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EQUITY & INCLUSION OFFICE LEARNING FOUNDATIONS

# Introduction to Anti-Jewish Discrimination



THE UNIVERSITY OF BRITISH COLUMBIA



## **LAND ACKNOWLEDGEMENT**

We acknowledge that UBC's campuses and learning sites are situated within the traditional territories of the Musqueam, Squamish and Tsleil-Waututh and in the traditional, ancestral, unceded territory of the Syilx Okanagan Nation and their peoples.

## **ABOUT THE PUBLISHER**

The mandate of the Equity & Inclusion Office is to foster learning and working environments where the human rights and dignity of all UBC community members are respected and where all students, faculty and staff have the opportunity to fully participate and thrive in the life and work of the university.

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## ABOUT THE EDI LEARNING FOUNDATIONS SERIES

The modules in the Equity, Diversity and Inclusion (EDI) Learning Foundations Series are introductory resources offered as part of the Equity & Inclusion Office's (EIO) mandate to provide educational opportunities on topics related to equity and inclusion to members of the UBC community.

*The Introduction to UBC's Human Rights Obligations and Discrimination Policy* module, which describes prerequisite information on UBC's policies and protocols for addressing human rights complaints, should be reviewed before engaging in this *Introduction to Anti-Jewish Discrimination* module.

### About the anti-Jewish discrimination module

This module on anti-Jewish discrimination was developed by the EIO as an educational resource for UBC community members.

As an introductory module, information provided here cannot replace the broader and deeper learning about the historical and contemporary realities of Jewish people, as well as anti-Jewish discrimination through additional evidence-based information (for example, scholarly publications, literary works, films and documentaries or academic courses).

### Acknowledgments

This module was produced following a ten-month engagement and consultation between the Associate Vice-President, Equity and Inclusion and UBC faculty who are members of the Jewish Academic Alliance of B.C. and the Jewish Faculty Network and UBC community members involved in other groups active at the university.

### Relationship to UBC's policies and statements

The module content is aligned with the university's Academic Freedom Policy, Discrimination Policy and Respectful Environment Statement; however, this content is a summary and does not take the place of those policies or the statement. Ultimately, the language of UBC's policies govern any dispute.

This module provides introductory information on a very complex area of law and policy and should not be considered to constitute advice or a statement of UBC policy. Examples given are illustrative only and not determinative of similar cases. Anyone seeking advice about a particular matter should consult the appropriate UBC units (which are listed in this module) or their own legal, union or employee association, or other advisor.

While discrimination is a legal concept and antisemitism must be determined according to human rights law and UBC's Discrimination Policy, this module recognizes that individuals may, nonetheless, feel harmed by anti-Jewish bias and bigotry (the latter commonly referred to as antisemitism), whether or not the experiences amount to discrimination from a legal perspective.

The EIO does not conduct investigations under UBC's Discrimination Policy. Rather, investigations under the Discrimination Policy are performed by the UBC Investigations Office. The Investigations Office is completely separate from the EIO and the information contained in this module does not bind the Investigations Office.

Individuals who have concerns about academic freedom, discrimination, or harassment should [contact the EIO Human Rights Advising team](#).



## Guiding principles

The module content is guided by the following core principles:

- Centering the EIO's purpose, to foster inclusive learning and working environments where human rights are respected, UBC community members are treated with dignity, and all students, faculty, and staff enjoy equitable access and opportunities at the university.
- Ensuring the content does not and is not perceived to promote the agenda of any advocacy group.
- Grounding in the Canadian human rights legal framework and the *B.C. Human Rights Code*.
- Promoting an ethic of justice by clarifying responsibilities to address discrimination and harassment:
  - » For example, Canada's laws and UBC's policies require that the human rights of all UBC faculty, students and staff are safeguarded across legally protected characteristics such as ancestry, place of origin, political belief (in employment), race and/or religion.
- Promoting an ethic of care by cultivating a climate of inclusion whether legal thresholds are met or not:
  - » For example, UBC aspires to foster a culture of inclusion, where the safety and dignity of others are valued.
- Striving to find a conciliatory tone and language without equivocating.
- Protecting academic freedom and encouraging brave and safe spaces for the contestation of ideas.
- Acknowledging the limited scope of what this resource can accomplish given the complexity of issues.

## Learning objectives

The purpose of this module is to raise awareness about anti-Jewish discrimination so that students, faculty, and staff are better equipped to cultivate learning and working environments that respect the fundamental rights and freedoms of all Jewish members of the UBC community and to create a climate whereby Jewish people, in all their diversity, feel a sense of inclusion, belonging, and safety. The module builds four foundational understandings, the denial of which may be considered harmful to Jewish people. These understandings are that:

1. Jewish people are an ethno-religiously and ethno-culturally diverse group, representing an array of intersectional social identities, social positionalities, political and religious perspectives.
2. Jewish people have a long history of systematic persecution, and they continue to experience anti-Jewish bigotry and hatred in Canada (hence they are considered among other historically, persistently, and systemically marginalized groups).
3. Jewish people have a right to be free from all forms of discrimination and harassment, including forms of intergroup microaggressions and intragroup lateral hostilities which operate in different ways to delegitimize the personhood of Jewish people, regardless of how they express their Jewish identities.
4. While academic debate and critical dialogue are foundational to academic freedom and the mission of the university, discriminatory and hate speech targeting Jewish people as an identifiable group are unacceptable violations of UBC's policies and laws in Canada.

# Introduction to Anti-Jewish Discrimination



## 1. UNDERSTANDING JEWISH PEOPLE

The following section provides an overview of Jewish populations across the world and in Canada.

### Worldwide

As of 2022, the number of people who identify as Jewish above all else was about 16.46 million.<sup>1</sup>

- Two countries account for 87 per cent of global Jewish population: 7.3 million in the United States of America (U.S.) and 7.18 million in Israel.
- Among the countries with the largest Jewish populations, accounting for another 12 per cent, are:
  - » France (440,000), Canada (390,000), United Kingdom (UK) (290,000), Argentina (170,000), Russia (150,000), Germany (120,000), Australia (120,000), Brazil (90,000), South Africa (50,000), Hungary (50,000), Ukraine (40,000), Mexico (40,000) and the Netherlands (30,000).

### In Canada

In 2021, Jewish people accounted for 0.9 per cent of the Canadian population (335,295)<sup>2</sup>. While Jewish people reside in every province and territory, 98.6 per cent are in five provinces<sup>3</sup>:

- 58.5 per cent in Ontario, 25.2 per cent in Quebec, eight per cent in British Columbia, 3.5 per cent in Manitoba, and 3.4 per cent in Alberta.

<sup>1</sup> Countries with the largest Jewish population, Statista, accessed December 18, 2023, at <https://www.statista.com/statistics/1351079/jewish-pop-by-country/>.

<sup>2</sup> The Canadian census: A rich portrait of the country's religious and ethnocultural diversity, Statistics Canada, accessed December 18, 2024, at <https://www150.statcan.gc.ca/n1/daily-quotidien/221026/dq221026b-eng.htm>.

<sup>3</sup> Robert Brym, "Canadian Jewish population 2021: New estimates," in *American Jewish year book 2022*, eds. Arnold Dashefsky and Ira M Sheskin. Cham (Springer, 2023), 281.

## Jewish ethno-racial and cultural diversity

Jewish people are an ethno-racially and culturally diverse people, comprising a number of subgroups with overlapping but distinctive customs.

The three largest subgroups (based on diasporic region) of Jewish people are:

1. Ashkenazim (Central and Eastern Europe)
2. Mizrahim (Middle East/West Asian and North Africa)
3. Sephardim (Iberian Peninsula - Spain and Portugal - and areas of the former Ottoman Empire - Greece and Turkey)

Due to historical migration, intermarriage, and conversion, Jewish people are ethno-racially diverse.

- A 2018 study of the place of origin, generation of migration and ethnic identification of the Jewish population in Israel, aged 15 and above, found that Mizrahi Jews and Ashkenazi Jews constitute 44.9 per cent and 31.8 per cent, respectively, of survey respondents (n=3917).<sup>4</sup>
- A 2020 US study by the Pew Research Centre found that<sup>5</sup>:
  - » Two-thirds of U.S. Jews say they are Ashkenazi; three per cent describe themselves as Sephardic and 1 per cent as Mizrahi, although an additional six per cent identify with some mixture of these or other categories. This is similar to distributions in Canada.
  - » 13 per cent of the 5.8 million U.S. Jews aged 18-50 are racialized by U.S. Census standards (for example, as Black, Latino, Asian-American, Indigenous, multiracial), a number that becomes larger when including all Sephardic and Mizrahi Jews.
- 11 per cent (36,040) of the Jewish population in Canada identify as Sephardic.<sup>6</sup>

<sup>4</sup> Lewin-Epstein, Noah and Yinon Cohen. "Ethnic origin and identity in the Jewish population of Israel\*." *Journal of Ethnic and Migration Studies*, 45 (2018): 2118 - 2137.

<sup>5</sup> "Jewish Americans in 2020," Pew Research Report, last accessed December 18, 2024 at <https://www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020/>.

<sup>6</sup> Charles Shaha, "Canadian Jewish Population, 2019," in *The American Jewish Year Book* ed. Arnold Dashefsky and Ira M. Sheskin (The Jewish Community Foundation of Montreal, 2020), [https://www.jewishdatabank.org/content/upload/bjdb/2019\\_Canadian\\_Jewish\\_Population\\_\(AJYB,\\_Shaha\)\\_DataBank\\_Final.pdf](https://www.jewishdatabank.org/content/upload/bjdb/2019_Canadian_Jewish_Population_(AJYB,_Shaha)_DataBank_Final.pdf).

Jewish people also differ in their level of observance; some practice religious traditions daily while some consider Judaism a matter of culture or ancestry.

- » 17.4 per cent of Canadian Jews (58,205) identify as Jews ethnically but are not religious.<sup>7</sup>

<sup>7</sup> Arnold Dashefsky and Ira M. Sheskin, *American Jewish Year Book 2022: The Annual Record of the North American Jewish Communities Since 1989*. (Springer, 2023), <https://doi.org/10.1007/978-3-031-33406-1>.

## 2. UNDERSTANDING ANTI-JEWISH DISCRIMINATION AND HATE

The following section provides an overview, as well as examples, of various forms of discrimination and stereotypes experienced by Jewish people.

### A note on psychological safety

- While anti-Jewish bigotry, racism and hatred, as well as antisemitism, are terms that may be commonly used to describe bias-motivated acts targeting Jewish people, discrimination and hate are legal concepts.
- Determination of whether behaviours constitute anti-Jewish and antisemitic discrimination and/or hate-motivated crimes must follow a legal analysis in accordance with the *B.C. Human Rights Code* and the *Criminal Code of Canada*, respectively.
- The content in the following section recognizes that individuals can be harmed by bias-motivated acts whether or not the experiences amount to discrimination or hate from a legal perspective.
- While discrimination and hate are addressed through policy and legislative interventions, harms that do not amount to discrimination and hate can nonetheless be addressed through prevention education, informal resolution processes, and other supports to address psychological safety.

### Anti-Jewish discrimination

Jewish people often sit at the intersections of several human rights-protected characteristics (for example, age, ancestry, colour, place of origin, political belief, race, and religion).

In accordance with human rights legislation, what constitutes legal discrimination against Jewish people is intentional or unintentional conduct that imposes burdens, obligations, or disadvantages on or limits access to opportunities, benefits and advantages for Jewish people as an identifiable group and based on one or more protected characteristics.

#### REMEMBER

- Recall from the Introduction to UBC's Human Rights Obligations and Discrimination Policy resource that:
  - » It is the impact, not the intent, that defines treatment as discrimination, provided that the legal three-part test discrimination is demonstrated, providing evidence that protected characteristics were a factor in one or more adverse impacts experienced; and
  - » The B.C. Office of Human Rights (BCOHR), as part of its mandate to address the root causes of inequality, discrimination and injustice, described and differentiated between hate speech<sup>8</sup> and discriminatory speech, noting that hate speech is expression "that is likely to expose [the targeted group] to detestation and vilification."

<sup>8</sup> "Hate speech and the law in BC," British Columbia's Office of the Human Rights Commissioner, accessed December 18, 2024 at <https://bchumanrights.ca/resources/hate-speech-qa/>.



### Police-reported hate crimes in Canada

The 2006 Human Rights Tribunal decision in the *Warman v Kouba* case led to the establishment of 11 hallmarks of hate as examples of hate speech<sup>9</sup>. These examples explicitly reference hatred toward Jewish people — not exclusively but primarily — in all but two: hallmarks no. two and no. 11. They may provide insight into present-day manifestations of hate towards Jewish people.

Despite the small proportion of Jewish people in the Canadian population, Jewish people are the targets of some of the highest numbers and rising trends of bias-motivated police-reported hate crimes in Canada<sup>10</sup>.

Figure 1 demonstrates the number and trends of possible hate crimes by religion that were reported to police between 2019 and 2022.

#### Important notes on police-reported hate crime data

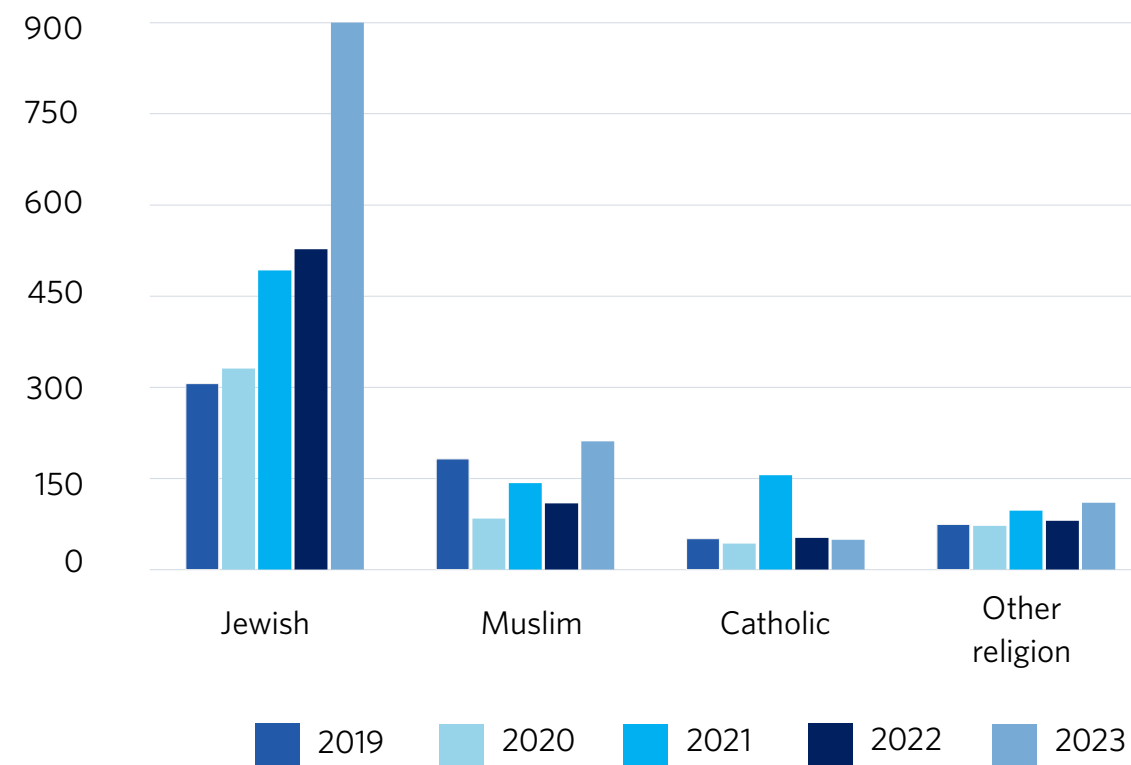
While reviewing the following data, please keep in mind that the data:

- depict absolute numbers (the proportion of reported incidents *per capita* gives a sense of the scale of reported anti-Jewish incidents relative to other reported forms of hate crimes)
- reflect incidents of hate *reported* to the police, and not necessarily incidents *confirmed* as hate crimes according to the *Criminal Code of Canada*
- will be influenced by the extent to which particular groups (whether targets or witnesses of different forms of criminal hate) feel comfortable reporting incidents
- do not account for systemic discrimination, imbedded in social institutions and policies

<sup>9</sup> Warman v. Kouba, 2006 CHRT 50 (CanLII). <https://canlii.ca/t/1q60v>.

<sup>10</sup> "Police-reported hate crimes, by detailed motivation, Canada, 2020 to 2023," Statistics Canada, last accessed December 18, 2024 at <https://www150.statcan.gc.ca/n1/daily-quotidien/240725/t006b-eng.htm>.

Figure 1: Police reported hate crimes, 2019 - 2023, by religion



#### RESOURCE SPOTLIGHT

Visit Statistics Canada Police-reported Information Hub to view dashboard visualizations of the number and trends of hate crimes in Canada and select type of motivation (for example, religion, race, ethnicity).

[Access resource](#)

## Acts that may constitute discrimination and/or hate

Whether something constitutes legal discrimination<sup>11</sup> or hate<sup>12</sup> depends on legal tests and all contextual circumstances, but examples of discrimination and hate could potentially include:

- threats of or actual physical violence against Jews as individuals or as a people
- calling for death to individual Jews or Israeli nationals or for their eradication as an entire people
- denying or minimizing the occurrence and impact of the Holocaust, and/or claiming the mass murder, displacement and genocide of Jewish people was fabricated or over-exaggerated
- denying or minimizing other harms to Jews
- denying or underplaying millennia of antisemitism in Europe, MENA countries, and other communities in the diaspora
- suggesting that Jews (including Jews who are not of European descent) should “go back to Europe”
- celebrating or promoting Hitler or Nazi regimes, including related symbols and artifacts
- displaying a swastika or gesturing the Nazi salute
- speech, propaganda or graffiti that would constitute hate according to the *Criminal Code of Canada*
- depicting Jews as having certain exaggerated or distorted physical characteristics that invoke stereotypical tropes
- vandalism of property and desecration of sacred spaces (for example, cemetery, homes with mezuzah)
- attacks or threats of attacks on synagogues, Jewish schools, and community centres
- physical and/or verbal assault for wearing visible religious attire
- demanding the removal of and/or targeting the symbols and markers of being Jewish including religious and cultural attire (for example, kippah/yarmulke — skull cap, kittel — prayer shawl, payos — side curls, tzitzit — fringed garment, Star of David, mezuzah)
- harassing<sup>13</sup> or intimidating a Jewish person based on their identity, their religious attire or affiliation, language or accent, affiliation with identity-related association or political belief

<sup>11</sup> According to UBC’s Discrimination Policy. See: “Discrimination Policy SC7,” The University of British Columbia, last accessed December 18, 2024, at <https://universitycounsel.ubc.ca/policies/discrimination-policy/>.

<sup>12</sup> According to Criminal Code, RSC 1985, c C-46, s 319. See: “Justice Laws Canada,” Government of Canada, last accessed December 18, 2024, at <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-319.html>.

<sup>13</sup> According to UBC’s Respectful Environment Statement. See: “Respectful Environment Statement,” The University of British Columbia, last accessed December 18, 2024, at <https://hr.ubc.ca/working-ubc/workplace-experience/respectful-environment>.

## 3. ANTI-JEWISH MYTHS AND STEREOTYPES

### Trauma-informed content warning

Jewish people have experienced intergenerational trauma due to centuries of systemic anti-Jewish violence and persecution, including the Holocaust or the Shoah (genocide) that killed two-thirds of Europe’s Jewish population<sup>14</sup>. Such historic trauma can be activated by contemporary anti-Jewish tropes.

**Please note that the next several slides include discussion of anti-Jewish tropes and examples of behaviour that may constitute discrimination and/or hate. Although this content is provided for educational purposes, it can, nonetheless, trigger psychological impacts, particularly, but not exclusively, for Jewish people.**

### Antisemitic myths and stereotypes about Jewish people

It is a myth that antisemitism is only expressed by white supremacist and neo-Nazi groups.

It can be expressed from a diversity of ethnocultural communities and the spectrum of political ideologies (from right to left). It also manifests, like other forms of discrimination and racism, in unconsciously and implicitly biased thinking across societies (for example, media).

Myths and stereotypes about Jewish people that frequently recur in antisemitism include views that Jewish people:

- are deceptive, cunning, devious, and/or unscrupulous (dishonesty trope)
- engage in conspiracies or secretive collaboration (conspiracy/collusion trope)
- are untrustworthy and/or disloyal (tribalism trope)
- are greedy, obsessed with money, inordinately wealthy (materialistic trope)
- use wealth to control others (supremacist trope)

<sup>14</sup> “Introduction to the Holocaust,” US Holocaust Memorial Museum, last accessed December 18, 2024 at <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust>.

- control banking industries, media and global communication outlets (supremacist trope)
- are intent on causing global harm and are the “enemy” of “the good” (demonization trope)
- are by nature a people that seek to pursue their rights and desires at the expense of the rights of others
- Inevitably hold discriminatory and hateful views towards Arabs and Muslims

## 4. INTERGROUP AND INTRAGROUP DYNAMICS

### Intergroup microaggressions

Microaggressions are expressions by members of a dominant or privileged socio-cultural group about or affecting members of a non-dominant or marginalized socio-cultural group, thereby perpetuating the marginalization of the non-dominant group and contributing to intergroup distrust<sup>15</sup>.

Microaggressions, as acts of bias, are:

- everyday “verbal and behavioural indignities, whether intentional or unintentional, which communicate hostile, derogatory, or negative racial slights and insults” to the target person or group<sup>16</sup>
- interactions that occur at a microlevel, between individuals. They are nonetheless impactful, often experienced as invalidations, insults, and/or assaults on one’s identity and personhood<sup>17</sup>

#### REMEMBER

- Given the ethno-cultural, religious and political diversity of the Jewish people, what defines Jewish identity and personhood can differ across groups and individuals. Examples include, observing Jewish religious laws, wearing a Kippah, eating Kosher food, celebrating Jewish holidays, having a mezuzah on their door post, attachment or lack thereof to biblical land, and/or pursuit of social justice.

<sup>15</sup> John F. Dovidio, Samuel L. Gaertner, Kerry Kawakami and Gordon Hodson, “Why can’t we just get along? Interpersonal biases and interracial distrust,” *Cultural Diversity and Ethnic Minority Psychology*, 8(2), 2002, 88 – 102. DOI: 10.1037//1099-9809.8.2.88.

<sup>16</sup> Sue D. Wing, Christina M. Capodilupo, Gina C. Torino, Jennifer M. Bucceri, Aisha M. B. Holder, Kevin L. Nadal, and Marta Esquilin, Racial microaggressions in everyday life: Implications for clinical practice, *American Psychologist*, 62(4), 2007, 271 – 286. DOI: 10.1037/0003-066X.62.4.271.

<sup>17</sup> Kevin L. Nadal, *Microaggressions and traumatic stress: Theory, research, and clinical treatment*, (American Psychological Association, 2018), <https://doi.org/10.1037/0000073-000>.

- Microaggressions may or may not violate UBC's Discrimination Policy depending on the nature and context of the comment and conduct.
- The identity and intention of the person who expresses the microaggressive comment or conduct is irrelevant to whether the comment or conduct may be deemed impactful.

### Examples of antisemitic microaggressions

The following are some examples of antisemitic microaggressions:

- persistently scheduling work or academic engagements on Jewish high holidays and the Jewish Sabbath
- assuming a Jewish professor would be biased against Arab, Muslim or Palestinian students
- introducing someone as your "Jewish" friend
- claiming comments or conduct are not antisemitic simply because a Jewish person agreed it was not
- minimizing experience of antisemitism simply because one does not share the same experience
- assuming all Jewish people have the same perspectives or beliefs
- assuming all Jews must have a connection to Israel
- assuming that all Jews who have family or personal ties to Israel are Zionists
- assuming all Jewish people are White and/or insisting all Jews have White privilege
- saying "You don't look Jewish"
- saying "I'm not antisemitic. I have Jewish friends."
- applying political or religious litmus tests to Jews (for example, requiring Jews to pledge beliefs before entering spaces)
- non-Jews minimizing or discounting the lived experiences of antisemitism as felt by Jews

- saying Jews cannot be "marginalized groups" or "Jews don't count" in concerns about anti-racism
- saying antisemitism is overblown or Jews complain too much (including about the Holocaust)
- referring to someone as a "bad Jew".

#### RECALL

- While they are impactful, microaggressions may or may not violate UBC's Discrimination Policy depending on their nature and context.

### Intragroup or horizontal hostilities

- Within-group or intragroup manifestations of marginalization can be, in part, explained through the concept of horizontal hostility<sup>18,19</sup> — a form of bullying and harassment.
- Horizontal hostilities are derogatory indignities expressed by members of a social group about other members of the same social group. These indignities are impactful and often experienced as invalidations, insults, and/or assaults on one's identity and personhood.
- While describing the complexities of intragroup dynamics is beyond the scope of this module, it is important to acknowledge that these dynamics exist and that they have serious impacts as a consequence of community shunning.
- The following scenario provides an example of one manifestation of intergroup hostility with the Jewish community:

<sup>18</sup> Florynce Kennedy, "Institutionalized oppression vs. the female," in *Sisterhood is powerful*, ed. Robin Morgan (Vintage Books, 1970).

<sup>19</sup> JB White and EJ Langer, E.J., "Horizontal hostility: Relations between similar minority groups," *Journal of Social Issues*, 55, no. 3 (1999): 537 - 559, <https://doi.org/10.1111/0022-4537.00132>.

- » A Jewish person/group calls another Jewish person/group “self-hating”, “token”, or “goy”.<sup>20</sup>
- » Language such as “fringe” can also be intended and/or received as demeaning or hostile.

Lateral hostilities — whether consciously or unconsciously deployed — can operate to situate certain groups closer in proximity to power (social, economic, political capital) and push other groups to the margins of communities or society.

<sup>20</sup> The pejorative term “self-hating Jews”, in particular, is both considered offensive and intended to offend. The term “goy” is a Hebrew word that means non-believer.

## Upholding UBC’s Respectful Environment Statement

- “A respectful environment is a climate in which the human dignity of each individual is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish.”<sup>21</sup>
- Some behaviour that may not qualify as discrimination under the *B.C. Human Rights Code* may still be considered bullying or harassment, violating [UBC’s Respectful Environment Statement](#).
- Bullying or harassment includes unwanted, abusive, vexatious, or hostile behaviour that creates an intimidating environment.
- Some examples of bullying/harassment include:
  - » demeaning or intimidating comments or gestures
  - » verbal aggression or yelling
  - » persistent exclusion or ostracism
  - » abuse of power or authority
  - » spreading malicious rumours
  - » threats to employment or property
- If linked to protected characteristics (for example, race, religion or political belief), this behaviour may also violate UBC’s Discrimination Policy.

### EXCLUSIONS

- “Appropriate managerial or supervisory direction, constructive criticism, respectful differences of opinion, instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions, and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm do not constitute bullying or harassment.”<sup>22</sup>

<sup>21</sup> “Respectful Environment Statement,” The University of British Columbia, last accessed December 14, 2024 at <https://hr.ubc.ca/working-ubc/workplace-experience/respectful-environment>.

<sup>22</sup> The University of British Columbia, “Respectful Environment Statement.”

## 5. HISTORY OF OPPRESSION OF JEWISH PEOPLE

While providing a comprehensive history of the persecution of Jewish people is well beyond the scope of this introductory module, the following are key takeaway points:

- Jewish people have repeatedly experienced persecution for three millennia.
- Jewish people have experienced forcible expulsion numerous times in history, beginning with the exile of Jews from the region which overlaps with present day Israel/Palestine where Jews have lived since ancient times among other peoples.
- Between 1933 and 1945, including during World War II, the German Nazi regime perpetrated the systematic mass murder of six million Jews in what is referred to as the Holocaust (Shoah).<sup>23</sup>
- Both before and after the establishment of the State of Israel in 1948, and when Middle Eastern and North African (MENA) countries gained independence from Western colonial powers, the majority of Jews from the MENA region (~850,000) were expelled, fled, or decided to emigrate, mainly settling in Israel, North America, France and the UK.
- Canada's immigration policy, between 1933 and 1948, restricted the entry of Jewish migrants. An immigration agent, Frederick Blair, is said to have replied "None is too many"<sup>24</sup> to the question of how many Jewish people would be permitted to immigrate to Canada after the war.
- The explicit marginalization of Jewish people in Canada persisted through the 20<sup>th</sup> century, as they were among religious and/or racial groups impacted by restrictive covenants (for example, in the 1950s, banned by Ontario homeowners from purchasing property and cemetery plots; in the 1960s and 1970s, excluded from elite social clubs and restricted from medical schools).<sup>25</sup>
- The legacy of historical persecution and marginalization persists in present-day anti-Jewish tropes and forms of systemic discrimination.

<sup>23</sup> Adara Goldberg and Andrew McIntosh, "Canada and the Holocaust," The Canadian Encyclopedia, last updated June 1, 2020, <https://www.thecanadianencyclopedia.ca/en/article/holocaust>.

<sup>24</sup> Irving Abella & Harold Troper, *None is too many: Canada and the Jews of Europe, 1933 - 1948* (New Jewish Press, 2023).

<sup>25</sup> "Restrictive Covenants", Canada's Human Rights History, accessed December 18, 2024, <https://historyofrights.ca/encyclopaedia/main-events/restrictive-covenants/>.

## 6. PERSPECTIVES ON ZIONISM

While discussing Zionism is beyond the scope of this module, a few points can be made:

- Zionism constitutes a diverse set of religious and/or political beliefs, and not all Zionists are Jewish.
- Jewish people have diverse perspectives on and understandings of Zionism, as do many non-Jews.
- Criticizing a state or government regime is not deemed to be de facto discrimination provided that criticisms do not constitute hate and discriminatory speech (on the basis of one or more human rights protected grounds such as ancestry, place of origin, political belief, race or religion) in accordance with the *Criminal Code of Canada*, the *B.C. Human Rights Code*, and UBC's Discrimination Policy.
- A common discriminatory tactic is to assign collective guilt and blame to all members of an identifiable group (for example, based on ancestry, place of origin, political belief, race or religion) when individuals or sub-groups (including state or non-state actors) commit objectionable or heinous acts<sup>26</sup>.
- Allegations of any form of discrimination against a class of persons requires careful analysis as there is a difference between, on the one hand, the legitimate criticism of states or governments or their actors, and on the other hand, comments and conduct that promote hate and discriminatory speech and acts that target identifiable groups on the basis of protected human rights grounds.
  - » (1) Canada's laws and UBC's policies require that the human rights and personal safety of UBC's Jewish faculty, students and staff — in all of their diversity — are safeguarded across legally protected characteristics.
  - » (2) UBC aspires to foster a culture of inclusion, where the safety and dignity of Jewish and Israeli people is valued.
- Under the principle of academic freedom, academic debate about appropriate political arrangements in the region of present-day Israel-Palestine or about the meaning and implications of Zionism is legitimate and protected, subject to the context.

<sup>26</sup> Ontario Human Rights Commission (September 17, 2015). Policy on preventing discrimination based on creed. At p. 17. Available online: [https://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20based%20on%20creed\\_accessible\\_0.pdf](https://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20based%20on%20creed_accessible_0.pdf)

## 7. ACADEMIC FREEDOM AS A CORE VALUE

In a university, academic freedom is a core value, ensuring scholars the right to explore ideas freely within the academic community.

### Distinction from freedom of expression

- **Freedom of expression** is a constitutional right that protects individuals from government interference when expressing their views. This right is crucial in a free and open society and should be protected. Respect for the value of freedom of expression and promotion of free inquiry is central to the university's mission.
- **Academic freedom**, distinct from freedom of expression, is also a fundamental right unique to the academy, permitting members of the university to teach, learn and consider any opinion without non-academic constraints from the university administration.

Neither freedom of expression nor academic freedom are without limits. For example:

- » Expression can be limited if found to rise to the level of hate, obscenity or discrimination, as set out by the *Criminal Code of Canada* and human rights laws; if it defames; or if it violates copyright law.
- » Universities have legitimate academic expectations for its professors and students.

### Academic freedom at UBC

Academic freedom policies vary between universities. The policy of each of UBC's campus Senates<sup>27,28</sup> with respect to Academic Freedom is as follows:

- The members of the University enjoy certain rights and privileges essential to the fulfillment of its primary functions: instruction and the pursuit of knowledge. Central among these rights is the freedom, within the law, to pursue what seems to them as fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints, and to engage in full and unrestricted consideration of any opinion.
- This freedom extends not only to the regular members of the University, but to all who are invited to participate in its forum. Suppression of this freedom, whether by institutions of the state, the officers of the University, or the actions of private individuals, would prevent the University from carrying out its primary functions.
- All members of the University must recognize this fundamental principle and must share responsibility for supporting, safeguarding and preserving this central freedom. Behaviour that obstructs free and full discussion, not only of ideas that are safe and accepted, but of those which may be unpopular or even abhorrent, vitally threatens the integrity of the University's forum. Such behaviour cannot be tolerated.

Impassioned expression does not necessarily equate to disrespect or discrimination – it may simply be strong disagreement regarding an issue of public interest.

<sup>27</sup> "Academic Freedom: Introduction," UBC Vancouver Senate, accessed December 14, 2024, <https://vancouver.calendar.ubc.ca/campus-wide-policies-and-regulations/academic-freedom/introduction>.

<sup>28</sup> "Academic Freedom," UBC Okanagan Senate, accessed December 14, 2024, <https://okanagan.calendar.ubc.ca/campus-wide-policies-and-regulations/student-rights-and-responsibilities/academic-freedom>.

## Reflection on academic freedom

The following considerations around academic freedom are important.

- Academic freedom is about the pursuit of knowledge, not ideology.
  - » When faculty members draw on their authority to speak, and especially when they claim “expertise,” they have a special responsibility to tailor their claims to the evidence and to knowledge that comes from their training and scholarship.
- Some Jewish, Israeli, Arab, Palestinian and Muslim faculty have reported experiencing a chilling/silencing effect on their teaching and scholarship, and have felt that their academic freedom has been under threat whether or not they are speaking to issues related to the Israel-Palestine conflict.
  - » Targeting faculty members based on their identity and/or field of study and course enrollment (for example, vandalizing office doors of or harassing faculty members based on their involvement in Jewish, Islamic and/or Middle East Studies, or their teaching and scholarship related to Palestine or Israel may be a violation of UBC’s Respectful Environment Statement or UBC’s Discrimination Policy).
- Consider how to avoid a double standard in calls to respect the academic freedom of a diversity of scholars to ensure the same privileges and protections are afforded Jewish, Israeli, Arab, Palestinian and Muslim faculty members.
- The university unduly interfering with a faculty member’s participation in teaching and research activities may violate their academic freedom, which can undermine student access to learning and scholarship, and erode the integrity of the academic environment.

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