently uttered by former Malaysian prime minister, Mahatir, in a speech to the 57-member Organization of the Islamic Conference were sadly familiar. Jews, he asserted, may be few in number, but they seek to run the world.

The Europeans killed six million Jews out of 12 million, but today the Jews rule the world by proxy,

...

They get others to fight and die for them.

85. He added that the Jews:

invented socialism, communism, civil rights and democracy so that persecuting them would appear to be wrong, so that they can enjoy equal rights with others.

86.He does not accept that Jews are entitled to such equal rights, and not even the non-Muslim third world disagreed.

87.When Israeli and American officials noted that such talk brought Hitler to mind, the assembled leaders were mystified. Yemen's foreign minister said he agreed entirely with his Malaysian colleague, adding, "Israelis and Jews control most of the economy and the media in the world." The Egyptian foreign minister, Ahmed Maher, called the speech "a very, very wise assessment." Even the Afghan president, Hamid Karzai, said the speech was "very correct."

88.Graham Suggate's post to ProjeNews@yahoogroups.com during his recent visit to Malaysia was telling.

Having visited this country (self-proclaimed as a tolerant multi cultural place - where Gay Men are persecuted, Lesbians don't exist but if they did they would be too, where Israelis are not welcome, Jews are seen as a national enemy and where the large minority Chinese population is barely tolerated) twice recently I believe that it is time that the West stopped turning a blind eye to so called moderate Islamic countries and realised that the venom of the more militant forces is slowly becoming the normal language spoken in those countries we have led to believe were more 'like us'!

89.Statements upholding the belief that the only solution for Palestinians was to totally destroy the Jewish State are also published routinely in Europe and across Asia.

90.It seems to me therefore that secular politics is the meeting ground of Muslim and Christian Antisemitism. And the antiglobalisation movement is one example of where

this virulent cocktail is being mixed. A confusion of victim with perpetrator of injustice is emerging and it is reminiscent of the 1930s in Germany.

91. Mark Strauss writing in "Foreign Policy", November 2003 wrote an outstanding article entitled: "Antiglobalism's Jewish Problem". I attach a copy because it is worth reading for itself. He says:

... another element of the new anti-Semitism is often overlooked: The time frame for this resurgence of Judeophobia corresponds with the intensification of international links that took place in the 1990s.

Throughout the Middle East, where economic growth remains stagnant everywhere but Israel, Islamists and secular nationalists alike portray globalization as the latest in a series of U.S.-Zionist plots to subjugate the Arab world under Western economic control and erase its cultural borders.

And equating Israel with the Third Reich is the basest form of Holocaust revisionism, sending the message that the only "solution" to the Israeli-Palestinian conflict is nothing less than the complete destruction of the Jewish state. Antiglobalization activist and author Naomi Klein has spoken out against such displays, but she is in the minority. The very same antiglobalization movement that prides itself on staging counter-protests against neo-Nazis who crash their rallies links arms with protestors who wave the swastika in the name of Palestinian rights.

92. It is apparent that both sides of the antiglobalization debate have one thing in common, a willingness to blame the Jews.

93.The Antisemitism exhibited in the Islamic World, and this is not new, is sourced in Europe. As these forces coalesce, reliant upon false but oft repeated Jewish conspiracy claims, the Jewish world will be in for a very difficult time.

94.It is essential that before such coalescence occurs we tailor our positive message for each of these divergent audiences, and do what we can to persuade them that their cause is not helped by engaging in racism and Antisemitism.

Some synthesis

95.To understand how this all synthesises, one must repeat some often stated truisms.

96.Outside of Israel, the Jews are an incredibly small minority of the population in any country. That is most certainly so in Australia. And in Australia, the preservation and maintenance of Jewish freedom and civil rights cannot be advanced by arguing for *Jewish* freedom and civil rights. This is in part because senior media editors (and now the Australian Government in the immigration context) do not accept that there is anything wrong with subjecting Jewish claims for non-discrimination to a different standard to other claims, and even when presented with the clearest of evidence, go into denial that discrimination against Jews exists. They inevitably pull out the “Jewish lobby” card to try and delegitimize the complaint and the complainant.

97.That being the position, we must find a smarter way to achieve our goals of fairness, non-discrimination and multiculturalism.

98.One smarter way is to strongly advocate freedom for all, respect for human difference through an ongoing policy of active multiculturalism, and for civil rights in

Australia. When all Australians enjoy freedoms and rights, Jews will enjoy them too. Once the racist genie was let out of the bottle by the Howard Government's lenient approach to "One Nation", those freedoms and civil rights could no longer be taken for granted. We have to work hard to get them back.

99. It is essential that that seed of Antisemitism planted in the garden of refugee law be given no nutrients so that it can dissolve back into the earth, and not grow. That means that resources must be actively directed towards the preservation of durable freedoms and rights. The Jewish community should be active in that regard.

100. Racism and Antisemitism can again become socially unacceptable, a battle that we partly won with our victories in the Toben and Scully cases, but partly lost in NAGV.

101. Then the prospects the Jewish continuity in a healthy Australian society would be good in the medium to long term. Absence such action, the prospects are short to medium term only.

102. That is my challenge to you today, and one that I hope you will accept.

Endnotes

- i [2002] FCA 1456
- ii Sackville J noted this irony in *NAEN v Minister for Immigration & Multicultural & Indigenous Affairs* [2003] FCA 216 (19 March 2003) at ¶74.
- iii See e.g., *Muin v Refugee Review Tribunal*; *Lie v Refugee Review Tribunal* [2002] HCA 30 (8 August 2002)
- iv *Minister for Immigration and Multicultural Affairs v. Thiyagarajah* (1997) 80 FCR 543, 562 von Doussa J (with whom Moore and Sackville JJ) agreed.
- v See G.S. GOODWIN-GILL, *THE REFUGEE IN INTERNATIONAL LAW* (CLARENDON PRESS, 1983 AT 50-51).
- vi For the lawyers among you, Justice Stone relied upon §36(3) of the Migration Act. Migration Act §36(3) (which was modified by the Border Protection Legislation Amendment Act 1999) provides as follows:
(3) Australia is taken not to have protection obligations to a non-citizen who has not taken all possible steps to avail himself or herself of a right to enter and reside in, whether temporarily or permanently and however that right arose or is expressed, any country apart from Australia, including countries of which the non-citizen is a national.
- vii IMM-3886-96, May 2, 1997
- viii [2003] FCA 216
- ix New York Post, July 30, 2002 New York Post
- x (1982) 43 ALR 587, 605
- xi (1980) 154 CLR 25 at 68-69. Indeed, in the Hope Commission Report (Volume 1, 1977, pages 70-71), Royal Commissioner Mr Justice Hope found that ASIO more than once had departed from principles of legality, proprietary and the limits of its charter.
- xii Section 103.1 Criminal Code.
- xiii “Australian Law - After September 11, 2001” a speech given to the Law Council of Australia, 32nd Australian Legal Convention, Canberra, 11 October 2001.
- xiv *Stenhouse v Coleman* (1944) 69 CLR 457, 469.
- xv (1951) 83 CLR 1

Antiglobalism’s Jewish Problem

Anti-Semitism is again on the rise. Why now? Blame the backlash against globalization. As public anxiety grows over lost jobs, shaky economies, and political and social upheaval, the Brownshirt and Birkenstock crowds are seeking solace in conspiracy theories. And in their search for the hidden hand that guides the new world order, modern anxieties are merging with old hatreds and the myths on which they rest.

Mark Strauss

Foreign Policy

November 2003

There is no shortage of symbols representing peace, justice, and economic equality. The dove and the olive branch. The peace sign. The rainbow flag. Even the emblem of the United Nations. So why did some protesters at the 2003 World Social Forum (WSF) in Porto Alegre, Brazil, display the swastika?

Held two months prior to the U.S.-led attack on Iraq, this year's conference—an annual grassroots riposte to the well-heeled World Economic Forum in Davos—had the theme, “Another World is Possible.” But the more appropriate theme might have been “Yesterday's World is Back.” Marchers among the 20,000 activists from 120 countries carried signs reading “Nazis, Yankees, and Jews: No More Chosen Peoples!” Some wore T-shirts with the Star of David twisted into Nazi swastikas. Members of a Palestinian organization pilloried Jews as the “true fundamentalists who control United States capitalism.” Jewish delegates carrying banners declaring “Two peoples—Two states: Peace in the Middle East” were assaulted.

Porto Alegre provides just one snapshot of an unfolding phenomenon known as the “new anti-Semitism.” Since the fall of the Berlin Wall, the oldest hatred has been making a global comeback, culminating in 2002 with the highest number of anti-Semitic attacks in 12 years. Not since Kristallnacht, the Nazi-led pogrom against German Jews in 1938, have so many European synagogues and Jewish schools been desecrated. This new anti-Semitism is a kaleidoscope of old hatreds shattered and rearranged into random patterns at once familiar and strange. It is the medieval image of the “Christ-killing” Jew resurrected on the editorial pages of cosmopolitan European newspapers. It is the International Red Cross and Red Crescent Movement refusing to put the Star of David on their ambulances. It is Zimbabwe and Malaysia—nations nearly bereft of Jews—warning of an international Jewish conspiracy to control the world's finances. It is neo-Nazis donning checkered Palestinian kaffiyehs and Palestinians lining up to buy copies of *Mein Kampf*.

The last decade had promised a different world. As statues of Lenin fell, synagogues reopened throughout Russia and Eastern Europe. In a decisive 111 to 25 vote, the U.N. General Assembly overturned the 1975 resolution equating Zionism with racism. The leader of the Palestine Liberation Organization shook hands with the prime minister of Israel. The European Union (EU), mindful of the legacy of the Holocaust and the genocidal Balkan wars, created an independent agency to combat xenophobia and anti-Semitism within its own borders. Confronted with a resurgence in hatred after what had seemed to be an era of extraordinary progress, the Jewish community now finds itself asking: Why now?

Historically, anti-Semitism has fluctuated with the boom and bust of business cycles. Jews have long been scapegoats during economic downturns, as a small minority with outsized political and financial influence. To some extent, that pattern still applies. Demagogues in countries engulfed by

the financial crises of the late 1990s fell back on familiar stereotypes. “Who is to blame?” asked General Albert Makashov of the Communist Party of the Russian Federation following the collapse of the ruble in 1998. “Usury, deceit, corruption, and thievery are flourishing in the country. That is why I call the reformers Yids [Jews].” But other countries don’t fit this profile. How, for instance, does one explain anti-Semitism’s resurgence in Austria and Great Britain, which have enjoyed some of the lowest unemployment rates in Europe?

Rising hostility toward Israel is also a significant factor. The 2000 Al-Aqsa Intifada was more violent than its 1987 predecessor, as helicopter gunships and suicide bombers supplanted rubber bullets and stones. This second Intifada also marked the emergence of the “Al-Jazeera” effect, with satellite television beaming brutal images of the conflict, such as the death of 12-year-old Palestinian Muhammed al-Dura, into millions of homes worldwide. In Europe, Muslim extremists took out their fury on Jews and Jewish institutions. Some in the European press, even as they dismissed anti-Jewish violence as random hooliganism or a political grudge match between rival ethnic groups, used incendiary imagery that routinely drew comparisons between Israel and the Nazi regime. This crude caricature of Israelis as slaughterers of the innocent soon morphed into the age-old “blood libel”—as when the Italian newspaper *La Stampa* published a cartoon depicting the infant Jesus threatened by Israeli tanks imploring, “Don’t tell me they want to kill me again.”

Then came the terrorist attacks of September 11, 2001. The U.S.-Israeli relationship—bound together by shared values, shared enemies such as Iran and Iraq, \$2.7 billion a year in economic aid, and a powerful U.S. Jewish lobby—had allegedly brought down the wrath of the Islamic world and dragged the West into a clash of civilizations. This sentiment only deepened with U.S. military action against Iraq, when anti-Semitism bandwagoned on the anti-war movement and rising anti-Americanism. How else to explain a war against a country that had never attacked the United States, it was argued, if not for a cabal of Jewish neocon advisors who had hoodwinked the U.S. president into conquering Iraq to safeguard Israel?

But another element of the new anti-Semitism is often overlooked: The time frame for this resurgence of judeophobia corresponds with the intensification of international links that took place in the 1990s. “People are losing their compass,” observes Dan Dinar, a historian at Hebrew University. “A worldwide stock market, a new form of money, no borders. Concepts like country, nationality, everything is in doubt. They are looking for the ones who are guilty for this new situation and they find the Jews.” The backlash against globalization unites all elements of the political spectrum through a common cause, and in doing so it sometimes fosters a common enemy—what French Jewish leader Roger Cukierman calls an anti-Semitic “brown-green-red alliance” among ultra-nationalists, the populist green movement, and communism’s fellow travelers. The new anti-Semitism is unique because it seamlessly stitches together the far right’s conception of the Jew (a fifth column, loyal only to global capitalism at the expense of sovereignty and national culture), the far left’s conception of the Jew (controlling the international economic system), and the “blood libel” (the day colonial oppressors).

First They Came for the WTO

Jews have always aroused suspicion and contempt as a peo



assimilation and clinging to their own religion, language, rituals, and dietary laws. But modern anti-Semitism made its debut with the emergence of global capitalism in the 19th century. When Jews left their urban ghettos and a small but visible number emerged as successful bankers, financiers, and entrepreneurs, they engendered resentment among those who envied their unfathomable success, especially given Jews' secondary status in society.

Some left-wing economists, such as French anarchist Pierre-Joseph Proudhon, depicted Jews as the driving force behind global capitalism. Other socialist thinkers saw their theories corrupted by the racism of the era. In 1887, German sociologist Ferdinand Tönnies published his classic work, *Community and Society*, wherein he blamed capitalism for undermining society's communitarian impulses and creating a merchant class that was "unscrupulous, egoistic and self-willed, treating all human beings as his nearest friends as only means to his ends." A few years later, German social scientist Werner Sombart took Tönnies's theories to their next step and meticulously explained how Jews "influenced the outward form of modern capitalism" and "gave expression to its inward spirit." Sombart's book, *The Jews and Economic Life*, would influence an entire generation of German anti-Semitic authors, including Theodore Fritsch, who was honored by the Nazis as the *altmeister* ("old master") of their movement. Anti-Semitism would become the central defining ideology of the Third Reich, the "glue that held Nazism together," notes historian Robert Katz. "It delivered up the external enemy, 'international-finance Jewry,' by which Hitler succeeded in galvanizing and mesmerizing a Germany feeling itself victimized by otherwise less-definable outside forces."

Modern-day globalization—the opening of borders to the greater movement of ideas, people, and money—has stirred familiar anxieties about ill-defined "outside forces." Last June, the Pew Research Center for the People and the Press published a survey conducted in 44 countries revealing that, although people generally have a favourable view of globalization, sizable majorities of those polled said their "traditional ways of life" are being threatened and agreed with the statement that "our way of life needs to be protected against foreign influence." And many believe "success is determined by forces outside their personal control."

With familiar anxieties come familiar scapegoats. Today's financial crashes aren't on the same scale as the economic dislocations of the 1880s and 1930s. But, as the 1997 Asian crisis revealed, in an era of volatile capital flows, damaging financial contagion can sweep through nations in a matter of weeks. Countries in the developing world, who view themselves as victims of globalization, sometimes see conspiratorial undertones. Modern-day resentment against the perceived power of international financial institutions has merged with old mythologies. The 19th century had its Rothschilds; the current era has had Lawrence Summers and Robert Rubin at the U.S. Treasury Department, Alan Greenspan at the U.S. Federal Reserve, James Wolfensohn at the World Bank, and Stanley Fischer at the International Monetary Fund (IMF). Malaysian Prime Minister Mahathir Mohamad once lashed out against "Jews who determine our currency levels, and bring about the collapse of our economy." The spokesman for the Jamaat-i-Islami political party in Pakistan complained: "Most anything bad that happens, prices going up, whatever, this can usually be attributed to the IMF and the World Bank, which are synonymous with the United States. And who controls the United States? The Jews do." Economic chaos in Zimbabwe, where a once thriving Jewish community of 8,000 has dwindled to just 650, prompted President Robert Mugabe

to deliver a speech declaring that the “Jews in South Africa, working in cahoots with their colleagues here, want our textile and clothing factories to close down.”

Throughout the Middle East, where economic growth remains stagnant everywhere but Israel, Islamists and secular nationalists alike portray globalization as the latest in a series of U.S.-Zionist plots to subjugate the Arab world under Western economic control and erase its cultural borders. A former spokesman for the militant group Hamas warned in the early 1990s that if Arab governments accepted the Jewish state’s existence, “Israel would rule in the region just as Japan dominates Southeast Asia, and all the Arabs will turn into the Jews’ workers.” Mainstream Arab media outlets, such as the Egyptian newspaper *Al Ahram* and the Palestinian newspaper *Al Ayyam*, publish columns that praise Osama bin Laden as the “man who says ‘no’ to the domination of globalization,” and which cite the *The Protocols of the Learned Elders of Zion*—the infamous 19th century forgery of a purported blueprint for Jewish world domination—as hard evidence of globalization’s true intent.

In the West, anxiety over globalization provides opportunities for far-right political parties, who exploit the fears of those who see their way of life threatened by migrants from the developing world and who believe their sovereignty is besieged by regional trade pacts and monetary union. Jörg Haider, the head of Austria’s far-right Freedom Party, and Jean-Marie Le Pen, the leader of France’s National Front Party—who both rode to electoral success on anti-immigrant, anti-Europe platforms—kept their anti-Semitic sentiments under wraps as they campaigned before the media. But other far-right organizations in Europe are not shy about pointing a finger at the “true culprits” behind their countries’ woes. In Italy, the *Movimento Fascismo e Liberta* identifies globalization as an “instrument in the hands of international Zionism.” In Russia and Eastern Europe, “brown” ultra-nationalists and “red” communist stalwarts have formed an ideological alliance against foreign investors and multinational corporations, identifying Jews as the capitalist carpetbaggers sacking their national heritage.

In their war against globalization, the browns on the far right have also found common cause with the greens of the new left. Matt Hale, the leader of the U.S. white supremacist World Church of the Creator, praised the 1999 antiglobalization protests in Seattle as “incredibly successful from the point of view of the rioters as well as our Church. They helped shut down talks of the Jew World Order WTO and helped make a mockery of the Jewish Occupational Government around the world. Bravo.” To lure in activists planning to protest the 2002 G-8 summit in Calgary, the National Alliance—the largest neo-Nazi organization in the United States that maintains ties with white supremacist groups worldwide—set up a Web site called the Anti-Globalism Action Network, dedicated to “broadening the anti-globalism movement to include divergent and marginalized voices.”

Antiglobalization activists find themselves fighting a two-front battle, simultaneously protesting the World Trade Organization (WTO), IMF, and World Bank, while organizing impromptu counter-protests against far-right extremists who gate-crash their rallies. A bizarre ideological turf war has broken out. Nongovernmental organizations (NGOs) voice alarm about neo-Nazis “masquerading” as anti-globalization activists. On the Web site of the white supremacist Church of True Israel, an aggrieved Walter Nowotny retorts: “This accusation implies that we are late-comers to this

movement and only associate with it to jump on a bandwagon that already has considerable momentum. But who are the real infiltrators and trespassers?"

History is repeating itself. As in the 19th century, the far right is plagiarizing left-wing dogma and imbuing it with racist overtones, transforming the campaign against the capitalist "New World Order" into a struggle against the "Jew World Order." The antiglobalization movement is, however, somewhat culpable. It isn't inherently anti-Semitic, yet it helps enable anti-Semitism by peddling conspiracy theories. In its eyes, globalization is less a process than a plot hatched behind closed doors by a handful of unaccountable bureaucrats and corporations. Underlying the movement's humanistic goals of universal social justice is a current of fear mongering—the IMF, the WTO, the North American Free Trade Agreement, and the Multilateral Agreement on Investment (MAI) are portrayed not just as exploiters of the developing world, but as supranational instruments to undermine our sovereignty. Pick up a copy of the 1998 book *MAI and the Threat to American Freedom* (wrapped in a patriotic red, white, and blue cover), written by antiglobalization activists Maude Barlow and Tony Clarke, and you'll read how "Over the past twenty-five years, corporations and the state seem to have forged a new political alliance that allows corporations to gain more and more control over governance. This new 'corporate rule' poses a fundamental threat to the rights and democratic freedoms of all people." At an even more extreme end of the spectrum, the Web site of the Canadian-based Centre for Research on Globalization sells books and videos that "expose" how the September 11 terrorist attacks were "most likely a special covert action" to "further the goals of corporate globalization."

Unfortunately, conspiracy theories must always have a conspirator, and all too often, the conspirators are perceived to be Jews. It takes but a small step to cross the line dividing the two worldviews. "If I told you I thought the world was controlled by a handful of capitalists and corporate bosses, you would say I was a left-winger," an anarchist demonstrator told the online Russian publication Pravda. "But if I told you who I thought the capitalists and corporate bosses were, you'd say I was far right."

The browns and greens are not simply plagiarizing one another's ideas. They're frequently reading from the same page. In Canada, a lecture by anti-Semitic conspiracy theorist David Icke was advertised in lefty magazines such as *Shared Vision and Common Ground*. ("Canadians voted down free trade and we got it anyway," said one woman who saw the ads and attended the event. "So there has to be something to that.") Far-right nationalists, such as former skinhead Jaroslaw Tomasiewicz, have infiltrated the Polish branch of the international antiglobalization organization ATTAC. The British Fascist Party includes among its list of recommended readings the works of left-wing antiglobalists George Monbiot and Noam Chomsky. A Web site warning of the dangers of "Jewish Plutocracy, Jewish Power" includes links to antiglobalization NGOs such as Corpwatch and Reclaim Democracy. The Dutch NGO De Fabel van de illegal withdrew in disgust from the anti-MAI movement when it learned that the campaign's activities were attracting the attention of far-right, anti-Semitic student groups. "By pointing to this so-called globalisation as our main problem, the anti-MAI activists prepare our thinking for the corresponding logical consequence—the struggle for 'our own' local economy, and as a consequence also for 'our own' state and culture," the director of De Fabel warned. "Left-wing groups are spreading an ideology that offers the New Right, rather than the left, bright opportunities for future growth."

Anti-Globalizationism

The greens and the browns share another common cause: opposition to Israel. Given the antiglobalization movement's sympathy for Third-World causes, it's not surprising that French activist Jose Bove took a break from trashing McDonald's restaurants to show his solidarity with the Palestinian movement by visiting a besieged Yasir Arafat in Ramallah last year.

But, in the case of the new left, the salient question is not: What do antiglobalization activists have against Israel? Rather, it is important to ask: Why only Israel? Why didn't Bove travel to Russia to demonstrate his solidarity with Muslim Chechen separatists fighting their own war of liberation? Why are campus petitions demanding that universities divest funds from companies with ties to Israel, but not China? Why do the same anti-globalization rallies that denounce Israel's tactics against the Palestinians remain silent on the thousands of Muslims killed in pogroms in Gujarat, India?

Israel enjoys a unique pariah status among the antiglobalization movement because it is viewed as the world's sole remaining colonialist state—an exploitative, capitalist enclave created by Western powers in the heart of the developing world. "They're trying to impose an apartheid system on both the occupied territories and the Arab population in the rest of Israel," says Bove. "They are also putting in place—with the support of the World Bank—a series of neoliberal measures intended to integrate the Middle East into globalized production circuits, through the exploitation of cheap Palestinian labor."

Opposing the policies of the Israeli government does not make the new left anti-Semitic. But a movement campaigning for global social justice makes a mockery of itself by singling out just the Jewish state for condemnation. And when the conspiratorial mindset of the antiglobalization movement mingles with anti-Israeli rhetoric, the results can get ugly. Bove, for instance, told a reporter that the Mossad, the Israeli intelligence agency, was responsible for anti-Semitic attacks in France in order to distract attention from its government's actions in the occupied territories.

The consequences of embracing a double standard toward Israel are all too apparent at antiglobalization rallies. In Italy, a member of Milan's Jewish community carrying an Israeli flag at a protest march was beaten by a mob of antiglobalization activists. At Davos, a group of protestors wearing masks of Israeli Prime Minister Ariel Sharon and U.S. Secretary of Defense Donald Rumsfeld (wearing a yellow star) carried a golden calf laden with money. Worldwide, protesters carry signs that compare Sharon to Hitler, while waving Israeli flags where the Star of David has been replaced with the swastika. Such displays portray Israel as the sole perpetrator of violence, ignoring the hundreds of Israelis who have died in suicide bombings and the role of the Palestinian Authority in fomenting the conflict. And equating Israel with the Third Reich is the basest form of Holocaust revisionism, sending the message that the only "solution" to the Israeli-Palestinian conflict is nothing less than the complete destruction of the Jewish state. Antiglobalization activist and author Naomi Klein has spoken out against such displays, but she is in the minority. The very same antiglobalization movement that prides itself on staging counter-protests against neo-Nazis who crash their rallies links arms with protestors who wave the swastika in the name of Palestinian rights.

Like the antiglobalist left, far-right activists have also embraced their own form of anticolonialism. For them, globalization is synonymous with “mongrelization,” an attempt to mix race and cultures and destroy unique heritages. When the greens preach the virtues of “localization,” a hearty “amen” echoes among the browns, who seek to insulate their countries against the twin evils of human migration and foreign capital. The far right sees nationalist movements and indigenous rights groups as allies in the assault against the multiculturalism of the new world order. And it sees the Palestinians, in particular, as a resistance movement against the modern-day Elders of Zion. American neo-Nazi David Duke summed up this worldview in an essay on his Web site: “These Jewish supremacists have a master plan that should be obvious for anyone to see. They consistently attempt to undermine the culture, racial identity and solidarity, economy, political independence of every nation....[They] really think they have some divine right to rule over not only Palestine but over the rest of the world as well.”

Is Another World Possible?

Commenting on the resurgence of anti-Semitic imagery in the Egyptian press, BBC correspondent Kate Clark noted that “if and when real peace comes, the Egyptian media are likely to forget their anti-Semitic line.”

But, even if and when real peace comes, the conditions conducive to anti-Semitism aren’t going away. The very existence of Israel offends those who view it as a colonialist aberration. Arab governments remain averse to serious economic and political reforms that would open their societies and lift their citizens out of poverty. War, terrorism, and recession may periodically slow the pace of globalization, but the movement of people and money around the world continues unabated. The anxieties that accompany global integration—the fear that nations are surrendering their cultural, political, and economic sovereignty to shadowy outside forces—will not simply disappear.

It is paradoxical that Jews should find themselves swept up in the backlash against globalization, since Jews were the first truly globalized people. The survival of Jewish civilization—despite 2,000 years without a state and the scattering of its diaspora to nearly every nation on Earth—undermines the claim that globalization creates a homogenized world that destroys local cultures. Jews accommodated, and at times embraced, the foreign cultures they lived in without sacrificing their identity. The golden age of Jewish learning was not in ancient Israel, but in medieval Spain, where Jewish religious study, literature, and poetry flourished under the influence of Muslim scholars.

Given its long experience adapting to new contingencies, the Jewish community is confronting global anti-Semitism with global solutions. For the first time in its history, the state of Israel convened an international conference of Jewish leaders from around the world with the explicit objective of coordinating a strategy to confront the resurgence of anti-Semitism. Jewish NGOs, such as the Simon Wiesenthal Center (SWC) and the Anti-Defamation League, tirelessly publicize incidents of anti-Semitism and lobby governments worldwide. Responding to evidence that the problem had reached crisis proportions, the Organization for Security and Cooperation in Europe last June convened an unprecedented conference on anti-Semitism attended by representatives of 55 governments. Protests from the Israeli government and Jewish organizations compelled the

United Arab Emirates to shut down a think tank, the Zayed International Centre for Coordination and Follow-Up, which had hosted a Saudi professor who alleged Jews used human blood to prepare “holiday pastries” and had issued a press release declaring “The Zionists are the ones who killed the Jews of Europe.”

Jewish organizations are also becoming more of a presence in the antiglobalization movement. Last year, there were fears that the Johannesburg-hosted World Summit on Sustainable Development would turn into a replay of the ill-fated 2001 U.N. World Conference Against Racism in Durban, where anti-Semitic rhetoric culminated in a draft resolution adopted by the NGO forum singling out Israel as guilty of “genocide.” The SWC urged 180 ecological organizations planning to attend Johannesburg to ensure the conference stayed on message. The responses were largely positive, reflecting the frustration of many Third World NGOs who felt that the controversy at Durban had overshadowed vital issues on their agendas.

And then there are the Jews within the antiglobalization movement itself. Many are drawn to the movement for the same reason that Jews have always been disproportionately represented in campaigns for social justice: the principle of *tikkun olam* (repairing the world). It imparts a commitment not only to care for the Jewish community, but for all of society. The antiglobalization activists who are Jewish carry a unique burden in that they are made to feel like strangers even though they are passionately devoted to safeguarding the environment, advocating human rights, and promoting economic equality. But rather than abandoning the movement, they seek to wrest the agenda from the extremists who would exclude them. A measure of their success could be seen in the final day of the 2003 World Social Forum in Porto Alegre. While street protesters waved their swastikas, a small group of Jewish and Palestinian peace activists organized a series of workshops, funded by local Jewish and Palestinian communities in Brazil. The result was a joint statement, read to 20,000 cheering activists, calling for “peace, justice, and sovereignty for our peoples,” and a Palestinian state existing side by side with Israel.

Some Jewish groups sympathetic to many of the antiglobalization movement’s goals have mistakenly chosen to remain on the outside. Jewish voices need to be raised when the shouting of the militants threatens to drown out other issues. And *tikkun olam* imparts a mandate to counter demagogues in the developing world who scapegoat Jews and Israel as an excuse to perpetuate systems that keep their nations mired in poverty. In that spirit, Rabbi Joseph Klein told his congregation at a synagogue in Michigan last June, “We will have to develop a strategy that allows us to participate in the effort to bring social equity and economic justice to all people, while at the same time distancing ourselves from these newest purveyors of the *Protocols*.” He concluded his sermon by quoting from *Pirkei Avot*, the Jewish book of ethics: “It is not for you to complete the work, but neither are you free to withdraw from it.”

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