

Mark Sandler

Friday, June 21, 2024

The Parliamentary Standing Committee on Justice and Human Rights

House of Commons
131 Queen Street
Ottawa, Ontario. K1A 0A6

Attention: Mr. Jean-François Lafleur, Clerk of the Committee

Dear Mr. Lafleur,

Re: Parliamentary Standing Committee on Justice and Human Rights
Islamophobia and Additional Measures that Could be Taken to Address the Valid Fears that are being
Expressed by Canada's Muslim Community

As you know, I previously testified before the Standing Committee when it was studying Antisemitism. Although I officially appeared as an individual, I also reflected that I am a founder with the Honourable. Harry LaForme of a large coalition of groups, organizations, associations and individuals: the Alliance Combatting Campus Antisemitism (ALCCA). The Committee received over 30 briefs from members of ALCCA. I expect that the Committee will also receive briefs from members of ALCCA for this phase of the Committee's work.

In addition to my involvement with ALCCA, I was a founder of a National Respectful Dialogue Initiative by Canada's law community. It was inspired by a joint statement by the University of Ottawa's Muslim and Jewish Law Students Association. The Committee was previously provided with a brief from the three students who led that initiative.

Please consider this letter to be my personal submission to the Committee in its work studying Islamophobia. I ask that the Committee consider my submission in conjunction with the brief previously filed by Janice LaForme, which described in detail the National Respectful Dialogue Initiative, and the brief of Professor Randal Schnoor. Professor Schnoor described an ongoing initiative, Bridging the Gap that offers a safe space at York University for Israeli Jewish and Palestinian Arab students and alumni (and others) to discuss the contentious issues now prevalent. I have already referred to the brief filed by the three University of Ottawa law students.

In my previous testimony, I described the importance of respectful dialogue as a critically important way to address campus antisemitism. The same holds true for campus Islamophobia.

Many years ago, I was involved in a successful Muslim-Jewish dialogue that built bridges between the communities and fostered greater understanding. However, such dialogue has never been more important than now. It must take place at educational institutions, within and between governments and agencies, professional associations, faith and business and artistic communities, and must involve diverse individuals, including those who self-identify in intersecting ways.

On this point, there is no reason to differentiate between my submissions when the Committee studied Antisemitism and when it now studies Islamophobia. My earlier recommendations on respectful dialogue have equal application as well. This Committee should endorse the respectful dialogues I have outlined, recommend that governments at all levels provide or promote financial support for such dialogues, and incentivize others to establish respectful dialogues through funding or grant opportunities directly relating to or conditional on the establishment of such dialogues.

The National Respectful Dialogue takes no position on the contentious issues in the Middle East. Its many signatories, mostly members of the law community across Canada, reject all forms of hate, including Antisemitism and Islamophobia. I am a Zionist. I also believe in Palestinian self-determination through a two-state solution. I am prepared to dialogue (and have done so) with anyone, other than those who demonize (or worse) all Zionists without distinction or seek the elimination of the State of Israel as a Jewish homeland.

In my view, there are several impediments to respectful dialogue that this Committee can address. The first relates to the demonization and delegitimization of the State of Israel. Canada is one of many countries that has adopted the IHRA definition of antisemitism, following years of study and reflection. The definition specifically **excludes** criticism of Israel, similar to criticism levelled at any other country. Such criticism of Israel, its government, its actions, its policies, and specific citizens is not antisemitic. Indeed, some of the harshest criticism of Israel's government and its conduct comes from Israelis, Israeli media, human rights organizations and diaspora Jews.

It is time that anti-Israel advocates stop contending that the definition prevents criticism of Israel. There has been no shortage of criticism of Israel on the world stage, including in every country which has adopted the IHRA definition. I also acknowledge that pro-Israel advocates should not label criticism of Israel as antisemitic unless it is qualitatively different than the kinds of criticism levelled against other countries. I ask the Committee to reaffirm the importance of the IHRA definition in informing how respectful dialogue can take place. Simply put, if people assert that all Canadians who support Israel's right to exist are racist, or seek the eradication of the State of Israel, it is impossible to engage in any respectful dialogue. If people assert that all Canadians who criticize Israel are antisemitic, it is also impossible to engage in any respectful dialogue.

The second impediment is related to the first. No one I know, Jewish or non-Jewish, justifies or excuses discrimination leveled against Palestinians because they identify as Palestinian. There should be zero tolerance, for example, for describing someone as a terrorist simply because they self-identify as Palestinian. But some have sought to introduce anti-Palestinian racism (APR) into anti-racism strategies to weaponize the demonization and delegitimization of Zionists and Jews. They often seek to define APR so as to effectively include as racist any challenge to Palestinian narratives on the creation of the State of Israel or on the conflicts that followed. It is ironic that some of the same people who allege that pro-Palestinian political views are being suppressed seek to introduce APR to suppress pro-Israeli/Zionist expression.

It took a decade of scholarship and expertise and international consultation to develop the IHRA definition of Antisemitism. Some are now asking this Committee, which is mandated to examine antisemitism and Islamophobia, to opine on APR. It is outside the Committee's mandate. This is not merely a technical objection especially because APR's proponents suggest that APR is needed, in addition to the attention to be given to Islamophobia and anti-Arab hatred. At the same time, they do not suggest that anti-Israeli hatred be treated as part of an anti-racism strategy. The Committee is poorly situated to evaluate, especially in the absence of reliable data on APR, the unintended consequences (though intended by some) that would flow from adoption of some of the submissions made by those who advocate for recognition of APR.

Raihaana Adira, a Muslim student at McGill, has experienced Islamophobia and witnessed antisemitism. She has been called both an antisemite and Nazi-Zionist. Having experienced discrimination as a Muslim, she greatly empathized with what so many Jewish colleagues were going through. She saw firsthand in Israel Jews and Muslims living side by side in peace. Her activism in fighting antisemitism has resulted in significant ostracization from her Muslim communities, whether it be religious, academic or social.

Her message to this Committee, captured in her personal brief, is a message to us all. She states that "one must not be isolated by one community for speaking out in support of another. As long as that continues, the hatred plaguing our country will continue." I commend her and so many other students who are committed to a respectful dialogue. This Committee must do everything it can do to support and protect such students.

Thank you for your attention to these important issues.

Yours truly,

Mark Sandler, LL.B, LL.D (honoris causa)