

Janice LaForme

Dear Members of the Standing Committee on Justice and Human Rights,

Re: Study of Islamophobia - Anti-Palestinian Racism Definition in the University Context

I am a retired lawyer, a member of the Alliance Combatting Campus Antisemitism in Canada (ALCCA) and involved with the National Respectful Dialogue Initiative.

Several organizations including the Arab Canadian Lawyers Association, Canadians for Justice and Peace in the Middle East, the Canadian Muslim Public Affairs Council, and Independent Jewish Voices have advocated that [anti-Palestinian racism](#) form part of Canada's Anti-Racism Strategy.

The concept of Anti-Palestinian racism and the *de facto* definition presented by the aforementioned organizations are seriously flawed and will undermine the rights and freedoms of Canadians, particularly, Canadian Jews and non-Jewish Zionists. In addition to defining Zionism as Anti-Palestinian racism (APR), it also defines Canada's consensus definition of antisemitism, the International Holocaust Remembrance Alliance's (IHRA) definition as APR. Both facts are abhorrent and a violation of the Charter of Rights and Freedoms. Jewish Canadians are overwhelmingly Zionists, that is, believe that Israel has a right to exist as a Jewish state ([Brym, 2024](#)). APR will erase Jewish identity by codifying the Jewish people's 3000+ year old connection with the land of Israel as APR. Notwithstanding these serious issues as well as others, the following brief will focus on the threats that the definition of Anti-Palestinian racism has in a university context.

The theoretical underpinnings of human rights protection are grounded in a wide array of philosophical, legal, and ethical frameworks that aim to recognize and uphold the inherent dignity and worth of every individual. Human rights protection in universities involves ensuring that all members of the university community—students, faculty, staff, and administrators—can exercise their fundamental rights and freedoms in a safe, inclusive, and respectful environment. Human rights protections ensure the capacity of universities to offer the following protections in an equal and equitable manner. APR infringes on these rights and freedoms in significant ways.

Freedom of Expression: Universities uphold the right to freedom of expression, allowing students and faculty to express their opinions and ideas freely, even if controversial or unpopular subject violation of hate speech, incitement to violence, and codes of conduct that protect people on campus from a poisoned environment. Free expression includes the right to engage in peaceful lawful protest and dissent.

The framework document issued by the Arab Canadian Lawyers Association on APR on the one hand guarantees protection of those who call for the destruction of the State of Israel as "freedom of expression" while, on the other hand, does not allow for any legitimate criticism of the Palestinian narrative including various highly contested political

views (e.g., denying the “Nakba”). This sets up a double standard whereby one set of political beliefs is prioritized at the expense of another. University campuses are meant to be places where opposing viewpoints can be aired, even when they are considered offensive by some as long as they do not cross the threshold of hate speech, incitement to violence or break codes of conduct. On campuses, APR would effectively restrict open and respectful dialogue that explores competing narratives using facts and arguments. It would also restrict interrogation of various points of view, which would be a serious threat to the mission of the University to advance knowledge and seek truth.

The goal of APR to characterize as racist any denial of Palestinian narratives is particularly problematic given the partisan views asserted in the APR document on political and historical issues that are the subject of legitimate debate. It is telling that APR fails to acknowledge that the IHRA definition of antisemitism explicitly allows for legitimate criticism of Israel and therefore does not unjustifiably restrict freedom of speech (or academic freedom) unless found to rise to the level of hate speech or incitement to violence. See the Network of Engaged Canadian Academic’s [comprehensive response](#) to groups that claim the IHRA is a restrictor of freedom of expression. The Arab Canadian Lawyers Association misrepresents IHRA by stating that it asserts that all criticism of Israel is antisemitic.

Academic Freedom: Academic freedom is essential for the pursuit of knowledge and truth. It allows scholars to research, teach, and publish without undue interference or censorship. Universities protect the academic freedom of faculty members, ensuring they can explore diverse perspectives and ideas without fear of reprisal.

Academic freedom is closely linked to but distinct from campus free expression. Unlike free expression, academic freedom is a right grounded in expertise and the distinct role of academics in democracy. At its core, academic freedom aims to safeguard scholars in their pursuit and dissemination of knowledge, ensuring they can work without bias or obstruction. This protection implies a commitment to presenting knowledge faithfully and defending the right to critique their own institutions.

APR violates academic freedom as a *de facto* speech code that protects political opinion (e.g., by defining as racist “denying the Nakba; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine”). The definition of APR prohibits legitimate criticism of these political opinions and thereby a restrictor of academic freedom. Thus, APR would prevent legitimate scholarly inquiry that is protected by academic freedom (typically, a condition of employment in Canadian universities). Academic freedom usually prohibits institutions from intervening in research or teaching endeavors, or penalizing faculty for their external speech, even if it conflicts with institutional views, unless it constitutes unlawful hate speech or poisons the academic environment. APR will lead to the sanctioning of faculty who are merely using their academic freedom to conduct research on or teach ideas that challenge the political opinions espoused by the APR framework.

The APR framework explicitly references the Boycott, Divest, and Sanction (BDS) campaign against Israel by labelling as APR those who are found, “excluding or smearing those who support or participate in Palestinian movements (i.e. BDS movement).” However, BDS contravenes the foundational principles of academic freedom by restricting the involvement

of individuals in the academic community based on their political beliefs. For instance, BDS may prevent academics from participating in conferences solely because they are Israeli citizens or express support for Israel. Thus, APR attempts to circumvent the rights of faculty to protect their right to academic freedom.

Equal Opportunity and Non-Discrimination: Universities have a responsibility to promote equal opportunity and non-discrimination in all aspects of academic and campus life. This includes admissions, hiring, promotion, and access to educational resources and facilities. Discrimination based on factors such as race, gender, religion, sexual orientation, disability, or socio-economic status should be prohibited and actively addressed.

The APR framework asserts, "..., Canada's Anti-Racism Strategy must address the role that the IHRA definition of antisemitism has played in perpetuating anti-Palestinian racism." and "Research on anti-Palestinian racism shows that support for Zionism is a key driver of anti-Palestinian racism perpetrated by Zionist organizations in Canada."

These statements codify a core component of Jewish identity as racist. Therefore, the APR framework discriminates against Jewish people and their supporters by denying Jewish people their right to self-determination in their ancestral indigenous homeland. This is typically considered to be a form of antisemitism under Canada's consensus definition of antisemitism, the IHRA adopted by the Federal government. APR would restrict Jewish people's opportunity on campuses (and more generally in Canadian society).

Safety and Security: Universities have a duty to ensure the safety and security of their campus community. This includes protecting individuals from violence, harassment, and discrimination, as well as providing resources and support services for victims of such misconduct. Policies and procedures address and prevent harassment, hate crimes, bullying, and other forms of harm.

APR works to treat as a form of racism, a core aspect of Jewish identity. This puts Jewish students, faculty, and staff at significant risk of discrimination simply for expressing their identities.

Freedom of Association and Assembly: Students and faculty should be free to associate with one another, form clubs and organizations, and engage in peaceful assembly and collective action. Universities respect the right to freedom of association and provide opportunities for students to participate in campus governance and decision-making processes.

It is essential to uphold university campuses as environments that embrace the free expression of diverse viewpoints, including those that may be controversial to some. *However, regulations governing the time, place, and manner of expression can be imposed by the University.* Universities play a pivotal role as arenas where students learn to engage as responsible citizens, exploring new ideas and perspectives. It is crucial that campuses demonstrate tolerance for diverse beliefs and viewpoints within their diverse community of students, faculty, and staff, and educate students in constructive dialogue across differing opinions. Cultivating a culture of dialogue and mutual respect promotes the flourishing of

free expression in a constructive and inclusive manner within this framework. By preventing the expression of political views that oppose those asserted as APR, specific groups (e.g., Jewish student groups) will not be able to operate on Canadian University campuses. This is unacceptable.

In summary, the APR framework as expressed in the documents issued by the Arab Canadian Lawyers Association, Canadians for Justice and Peace in the Middle East, the Canadian Muslim Public Affairs Council, and Independent Jewish Voices, are detrimental to groups protected by established definitions of racism (e.g., Jewish people as protected by IHRA). APR treats a core aspect of Jewish identity as racist. It also restricts legitimate scholarly activities by experts wishing to explore research on Palestinian narratives as well as the Middle East conflict. It is a dangerous restrictor of free speech and academic freedom and must not be considered for adoption. Existing legislation and definitions of Islamophobia and anti-Arab discrimination provide Canadians with the necessary tools to protect Palestinians from hate.

Sincerely,

Janice LaForme

Member - Alliance Combatting Campus Antisemitism in Canada (ALCCA)