



# **THE RISE OF ANTISEMITISM IN EUROPE: COULD DE FACTO AGAIN BECOME DE JURE?**

**A Report of the European Affairs Committee  
of the New York City Bar Association**

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**OCTOBER 2022**

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## **THE RISE IN ANTISEMITISM IN EUROPE: COULD DE FACTO AGAIN BECOME DE JURE?**

The European Affairs Committee (“the Committee”) of the New York City Bar Association has undertaken a study of laws, proposed legislation and regulations, legal proceedings and political events in Europe that suggest a revival of attempts at state-sponsored or state-sanctioned antisemitism in Europe. The Chair designated a subcommittee to conduct the study.

### **I. INTRODUCTION**

During a time when antisemitic acts and crimes throughout Europe are increasing, laws and regulations that can be considered antisemitic in their intent or impact have been proposed in European parliaments and agencies, and in some cases enacted and promulgated. Proponents of the laws and regulations offer benign explanations for these new laws and rules. However, it is worth remembering that, historically, the persecution of Jews in Europe was accompanied by antisemitic laws frequently couched in other motives.

State policies of official antisemitism in Europe dating back centuries - and especially leading up to World War II and the Holocaust - were not discrete or isolated chapters of history. To the contrary, official antisemitism existed continuously from the formation of European country borders to the end of World War II. The ensuing 75 years have not erased this history of persecution, and the recent rise in legislative and regulatory proposals with apparent or deliberate antisemitic purpose or effect are of grave concern, both for Europe’s Jewish population and for other religious, racial, ethnic, and national groups.

#### **A. Motivation for the Study**

The Committee was prompted to conduct the study based on the resurgence of violent and other widespread and large-scale acts of antisemitism worldwide, and specifically in Europe, which is the focus of the Committee’s work. In particular, the Committee’s attention was drawn to the initiation and in some cases enactment of legislation and regulations which could be considered antisemitic, based on either their intent or their disparate impact on Jews, and with regard to certain proposed laws, Muslims.

#### **About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

According to the 2019 Kantor Center Annual Report on Antisemitism Worldwide, antisemitic incidents of all kinds, including violence, increased 18% worldwide compared to 2018, continuing a recent and steady rise of antisemitism.<sup>1</sup>

In 2021, the European Union Agency for Fundamental Rights (FRA) published a report on the rise of antisemitism over the period 2009-2020, with country-by-country statistics.<sup>2</sup> Individual governments and organizations in European countries that monitor and record incidents of antisemitic acts also reported increases. Austria<sup>3</sup>, the Czech Republic<sup>4</sup>, Denmark<sup>5</sup>, France<sup>6</sup>, Germany<sup>7</sup>, Italy<sup>8</sup>,

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<sup>1</sup> See Antisemitism Worldwide 2019 and the Beginning of 2020, Kantor Center for the Study of Contemporary European Jewry, Tel Aviv University, [https://en-humanities.tau.ac.il/sites/humanities\\_en.tau.ac.il/files/media\\_server/humanities/kantor/Kantor%20Report%202020\\_130820.pdf](https://en-humanities.tau.ac.il/sites/humanities_en.tau.ac.il/files/media_server/humanities/kantor/Kantor%20Report%202020_130820.pdf). The Kantor Center's 2020 report cited a decrease in the number of violent incidents, but attributed the decline to Covid lockdowns. The number of violent incidents, however, was consistent with the period 2016-2018. See Antisemitism Worldwide 2020, [https://en-humanities.tau.ac.il/sites/humanities\\_en.tau.ac.il/files/media\\_server/Antisemitism%20Worldwide%202020.pdf](https://en-humanities.tau.ac.il/sites/humanities_en.tau.ac.il/files/media_server/Antisemitism%20Worldwide%202020.pdf). (All websites last accessed May 24–September 21, 2022.)

<sup>2</sup> European Union Agency for Fundamental Rights 2021. *Antisemitism - Overview of Antisemitic Incidents Recorded in the European Union 2009-2020*. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-antisemitism-overview-2010-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-antisemitism-overview-2010-2020_en.pdf).

<sup>3</sup> “Antisemitic cases 2021 in Austria,” [https://cdn-ejc.s3.eu-central-1.amazonaws.com/wp-content/uploads/2022/05/13131611/aB2021GJ\\_print\\_final\\_en-1.pdf](https://cdn-ejc.s3.eu-central-1.amazonaws.com/wp-content/uploads/2022/05/13131611/aB2021GJ_print_final_en-1.pdf).

<sup>4</sup> <https://eurojewcong.org/news/communities-news/czech-republic/czech-jewish-community-recorded-a-total-of-1128-antisemitic-incidents-in-2021/>; <https://www.fzo.cz/5179/vyrocní-zprávu-o-projevech-antisemitismu-za-rok-2021/>; <https://www.fzo.cz/en/645/annual-report-on-manifestations-of-antisemitism-in-the-czech-republic-in-2020/>.

<sup>5</sup> “Jews in Denmark Report Steep Rise in Antisemitic Incidents Over Past Year,” The Algemeiner, Nov. 18, 2019, <https://www.algemeiner.com/2019/11/18/jews-in-denmark-report-steep-rise-in-antisemitic-incidents-over-past-year/>.

<sup>6</sup> [https://www.ajc.org/sites/default/files/pdf/2020-01/AJCParis\\_Analysis\\_of\\_anti-Semitism\\_in\\_2019\\_Jan2020.pdf](https://www.ajc.org/sites/default/files/pdf/2020-01/AJCParis_Analysis_of_anti-Semitism_in_2019_Jan2020.pdf).

<sup>7</sup> “The number of registered anti-Semitic hate crimes in Germany hit a new upward trend in 2020, according to figures released by the German government...” Deutsche Welle (DW), February 11, 2021, <https://www.dw.com/en/germany-sees-spike-in-anti-semitic-crimes-reports/a-56537178>; see also “328 antisemitism cases recorded in 2022 by the Attorney General of Berlin,” European Jewish Congress, Sep. 12, 2022, <https://eurojewcong.org/news/communities-news/germany/319-antisemitism-cases-recorded-in-2022-by-the-attorney-general-of-berlin/>, citing “Antisemitismus-Beauftragter: Viele Fälle von Hass und Hetze”, *Süddeutsche Zeitung*, Sep. 10, 2022.

<sup>8</sup> <https://eurojewcong.org/news/communities-news/italy/italian-antisemitism-observatory-in-the-era-of-conspiracy-theories-hatred-against-jews-is-on-the-rise/>; <https://www.mosaico-cem.it/attualita-e-news/italia/osservatorio-antisemitismo-2019-nellera-del-cospirativismo-crescono-gli-episodi-di-odio-contro-gli-ebrei/>.

Luxembourg<sup>9</sup>, the Netherlands<sup>10</sup> and the United Kingdom are several countries that published reports for the years 2019-2022.<sup>11</sup> (Antisemitic acts have increased in the United States as well.)<sup>12</sup>

The acts of antisemitism, which have been widely reported and documented, include murders in synagogues, public places, and homes, and desecration and other acts of destruction at Jewish community centers, schools, cemeteries, and businesses.

In April 2021, the United States Commission on International Religious Freedom, a federal government agency,<sup>13</sup> published a report<sup>14</sup> on antisemitism in eleven European countries.<sup>15</sup> The findings of the report were based on surveys and interviews of Jewish citizens and the reports of organizations that monitor antisemitic acts. Almost every country reported that their Jewish citizens expressed high levels of concern about their safety, based on having been subjected to harassment and other misconduct, and their perception of how Jews are treated in their own countries.

This report focuses on European national legislation and regulations -- both proposed and enacted. The Committee notes, however, that this report has undertaken its review of resurgent antisemitic legislative actions in the context of accompanying rising antisemitic violence across Europe.

## **B. Methodology**

A subcommittee of the European Affairs Committee undertook the research for this report. The subcommittee initially contacted an array of organizations in Europe, the United States, and Israel to identify source material and legislation and regulations that drew the most attention. The report also relied, in part, on news media, books, studies, periodicals, and reports on the topic.

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<sup>9</sup> <https://antisemitism.org/luxembourg-sees-antisemitic-incidents-rise-64-percent-in-one-year/>.

<sup>10</sup> <https://eurojewcong.org/news/communities-news/the-netherlands/record-number-of-antisemitic-incidents-in-the-netherlands-according-to-latest-report/>; <https://www.cidi.nl/wp-content/uploads/2022/04/CIDI-Monitor-antisemitische-incidenten-2021.pdf>.

<sup>11</sup> Community Security Trust of the United Kingdom (CST)'s *Antisemitic Incidents Report 2021* shows "2,255 anti-Jewish hate incidents reported nationwide in 2021. This is the highest annual total that CST has ever recorded and is a 34% increase from the 1,684 antisemitic incidents reported in 2020." <https://cst.org.uk/news/blog/2022/02/10/antisemitic-incidents-report-2021>; <https://cst.org.uk/data/file/f/c/Incidents%20Report%20Jan-Jun%202021.1627901074.pdf>; <https://cst.org.uk/data/file/a/c/Annual%20Review%202019-web.1583750042.pdf>.

<sup>12</sup> "Audit of Antisemitic Incidents 2021," Anti-Defamation League, <https://www.adl.org/resources/press-release/adl-audit-finds-antisemitic-incidents-united-states-reached-all-time-high>.

<sup>13</sup> "The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief." <https://www.uscifr.gov/news-room/releases-statements/uscifr-releases-report-antisemitism-europe-and-implications-us-policy>.

<sup>14</sup> <https://www.uscifr.gov/sites/default/files/Antisemitism%20in%20Europe.pdf>.

<sup>15</sup> Belgium, France, Germany, Hungary, The Netherlands, Norway, Poland, Russia, Sweden, Ukraine, United Kingdom.

## II. THE GROWTH OF ANTISEMITISM IN EUROPE

Jews have lived on the European continent for two thousand years, their population reaching 9.4 million in 1933.<sup>16</sup> During their entire existence in Europe, while not alone among religious, national and ethnic groups, they have been the subject of discrimination and persecution. Their treatment was at various times and degrees abetted by official policies, regulations and laws of the governments under which they lived. The recent emergence in some European countries of new legal initiatives that are antisemitic in intent or effect, occurring against a spike in anti-Jewish violence, raises heightened concerns that a new era of official antisemitism is on the rise.

### A. Antisemitic Legislation and Initiatives

According to U.S. and international news reports and analyses by government agencies, academic institutions, and civil society groups, antisemitism in Europe has drastically increased in the last two decades.<sup>17</sup> Several reasons have been offered, including:

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<sup>16</sup> Yehuda Bauer, *A History of the Holocaust*, (Danbury: Franklin Watts, 1982, 2001) 26, 68.

<sup>17</sup> “General Analyses of Antisemitism Worldwide,” Kantor Center for the Study of European Jewry, Tel Aviv University; <https://kantorcenter.tau.ac.il/wp-content/uploads/2021/07/Antisemitism-Worldwide-2020.pdf>; also, “Global 100: An Index of Anti-Semitism”, Anti-Defamation League [https://global100.adl.org/map?\\_ga=2.85686041.1671973704.1642264987-617695059.1642264987&\\_gac=1.156338761.1642265030.CjwKCAiA\\_omPBhBBEiwAcg7smY08Z9u-HL3ww7j3\\_GB2BDqv0uY6yGBwyZnNSc7\\_SLfwhVKu3WxyBoCKJYQAvD\\_BwE](https://global100.adl.org/map?_ga=2.85686041.1671973704.1642264987-617695059.1642264987&_gac=1.156338761.1642265030.CjwKCAiA_omPBhBBEiwAcg7smY08Z9u-HL3ww7j3_GB2BDqv0uY6yGBwyZnNSc7_SLfwhVKu3WxyBoCKJYQAvD_BwE); “Anti-Semitism Soars in Eastern Europe,” William A. Galston, *The Wall Street Journal*, November 27, 2019 (citing Anti-Defamation League Survey), [https://www.wsj.com/articles/anti-semitism-soars-in-eastern-europe-11574812176?mod=nwsrl\\_politics\\_ideas&cx\\_refModule=nwsrl](https://www.wsj.com/articles/anti-semitism-soars-in-eastern-europe-11574812176?mod=nwsrl_politics_ideas&cx_refModule=nwsrl).

- the reemergence of nationalistic political parties and organizations in Europe, some with explicit antisemitic platforms, which historically have targeted Jews and often assert the rights of majority ethnic and religious groups to the disadvantage of minorities;<sup>18</sup> and
- the equation of Judaism with Zionism,<sup>19</sup> and the equation of Judaism with support of the policies of the government of Israel, particularly by certain public officeholders, organizations and other opponents of Israel.<sup>20</sup>

As discussed further below, such factors have contributed to a rise in proposed legislation and other initiatives across Europe that can be understood as having antisemitic purposes or effects.

To be certain, there have been encouraging developments. More common than the recent wave of antisemitic legislation has been the nearly uniform enactment of laws throughout Europe after World War II to renounce and combat antisemitism. Twenty European countries and the European Union have laws that can be classified variously as “hate crimes” committed against a group, or speech or acts that promote such conduct.<sup>21</sup> Seventeen of the twenty countries make speech and conduct denying the Holocaust unlawful.

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<sup>18</sup> See “Bulgarian far-right candidate denies Holocaust, praises Hitler, Nazis,” Jerusalem Post, July 5, 2021, <https://www.jpost.com/diaspora/antisemitism/bulgarian-far-right-candidate-denies-holocaust-praises-hitler-nazis-672953> (“Interviewed by Bulgarian broadcaster Nova Televizia (NTV) ahead of the July 11 interviews for the Bulgarian legislature, the National Assembly, [Miroslav] Ivanov made numerous claims, such as that Nazism wasn't fascist but was national socialism, a picture of him doing a Nazi salute was actually a ‘Roman salute,’ saying that Jews were happy under Hitler because they could work freely and that the gas chambers operated by the Nazis were used for deworming, as noted by the Sofia Globe”); “Rise in far-right extremists seen in Germany last year,” *Associated Press*, June 15, 2021, <https://apnews.com/article/government-and-politics-europe-germany-health-coronavirus-pandemic-04551f4764b68747c30ad33f9f6c4903>; Robert Ogman, “Far Right Parties in Austria and Germany Are Making anti-Semitism Acceptable Again,” *Haaretz*, June 1, 2019, <https://www.haaretz.com/world-news/europe/.premium-in-austria-and-germany-the-nazis-political-heirs-still-want-a-judenfrei-europe-1.7297946>; Patrick Kingsley, “Anti-Semitism Is Back, From the Left, Right and Islamist Extremes. Why?,” *The New York Times*, April 4, 2019, [https://www.nytimes.com/2019/04/04/world/europe/antisemitism-europe-united-states.html?mc=aud\\_dev&ad-keywords=auddevgate&gclid=EAIaIQobChMI56Dn1Ivq8AIVmrbICh3XMAAkEAMYAiAAEgIrfD\\_BwE&gclid=w.ds](https://www.nytimes.com/2019/04/04/world/europe/antisemitism-europe-united-states.html?mc=aud_dev&ad-keywords=auddevgate&gclid=EAIaIQobChMI56Dn1Ivq8AIVmrbICh3XMAAkEAMYAiAAEgIrfD_BwE&gclid=w.ds); Marianne Szegedy-Maszak, “In Hungary, Anti-Semitism Rises Again,” *The New York Times*, October 29, 2017, <https://www.nytimes.com/2013/10/30/opinion/international/in-hungary-anti-semitism-rises-again.html>; Lars Rensmann, “The Politics of Paranoia: How-and Why-the European Radical Right Mobilizes Antisemitism, Xenophobia and Counter-Cosmopolitanism,” *Global Antisemitism: A Crisis of Modernity*, Vol. III, (New York, Institute for the Study of Global Antisemitism and Policy 2013). For a representative history of nationalism, ethnic politics and discrimination against Jews, see Omer Bartov, *Anatomy of a Genocide*, (New York: Simon & Schuster, 2018), which focuses on the city of Buczacz now in Ukraine. Over six centuries, the Jews of Buczacz lived alternatively in harmony and discord among other ethnic groups themselves in conflict with each other. The Jews were varyingly persecuted for both their Judaism and for their perceived bond with their persecutors’ adversaries. Historically, Buczacz has lived under the rule of the Polish-Lithuanian Commonwealth, Austria-Hungary, Poland and Ukraine.

<sup>19</sup> Michael C. Kotzin, “The Language of the New Antisemitism,” *Global Antisemitism: A Crisis of Modernity*, Vol. VI, (New York, Institute for the Study of Global Antisemitism and Policy 2013).

<sup>20</sup> Guy Lynn, “Anti-Semitic reports in London Hit New High, Charity Says,” *BBC News*, June 15, 2021, <https://www.bbc.com/news/uk-england-london-57439688> (“The Community Security Trust (CST) said 201 incidents were reported in the capital in May - it said almost all of them were linked to the conflict in Israel and Gaza”).

<sup>21</sup> Austria – “Pilot Report - Hate crime in Austria – English Summary of Key points”, Institute for the Sociology of Law and Criminology (IRKS), Federal Ministry for the Interior (BMI), Vienna, 2021 [https://www.bmi.gv.at/408/Projekt/files/320\\_2021\\_Hate\\_Crime\\_Pilot\\_Report\\_English\\_V20210806\\_barrierefrei.pdf](https://www.bmi.gv.at/408/Projekt/files/320_2021_Hate_Crime_Pilot_Report_English_V20210806_barrierefrei.pdf)



Examples of crimes cited in this report include physical assaults motivated by bias against a person for their actual or perceived association with a certain race, religion, or other such classification, and acts inciting hatred through speech that denies or minimizes the Holocaust or other acts committed by the “German National Socialist” regime or Nazi Party (or in the former Soviet bloc, crimes against humanity by the Nazis or the Communist governments).<sup>22</sup>

Some laws specifically cite the Holocaust and punish its denial. Other laws address the desecration of graves and religious sites, membership in extremist and prohibited organizations,

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Verbotsgesetz 1945 in der Fassung des NSG 1947:

§ 3 VG (Wiederbetätigung), [http://www.nachkriegsjustiz.at/service/gesetze/gs\\_vg\\_3\\_1947.php](http://www.nachkriegsjustiz.at/service/gesetze/gs_vg_3_1947.php); Belgium - [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=39933&p\\_classification=01.05](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=39933&p_classification=01.05); <https://www.ktpress.rw/2019/04/belgium-parliament-adopts-law-on-genocide-denial/>; Czech Republic - <https://www.ejtn.eu/PageFiles/6533/Criminal%20Code%20of%20the%20Czech%20Republic.pdf>; France – Legifrance: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000532990>; Germany - [https://www.gesetze-im-internet.de/englisch\\_stgb/englisch\\_stgb.html](https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html); <https://germanlawarchive.iuscomp.org/?p=752#130>; Greece - <https://www.loc.gov/law/foreign-news/article/greece-new-law-criminalizes-denial-of-genocide-hate-speech-and-other-acts-of-racism/>; Hungary - <https://www.loc.gov/item/global-legal-monitor/2010-03-15/hungary-penal-code-amendment-on-holocaust-denial-adopted/>; Italy - <https://www.gazzettaufficiale.it/eli/id/2016/06/28/16G00124/sg%20>; Liechtenstein - <https://www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Liechtenstein.pdf>; Lithuania - Lithuanian Criminal Code Article 172 – <https://www.lithuanialaw.com/lithuanian-criminal-code-495>; Luxembourg - European Commission Against Racism and Intolerance; <https://www.refworld.org/pdfid/46f286b1d.pdf>; Netherlands - Penal Code Section 137 C, D, [https://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht\\_ENG\\_PV.pdf](https://www.ejtn.eu/PageFiles/6533/2014%20seminars/Omsenie/WetboekvanStrafrecht_ENG_PV.pdf); Poland - <https://ipn.gov.pl/en/about-the-institute/documents/327.The-Act-on-the-Institute-of-National-Remembrance.html>; section 55. <https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Poland.pdf>; Portugal - Penal Code; Artº 240, 2 Racial, religious or sexual discrimination, <https://rm.coe.int/portugal-nationalreporting-en/pdf/16808a38df>; Romania - Emergency Ordinance No. 31 of March 13, 2002, United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Romania.pdf>; Russia – “Holocaust Deniers in Russia Now Face Five Years in Prison,” <https://www.reuters.com/article/russia-putin-nazi-law/russias-putin-outlaws-denial-of-nazi-crimes-idUSL6N0NR2B520140505>, May 5, 2014. However, the same law prohibited the “distortion” of the role of the former USSR in World War II. See Section IV(B)(6) *infra*; Slovakia - EXCERPTS of Law No. 300 / 2005 CRIMINAL CODE of the SLOVAK REPUBLIC, Denial and Approval of the Holocaust, the Crimes of Political Regimes and the Crimes against Humanity, [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi497WqssTwAhXUGFkFHatBDvQQFjAAegQIAhAD&url=https%3A%2F%2Fbinternet.ohchr.org%2FTreaties%2FCED%2FShared%2520Documents%2FSVK%2FINT\\_CED\\_ADR\\_SVK\\_31017\\_E.doc&usq=AOvVaw0JuMhXooTz9wM4vjp7NA25](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi497WqssTwAhXUGFkFHatBDvQQFjAAegQIAhAD&url=https%3A%2F%2Fbinternet.ohchr.org%2FTreaties%2FCED%2FShared%2520Documents%2FSVK%2FINT_CED_ADR_SVK_31017_E.doc&usq=AOvVaw0JuMhXooTz9wM4vjp7NA25); Spain - <http://www.preventgenocide.org/es/derecho/codigos/espana.htm>; Switzerland - Swiss Criminal Code, chapter 311, Article 261 CC 311.0 (legislationline.org), [https://www.fedlex.admin.ch/eli/cc/54/757\\_781\\_799/de#art\\_261\\_bis](https://www.fedlex.admin.ch/eli/cc/54/757_781_799/de#art_261_bis); Ukraine - <https://www.ukrinform.net/rubric-politics/3328962-president-signs-law-on-preventing-antisemitism.html>; European Union - <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996F0443:EN:HTML>; <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32008F0913>; Also, See Michael J. Bazvier, “Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism”; <https://www.yadvashem.org/holocaust/holocaust-antisemitism/holocaust-denial-laws.html>; and Jacqueline Lechtholz-Zey, “The Laws Banning Holocaust Denial,” *Genocide Prevention Now*, <https://www.ihgilm.com/wp-content/uploads/2016/01/Laws-Banning-Holocaust-Denial.pdf>.

<sup>22</sup> E.g. Austria: Pilot Report (bias crimes), France: Legifrance (Holocaust denial) Poland: Acto on the Institute of National Remembrance (denial of Nazi and Communist crimes) *supra*.; <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000532990>.

incitement to hatred, discrimination and violence, elevate the level of an offense associated with a hate crime, and other measures.<sup>23</sup>

The penalties for violations of the laws vary widely from country to country, and there have been several prosecutions over the years.

## **B. A Brief History of Antisemitic Laws**

Antisemitic laws were not exclusively a facet of Nazism accompanying the German occupation of European countries during the World War II era. Antisemitic laws had been enacted in Europe for a millennium before the Nazis came to power. They were varyingly imposed, modified, annulled, reintroduced, broadened and narrowed over hundreds of years up to and during the Nazi invasions. More broadly, policies, laws and persecutions targeting Jewish populations date back to well before the Common Era (“BCE”, also referenced as “BC”).<sup>24</sup>

Antisemitism per se had several origins. Jews were denounced for their refusal to accept Christianity<sup>25</sup> and were deemed responsible for Christ’s crucifixion.<sup>26</sup> Their outcast status later led to accusations of responsibility for the Black Death,<sup>27</sup> ritual murders of Christians<sup>28</sup> and other sacrilegious acts, as well as predatory moneylending and other charges. In Europe, antisemitic laws are well documented, dating at least to the 13<sup>th</sup> century.

Over the following 600 years, laws and decrees imposed restrictions on where Jews could live; denied them citizenship and other civil rights; barred them from public office; prohibited or restricted their ownership of real property; excluded them from, or imposed quotas on their

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<sup>23</sup> See the Kantor Center chart for a country-by-country itemization of laws regarding crimes such as “Desecration of grave\religious sites,” “Hate crimes (racial or religious hatred as an aggravating circumstance, or enhanced penalties,” “Incitement to hatred\discrimination\violence,” “Insult to religion\collective defamation\insult to victims,” “Online hate speech protection mechanism,”

<https://app.powerbi.com/view?r=eyJrIjoiNjUwYWVzNmItYzhlNC00YjBiLWE4NTAtZjc2ZTgwM2JhY2Y1IiwidCI6IjE4MDAwODhjLTIiInZgtNDA3MC05MDdjLTgzMDZiMTUzODdlZSIsImMiOiI9.>

<sup>24</sup> Paul Johnson, *A History of the Jews*, (New York: Harper Perennial, 1987), 103 et seq.; “Anti-Semitism,” *Encyclopedia Britannica*, Volume 2, 1964. See also Kenneth L. Marcus, “Fact Sheet on the Elements of Anti-Semitic Discourse,” The Louis D. Brandeis Center for Human Rights Under Law; [https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/ReportHC/75 The Louis D. Brandeis Center Fact Sheet Anti-Semitism.pdf](https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/ReportHC/75%20The%20Louis%20D.%20Brandeis%20Center%20Fact%20Sheet%20Anti-Semitism.pdf).

<sup>25</sup> Johnson, *A History of the Jews*, 207-8.

<sup>26</sup> James Carroll, *Constantine’s Sword*, (New York: First Mariner Books, 2002), 7.

<sup>27</sup> Carroll, *Constantine’s Sword*, 339; see also “Colmar, France,” *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/colmar-jewish-virtual-library> (“In 1348, at the time of the Black Death persecutions, all the Jews of Colmar were condemned to death and at the beginning of 1349 were burnt at the stake....”); *Freiburg im Breisgau*, *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/freiburg-im-breisgau> (“The [Freiburg, Germany] community, except pregnant women and children, was massacred by burning after one month’s imprisonment, during the Black Death (January 1349)”).

<sup>28</sup> Carroll, *Constantine’s Sword*, 272.

membership in certain trades and trade practices; taxed them solely for being Jewish<sup>29</sup>; and compelled them to wear clothing and badges identifying them as Jews.

Antisemitic laws in Europe were reliable harbingers of, or were accompanied by, mass murder, mob violence, official pogroms, forced conversions, ghettoization, relocations, expulsion and finally, under the Third Reich and its collaborators, extermination.

### **1. Early Middle Ages to the French Revolution**

The impermanence of the boundaries of European countries that extended over centuries both hindered and, at times, aided Jews. “Countries” and governments existed within empires, nation-states, duchies and principalities in Europe. A law could impact Jews whether resulting from a parliamentary-type vote or by the decree of a monarch, a ruling prince or a religious official.

Over centuries, Jews were subjected to alternating cycles of persecution and protection, which varied from country to country, ruler to ruler, religious order to religious order, and pope to pope. The Franciscans led pogroms<sup>30</sup> against the Jews in the 13<sup>th</sup> century. King James I of Aragon issued a decree in 1242 compelling Jews to listen to Dominican and Franciscan sermons.<sup>31</sup> Pope Gregory IX ordered the seizure of books of the Talmud, the Jewish books of law and tradition. However, Pope Clement VI issued a papal bull denying Jewish responsibility for the Black Death, as did Emperor Charles IV and King Peter IV of Aragon.<sup>32</sup> Although the Reformation amounted to a repudiation of the Roman church, “reform” did not carry with it a refutation of antisemitism, as reflected in the hatred of Jews that Martin Luther expressed.<sup>33</sup>

From the 8<sup>th</sup> to the 11<sup>th</sup> centuries, Jews enjoyed some measure of freedom and tolerance in Spain during the period of Muslim rule.<sup>34</sup> Their conditions later deteriorated steadily under Christian rule, devolving into two separate periods of Inquisition. First, in 1451, Jews were barred from public office in Toledo, Spain (over the objection of Pope Nicholas V).<sup>35</sup> Spanish rulers forbade the practice

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<sup>29</sup> E.g., the “Tolerance Tax” in Hungary imposed by Queen Maria Theresa, who also expelled Jews from the city of Buda. Michael K. Silber, “Hungary before 1918,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Hungary/Hungary\\_before\\_1918](https://yivoencyclopedia.org/article.aspx/Hungary/Hungary_before_1918).

<sup>30</sup> “Pogrom” is a word of Russian and Yiddish origin, meaning “destruction” or “desolation.” It referred to the organized attacks by the Russian government against Jews in their shtetls, or villages, in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, but it also has been used, and is used here to describe the organized attacks on Jews by government and religious bodies at earlier times as well.

<sup>31</sup> Carroll, *Constantine’s Sword*, 306.

<sup>32</sup> Johnson, *A History of the Jews*, 216-217. See also Amos Funkenstein, *Perceptions of Jewish History*, (Berkeley: University of California Press, 1993), 189 et seq. Beginning with the promulgation of “*Nostra Aetate*” in 1965, the Catholic Church renounced responsibility of the Jews for the crucifixion of Christ and since then has consistently taken official positions in opposition to antisemitism, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651028\\_nostra-aetate\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html).

<sup>33</sup> Carroll, *Constantine’s Sword*, 365-368, 425-428. See also Bauer, *History*, citing Luther’s “*Of the Jews and Their Lies*,” 33.

<sup>34</sup> Johnson, *A History of the Jews*, 177.

<sup>35</sup> Carroll, *Constantine’s Sword*, 347.

of Judaism, and tried and executed Jews and “conversos,” Jews who converted to Christianity. Ultimately, the Jews of Spain, numbering 200,000, were expelled from the country in 1492.<sup>36</sup>

In England, during the reign of William the Conqueror, Jews lived under the monarchy’s direct rule, although not as citizens. Jews were afforded certain civil rights and on occasion the monarchy and the business community borrowed money from Jews to support wars and commerce. But the loans Jews made were taxed by the monarchy, and they were subjected to other taxes solely because of their status as Jews.<sup>37</sup>

Magna Carta explicitly addressed debts owed to Jews, providing, among other restrictions, that if a debt owed to a Jew was acquired by the king, only principal need be repaid without interest.<sup>38</sup>

Imposing burdensome taxation became increasingly common under successive monarchs. Following trials and executions for claims of ritual murder, King Edward I imposed confiscatory taxes on Jews and restrictions on land ownership and trade. Ultimately, he expelled the Jews from England by decree in 1290.<sup>39</sup>

The Jews in France were treated similarly. They were taxed and treated as serfs of the king. Jews were expelled and readmitted to the country several times in the Middle Ages, depending on the needs or whims of the monarch, the state of the economy, and the leadership of the church.<sup>40</sup>

At times antisemitic laws arose as a result of boundary disputes and irredentism.<sup>41</sup> At other times, as a result of their mere presence, Jews could be thrust into political battle like pawns on a chessboard, supported or sacrificed in order to advance a monarch’s power. Holy Roman Emperor Charles V fought the Reformation in part by issuing what could be deemed a Bill of Rights for Jews in 1544.<sup>42</sup> But in 1553, all was reversed. In 1555 Pope Paul IV issued the bull *Cum Nimis Absurdum*, forbidding Jews in Christendom to own real estate, raising their taxes, requiring them to wear identifying clothing and confining them to segregated ghettos.<sup>43</sup> In 1569, Pope Pius V expelled the

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<sup>36</sup> Johnson, *A History of the Jews*, 218-229.

<sup>37</sup> “By the end of the twelfth century, indeed, the Crown had become aware that the Jews represented a source of ready money, upon which it could draw by means of taxation. In the century preceding their expulsion, the taxation of the Jews by tallages becomes a regular means of supplementing the royal income.”; “...it should be clear that the cumulative effect of the Provisions of Jewry of 1269, the Mandate of 1271, the prohibition of usury in 1275, the Regulations of 1284 and finally the ‘Statutum de Judaeis Exiundis Regnum Angliae’ of 1290 was to deprive the Jews of their economic freedom and consequently of their *raison d’etre*,” P. Elman, “The Economic Causes of the Expulsion of Jews in 1290,” *The Economic History Review*, Vol. 7, No. 2 (May, 1937 Wiley) 145, 150.

<sup>38</sup> The Magna Carta Project, [https://magnacarta.cmp.uea.ac.uk/read/magna\\_carta\\_1215/Clause\\_10](https://magnacarta.cmp.uea.ac.uk/read/magna_carta_1215/Clause_10).

<sup>39</sup> Peter Ackroyd, *The History of England From Its Earliest Beginnings to the Tudors*, (New York: Thomas Dunne Books 2011), 225-8.

<sup>40</sup> “France Virtual Jewish History Tour,” Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/france-virtual-jewish-history-tour>; “Jews,” *Encyclopedia Britannica*, 1964, Volume 13, 56-57.

<sup>41</sup> Bartov, *Anatomy*. See also David I. Kertzer, *The Kidnapping of Edgardo Mortara* (New York: Vintage Books, 1997), chapter 2, “Jews in the Land of the Popes.”

<sup>42</sup> Carroll, *Constantine’s Sword*, 368-9.

<sup>43</sup> *Ibid*, 375-6; see also David Kertzer, *The Pope at War*, (New York, Penguin Random House 2022) 360, and Kertzer, *Kidnapping*, 13-14. Obedience to the bull varied, and the matter of Imperial vs. papal authority is an entirely different

Jews from most of the regions of the Papal States.<sup>44</sup> They were not permitted to return until 1586 under Pope Sixtus V, but were expelled again in 1593 by Pope Clement VIII.<sup>45</sup> From 1556 to 1602, Jews were at different times forced into ghettos, or expelled from, Bologna, Mantua, Padua, Rome, Tuscany, and Verona.<sup>46</sup>

After a period of relative tolerance dating to the 13<sup>th</sup> century, from the 14<sup>th</sup> through the 17<sup>th</sup> centuries, Jews in Bohemia and Moravia (now part of the Czech Republic) were expelled from royal towns. As with other European domains, the bans were variously repealed, reinstated, modified and at times not enforced.<sup>47</sup> In the greater Habsburg empire, a reign of oppression under Empress Maria Theresa was followed by a rule of enlightenment. Her son and successor Joseph II issued Edicts of Toleration for Jews, liberalizing laws on residency, taxation, dress and commerce.<sup>48</sup>

The history of Jewish presence in Freiburg Im Breisgau, Germany is particularly representative of the treatment of Jews in Europe. During the period from 1230 to the early 1600s, Jews were imprisoned; released and granted civil rights; massacred during the Black Death; granted resettlement; ordered to wear identifying clothing; expelled, readmitted, re-expelled, prohibited from doing business in the city and later readmitted if accompanied by a constable.<sup>49</sup>

## 2. Congress of Vienna to World War I

The period of 1789-1918 in Europe has been characterized as a period of “emancipation” for Jews, dating from the French Revolution, when they achieved equal rights of citizenship in France, owing mainly to the Napoleonic conquests. Over time Jews were accorded, but also denied, civil rights in different regions and countries by European governments, monarchs, rulers and officials.<sup>50</sup> The Congress of Vienna in 1815 impliedly accorded civil rights to Jews, although the provision was

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history. The ghettos stood until Napoleon, were rebuilt after his fall, and then disestablished under the Roman republic in 1870.

<sup>44</sup> Ibid, 379.

<sup>45</sup> Ibid.

<sup>46</sup> Johnson, *A History of the Jews*, 244, and Comunita Ebraica Bologna, <https://www.comunitaebraicabologna.it/en/jewish-bologna/community/1311-brief-history-of-the-jewish-community>.

<sup>47</sup> Hillel J. Kieval, “Bohemia and Moravia,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Bohemia\\_and\\_Moravia](https://yivoencyclopedia.org/article.aspx/Bohemia_and_Moravia).

<sup>48</sup> Michael K. Silber, “Josephinian Reforms,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Josephinian\\_Reforms](https://yivoencyclopedia.org/article.aspx/Josephinian_Reforms).

<sup>49</sup> “Freiburg Im Brisgau,” Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/freiburg-im-breisgau>.

<sup>50</sup> The Kingdom of Westphalia, Bremen, Lubeck, Hamburg, Prussia, Bavaria, and the Constitution of the German Federation were examples of governments and charters that granted some measures of civil rights. Max J. Kohler, “Jewish Rights at the Congresses of Vienna (1814-1815) and Aix-La-Chapelle (1818),” *Publications of the American Jewish Historical Society*, No. 26 (The Johns Hopkins University Press, 1918), 35-6, 59-60; Michael R. Marrus and Robert O. Paxton, *Vichy France and the Jews*, (New York: Basic Books, 1981), 27. Howard M. Sachar, *The Course of Modern Jewish History*, (New York: Vintage Books, 1958) 42, 55, 58, 60, 96-8; Ruth Gay, *The Jews of Germany – A Historical Portrait* (New Haven: Yale University Press, 1992).

highly conditional and, at best, irregularly enforced.<sup>51</sup> And in Norway, the Constitution of 1814 prohibited Jews (as well as Jesuits and monastic orders) from entering the country.<sup>52</sup>

As late as 1814, the Jews of Modena were forced by ducal decree to live in a ghetto, although many of the restrictions on travel and business were relaxed.<sup>53</sup> Through most of the 19<sup>th</sup> century, regions in Italy, including Bologna and Rome, were under the jurisdiction of the Papal States, which were ruled by the pope under the protection of France. Under papal rule, a Jewish child baptized in secret could be removed from the child's home, placed in the custody of the church and raised as a Catholic. Such kidnappings in fact occurred.<sup>54</sup>

Following the wave of liberalism in Europe in 1848, Jews obtained rights of citizenship<sup>55</sup> and other civil rights in several Prussian states. Similarly, in Hungary, and in Italy in 1870 under unification, Jews attained most of the legal rights of citizenship.<sup>56</sup> Equality in England, at least under the law, finally came about in 1858, with the repeal of mandatory Christian oaths for parliamentary service.<sup>57</sup>

Antisemitism in the second half of the 19<sup>th</sup> century took the form of violence and pogroms inflicted on Jews, resulting in thousands of deaths.<sup>58</sup> Numerous political organizations and political parties were formed and campaigned against Jewish emancipation and advocated the revocation of emancipatory laws,<sup>59</sup> such as in the espousals of the German Christian Social Workers Party.<sup>60</sup>

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<sup>51</sup> “Probably for the first time in modern history, Jewish emancipation was officially passed upon at a conference of nations, and a resolution in favor of the principle was adopted, though its compromised form and the reactionary trend of events were such that it did not lead to as pronounced an improvement in the condition of the Jews as their friends had hoped.” Kohler, “Jewish Rights,” 33. “Article XVI of the Treaty of Vienna, assured the Jews of all ‘rights heretofore accorded to them in the several states.’ And then, at the last moment before acceptance... a Hanseatic delegate cunningly changed the meaning of the clause by substituting the word ‘by’ for ‘in’. The clause thus worded extended to the Jews the civil ‘rights heretofore accorded them *by* the several states.’ With the exception of Prussia, none of the German states had voluntarily accorded the Jews civil rights during the Napoleonic period, rather, they had been prodded into Jewish emancipation by French bayonets. Nowhere, in other words, had the Jews been granted civil rights *by* the states. The clause as it was written gave the Jews precisely nothing.” Sachar, *Jewish History*, 99; *see also* Bauer, *History*, 40.

<sup>52</sup> Christhard Hoffman, “Introduction,” *The Exclusion of Jews in the Norwegian Constitution of 1814*, (Berlin: Metropol Verlag, 2016) 14. The ban was lifted in 1851, *ibid* 16.

<sup>53</sup> Kertzer, *Edgardo Mortara*, 23 et seq.

<sup>54</sup> *Ibid* 20, 33. The church's policy and practice on secret baptism and custody continued after the demise of the Papal States through to World War II and the post-war era, and not just in Italy. *See* David I. Kertzer “The Pope, the Jews, and the Secrets in the Archive,” *The Atlantic*, Aug. 27, 2020, <https://www.theatlantic.com/ideas/archive/2020/08/the-popes-jews/615736/>.

<sup>55</sup> Sachar, *Jewish History*, 109.

<sup>56</sup> *Ibid*, 111; Silber, “Hungary,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Hungary/Hungary\\_before\\_1918](https://yivoencyclopedia.org/article.aspx/Hungary/Hungary_before_1918).

<sup>57</sup> Sachar, *Jewish History*, 118.

<sup>58</sup> Gotz Aly, *Europe Against the Jews 1880-1945*, (New York: Metropolitan Books, 2020), 41-43, 46-47, 68-69, 72, 84.

<sup>59</sup> Leon Volovici, “Antisemitic Parties and Movements,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Antisemitic\\_Parties\\_and\\_Movements](https://yivoencyclopedia.org/article.aspx/Antisemitic_Parties_and_Movements).

<sup>60</sup> *Ibid*, 258, 262.

In Germany, the beginnings of “Aryanism” stirred in the latter part of the 19<sup>th</sup> century, and evolved to become a central theme of the Nazi Party. However, Napoleon granted citizenship to the Jews of France, and Jews obtained civil rights in the lands he occupied, including those in Germanic Europe. Following Napoleon’s defeat, however, their rights mostly were rescinded in German lands.<sup>61</sup>

In Russia, the establishment of the “Pale of Settlement” in laws enacted in 1804 and 1835, and later in the “May Laws” of 1882, among other discriminatory measures,<sup>62</sup> designated the specific provinces where Jews were permitted to live. However, the laws still prohibited Jews from residing in major cities within those provinces, restricted the rights of Jews to freely settle and own land, and banned them from designated regions in the empire.

Following the assassination of Russian Czar Alexander II in 1882, and continuing through the first two decades of the 20<sup>th</sup> century, Russian Jews were rendered victims of state-sponsored pogroms in the Russian empire, which included the areas of what are now Ukraine and Belarus.<sup>63</sup>

### **3. *The Post-World War I Era of Antisemitic Laws***

Throughout the history of antisemitism, violence against Jews frequently followed, or was accompanied or influenced by, government-sanctioned policy and/or legislation. These policies and laws variously revoked the citizenship of Jews, expelled them from their countries, assessed taxes on Jews as a group, applied quotas and prohibitions to school enrollments and professional occupations in which they were high in number, and otherwise restricted property ownership, worship, and freedom of movement. The defeat of Germany, Austria-Hungary and their allies in World War I, the eruption of internal civil conflicts and territorial wars, and the punishing impoverishment of Europe that followed, contributed to a revival of antisemitic attitudes, policies and laws, as well as pogroms and mass killings, by civilians, police and military and reverting to centuries-old accusations blaming the Jews for privation and loss, as well as accusations that the Jews were aiding or serving in the leadership of domestic political or foreign enemies.<sup>64</sup>

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<sup>61</sup> Lucy S. Davidowicz, *The War Against the Jews*, (New York: Bantam, 1975), 29.

<sup>62</sup> John Klier, “Pale of Settlement,” *The Yivo Encyclopedia of Jews in Eastern Europe* [https://yivoencyclopedia.org/article.aspx/pale\\_of\\_settlement](https://yivoencyclopedia.org/article.aspx/pale_of_settlement); Hans Rogger, “Government, Jews, Peasants, and Land in Post-Emancipation Russia: Two specters: Peasant violence and Jewish exploitation,” *Cahiers du Monde russe et soviétique*, Vol. 17, No. 2/3 (Apr. - Sep., 1976), 171-211, EHESS, [https://www.jstor.org/stable/20169754?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/20169754?seq=1#metadata_info_tab_contents); John Klier, “‘Popular Politics’ and the Jewish Question in the Russian Empire, 1881-2,” *Jewish Historical Studies*, Vol. 33 (1992-1994) 175-185, Jewish Historical Society of England, [https://www.jstor.org/stable/29779918?read-now=1&refreqid=excelsior%3Ae3fcc683b55c94dd94ad836738c496e7&seq=10#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/29779918?read-now=1&refreqid=excelsior%3Ae3fcc683b55c94dd94ad836738c496e7&seq=10#page_scan_tab_contents).

<sup>63</sup> Anne Applebaum, *Red Famine*, (New York: Bantam, 2017), 58-59.

<sup>64</sup> See Leni Yahil, *The Holocaust – The Fate of European Jewry 1932-1945*, (New York: Oxford University Press, 1990) 39, regarding the resurgence of post-war antisemitism in Germany. See also Volovici, “Antisemitic Parties and Movements,” *The Yivo Encyclopedia of Jews in Eastern Europe*; Magda Tier, “Rehearsal for Genocide,” *The New York Review of Books*, June 9, 2022, 15 16, in her reviews of Elissa Bemporad, *Legacy of Blood: Jews, Pogroms, and Ritual Murder in the Lands of the Soviets* (New York: Oxford University Press, 2022), Jaclyn Granick, *International Jewish Humanitarianism in the Age of the Great War* (Cambridge: Cambridge University Press 2022), and Jeffrey Veidlinger, *In the Midst of Civilised Europe: The Pogroms of 1918-1921 and the Onset of the Holocaust* (New York: Metropolitan 2022), <https://www.nybooks.com/articles/2022/06/09/rehearsal-for-genocide-pogroms-magda-teter/>.

Key to the alarm today over any proposed law that might affect Jews or their religion and customs is that virulent antisemitism was thriving well before the advent of Naziism. When the Nazis occupied European countries, beginning with the Austrian Anschluss in 1938, they did not generally upend a culture of tolerance, or the protection of Jews under the law. To the contrary, the Nazis provided the force and the authority that finally empowered antisemitic leaders, political parties and organizations that, since the end of World War I, in varying degrees, had been harassing their Jewish citizens and stripping Jews of their civil rights through practice, policy and law.<sup>65</sup>

In some countries, antisemitic laws were enacted soon after the 1918 armistice. The laws came about in part as a result of the formation of newly independent countries that had been detached or emerged from the Ottoman Empire, the former Czarist Russia, and the defeated German and Austrian states. The rise of dominant national groups in these countries stoked animus directed particularly against Jews as well as other minority peoples.

Later, after the Nazis came to power in Germany in 1933, nationalist and antisemitic organizations and political parties were strengthened and emboldened. Some sought to adopt the German concept of “volk,”<sup>66</sup> the belief in national superiority and antagonism against non-nationals, especially Jews, by essentially copying the German Nuremberg Laws. The number of discriminatory laws escalated as World War II approached. France, Poland and Slovakia were examples of countries enacting such laws. The laws can be attributed varyingly to appeasement, fear of invasion by the Nazis and the growth in strength and influence of right-wing parties. After the time the war began, however, antisemitic laws were not restricted to the countries that Germany invaded and occupied at the outset. Some, like Hungary and Romania, enacted antisemitic laws as German allies. (*See* Section II(B)(5) below, “Antisemitic Laws Enacted Following the Outbreak of World War II”.)

#### **4. Antisemitic Laws Leading up to World War II**

After World War I, laws that penalized Jews were enacted in several European countries and varied in their severity and impact.<sup>67</sup>

In Romania, Jews endured some of the worst violence and legal discrimination in post-war Europe. In the 1920s, the government “denationalized” Jewish citizens in provinces that were made part of Romania after World War I.<sup>68</sup> In 1934, Romania enacted a law requiring that “economic,

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<sup>65</sup> Sachar, *Jewish History*.

<sup>66</sup> Bauer, *History*, 54, and Aly, *Europe*, 334. *See also* Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and The Final Solution in Poland*, (New York: HarperCollins 1992), 180-181; Chris Sundheim, “Prelude to the Holocaust: Pre-Nazi German Antisemitism,” *Historia*, Vol. 5 (1996), 75, <https://www.eiu.edu/historia/1996issue.php>; Shulamit Volkov, “Antisemitism as a Cultural Code: Reflections on the History and Historiography of Antisemitism in Imperial Germany,” *Leo Baeck Institute Yearbook*, Vol. 23, No. 1 (1978); and Christopher R. Browning, “Blue Bloods and Brownshirts,” *The New York Review of Books*, July 1, 2021, <https://www.nybooks.com/articles/2021/07/01/nazis-nobles-blue-bloods-brownshirts/>.

<sup>67</sup> This report cites prominent and high-impact examples of antisemitic laws during this period. Most of the sources cited contain further illustrations of antisemitic legislative proposals and laws, regulations and policies at both the national and local levels that were enacted and promulgated (and at times modified, or revoked and reinstated), such as in Salonika (now Thessaloniki), Greece; Aly, *Europe* 79 et seq.

<sup>68</sup> Sachar, *Jewish History*, 432.



industrial, commercial and civil enterprises of all types” must be comprised of 80% “Romanian” employees, reducing the numbers of Jews.<sup>69</sup>

These actions were followed in the mid-1930s by, among others, mass antisemitic public demonstrations and, from 1937 to 1940, further laws disbaring Jewish lawyers, closing Jewish newspapers, and dismissing Jews from government service.<sup>70</sup> In 1940, as Romania solidified its alliance with the Nazis, the government imposed many antisemitic sanctions, including nationalizing Jewish-owned properties and businesses and expelling Jews from teaching positions and Jewish students from public schools<sup>71</sup>

In the 1920s in Poland, the government nationalized industries in which Jews were prominent, fired Jewish employees, limited employment of Jews in business, and barred Jews from the civil service and eligibility for government contracts.<sup>72</sup> In 1938, the Polish government revoked the citizenship of Jews who had lived outside Poland for more than five years.<sup>73</sup>

In 1920, Hungary enacted the *Numerus Clausus* law, establishing proportional race quotas for the numbers of students allowed to attend universities and faculty allowed to teach, effectively reducing Jewish matriculation and faculty.<sup>74</sup> In 1938, quotas went into effect restricting Jewish entry into certain businesses and professions. In 1939, further quotas were enacted, and naturalized Jewish Hungarians were stripped of their citizenship.<sup>75</sup>

In Lithuania in 1934, the government banned Jews from selected trades and businesses and from participation in public contracts.<sup>76</sup>

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<sup>69</sup> Raul Carstocea, “Anti-Semitism in Romania: Historical Legacies, Contemporary Challenges,” ECMI Working Paper, European Centre for Minority Issues, ECMI Working Paper #81, October 2014, 11-13, [https://www.files.ethz.ch/isn/185286/Working\\_Paper\\_81.pdf](https://www.files.ethz.ch/isn/185286/Working_Paper_81.pdf).

<sup>70</sup> Sachar, *Jewish History*, 434-5.

<sup>71</sup> Aly, *Europe*, 193-4, 256.

<sup>72</sup> Sachar, *Jewish History*, 427, and Bauer, *History*, 69.

<sup>73</sup> Aly, *Europe*, 2; Adam Teller, “Trade,” *The Yivo Encyclopedia of Jews in Eastern Europe*, <https://yivoencyclopedia.org/article.aspx/Trade>; “One Thousand Years of Jewish Life in Poland,” Tuber Foundation for Jewish Life and Culture. [https://www.taubephilanthropies.org/sites/default/files/pdf/2019-11/Timeline\\_1000years.pdf](https://www.taubephilanthropies.org/sites/default/files/pdf/2019-11/Timeline_1000years.pdf).

<sup>74</sup> Aly, *Europe* 215-216; see also Saul Friedlander, *Nazi Germany and the Jews 1939-1945 The Years of Extermination* (New York, Harper Collins 2007), 232; Maria Kovacs, “Disenfranchised by Law – The ‘Numerous Clausus’ in Hungary 1920-1945,” (Simon Wiesenthal Lecture, Shoah: Intervention. Methods. Documentation), [https://www.vwi.ac.at/images/Downloads/SWL\\_Reader/Kovacs/SWL-Reader-Kovacs.pdf](https://www.vwi.ac.at/images/Downloads/SWL_Reader/Kovacs/SWL-Reader-Kovacs.pdf); Jackie Mansky, “Why It Matters That Hungary’s Prime Minister Denounced His Country’s Role in the Holocaust,” *Smithsonian Magazine*, July 21, 2017, <https://www.smithsonianmag.com/history/holocaust-and-hungary-prime-minister-180964139/>.

<sup>75</sup> Sachar, *Jewish History*, 438; Aly, *Europe*, 219, 220-221; György Haraszti, “Hungary from 1918 to 1945,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/Hungary/Hungary\\_from\\_1918\\_to\\_1945](https://yivoencyclopedia.org/article.aspx/Hungary/Hungary_from_1918_to_1945).

<sup>76</sup> Aly, *Europe*, 183.

In Bulgaria, in 1940 the government introduced a law, enacted in 1941, removing all rights Jews held as citizens – eliminating the right to vote and own property, restricting employment and change of residence, and requiring the registration of assets.<sup>77</sup>

In France, long before the 1940 occupation by the Nazis, anti-immigration and anti-refugee hostility led to laws discriminating against Jews and other immigrants, particularly in the schools and professions.<sup>78</sup> For example, the Laval law of 1935 restricted entry in the needle and garment trades, which affected thousands of Jews.<sup>79</sup>

In Italy, beginning in July 1938, the Mussolini regime initiated an antisemitic campaign against its Jewish population. The “Manifesto della razza” (manifesto of the race) declared that Italians were an Aryan race of which Jews were not members.

Among the other provisions that followed the publication of the Manifesto della razza, Italian Jews were expelled from positions with the state and local administrations, were banned from the army, could not own or manage companies that employed more than one hundred people, and were allowed to marry other Jews only. Jewish professionals could practice only for their fellow ethnics.<sup>80</sup>

In September, the government revoked the citizenship of foreign-born Jews, fired Jewish schoolteachers and barred Jewish children from public schools.<sup>81</sup>

In Slovakia, which had declared its independence from the Czechoslovakian state, the government enacted antisemitic laws beginning in 1939. Over the next two years, it seized land from Jewish owners, required dismissal of Jewish employees, and expropriated Jewish-owned businesses, among other measures.<sup>82</sup>

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<sup>77</sup> Ibid, 243. See also “The JUST Act Report: Bulgaria,” United States Department of State, 2020, <https://www.state.gov/reports/just-act-report-to-congress/bulgaria/>.

<sup>78</sup> “A month after signing the armistice, [with the Nazis] ... Marshal Petain’s new regime, on its own initiative, introduced its first anti-Jewish measure.” Friedlander, *Nazi Germany*, 108; see also Aly, *Europe*, 161. The Jewish population of France after World War I increased from 150,000 to 320,000 by 1940. France was seen as a haven for Jews as a tolerant nation with opportunities for income. Aly, *Europe*, ibid.

<sup>79</sup> Marrus and Paxton, *Vichy France and the Jews*, 57. A massive resettlement of peoples, especially Jews, took place in the post-World War I period. “The upshot [of Jewish emigration] was a refugee crisis of unprecedented proportions. Some Ukrainian Jews chose Russia, and more headed West. Emerging states like Czechoslovakia, Hungary, Romania and Poland were overwhelmed; soon they imposed restrictions and organized expulsions.” Abigail Green, “It All Fell Apart,” *London Review of Books*, 21 July 2022, 23-24, reviewing Veidlinger, *In the Midst of Civilised Europe*, <https://www.lrb.co.uk/the-paper/v44/n14/abigail-green/it-all-fell-apart>.

<sup>80</sup> Luconi, Stefano, “Il Grido Della Stirpe and Mussolini’s 1938 Racial Legislation,” *Shofar* 22, no. 4 (2004): 67–8, [https://www.jstor.org/stable/42943719?read-now=1&refreqid=excelsior%3A4996b0a69a79321d84666c2ef54c0087&seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/42943719?read-now=1&refreqid=excelsior%3A4996b0a69a79321d84666c2ef54c0087&seq=1#page_scan_tab_contents); European Holocaust Research Infrastructure, “Persecution and Deportation in Western Europe,” <https://training.ehri-project.eu/anti-jewish-legislation-and-persecution-jews-western-nazi-occupied-europe-some-examples-persecution>. See also Kertzer, *The Pope at War*, 39.

<sup>81</sup> David I. Kertzer, *The Pope and Mussolini*, (New York: Random House, 2014), 116; Kertzer, *The Pope at War*, 39.

<sup>82</sup> “The Just Act Report: Slovakia,” United States Department of State, 2020, <https://www.state.gov/reports/just-act-report-to-congress/slovakia/>.

Of course, the most systematic use of law to discriminate against and persecute Jews occurred when Hitler became Chancellor of Germany in 1933.<sup>83</sup> The infamous Nuremberg Laws of 1935 stripped Jews of German citizenship, but were both preceded and succeeded by other laws isolating and punishing Germany's Jewish population.<sup>84</sup>

From 1933 until the war's end in 1945, more than 900 local and national laws and regulations were enacted and promulgated in Germany that discriminated against or penalized its Jewish citizens.<sup>85</sup> More than 150 such laws and regulations were recorded in 1933 alone. Following Germany's invasion of Poland in September 1939, the breadth of many of these laws and regulations were expanded to include the countries Germany occupied or with which it was allied. In the years culminating in the "Final Solution," Jews were disqualified from civil service, excluded from the professions, expelled from public schools and universities, required to register their assets, forced to divest of private enterprises, and surrender their passports for re-identification. They were barred from attendance at public venues, and were required to identify themselves with designated Jewish names, among other restrictions and prohibitions in hundreds of laws and regulations.<sup>86</sup>

### 5. *Antisemitic Laws Enacted Following the Outbreak of World War II*

The report distinguishes the period during which antisemitic laws were enacted in Europe following the end of World War I, from the period following the formal outbreak of World War II on September 1, 1939. Antisemitic laws and regulations in European countries continued to be enacted and promulgated after the war began, but the laws that were enacted before were not the product of invading or occupying foreign powers. Rather, pre-World War II antisemitic laws were initiated, enacted and enforced by the governments in power of each country. By contrast, antisemitic laws enacted after the start of the war could be attributed to several factors – invasion, occupation or annexation by Germany or a German ally, such as in Estonia, Latvia, Lithuania, Luxembourg, the Netherlands and Poland, or the rise to power of governments with ties to Germany, such as in Bulgaria, Norway, Romania, Slovakia and Yugoslavia.

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<sup>83</sup> *Holocaust Encyclopedia*, <https://encyclopedia.ushmm.org/content/en/article/antisemitic-legislation-1933-1939>.

<sup>84</sup> National Archives, *Prologue Magazine*, "Nuremberg Laws," <https://www.archives.gov/publications/prologue/2010/winter/nuremberg.html>; see also *Holocaust Encyclopedia*, <https://encyclopedia.ushmm.org/content/en/article/nuremberg-laws>; "Antisemitic Legislation 1933–1939," United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org/content/en/article/antisemitic-legislation-1933-1939>; "Anti-Jewish decrees," The British Library, <https://www.bl.uk/learning/histcitizen/voices/info/decrees/decrees.html>; "Anti-Jewish Laws Timeline," Musée Holocauste Montreal, [https://museeholocauste.ca/app/uploads/2019/03/anti\\_jewish\\_laws\\_timeline.pdf](https://museeholocauste.ca/app/uploads/2019/03/anti_jewish_laws_timeline.pdf).

<sup>85</sup> Joseph Walk, ed. *Das Sonderrecht für Juden im NS-Staat: Eine Sammlung der gesetzlichen Maßnahmen und Richtlinien – Inhalt und Bedeutung*, (unaltered reprint, UTB für Wissenschaft Heidelberg, 2013); see also Jüdisches Jewish Museum Berlin. The first laws recorded in this chronology, which predated 1933, were prohibitions on kosher slaughter, in Bavaria in 1930 and in Braunschweig in 1931. The laws and regulations under Nazi rule addressed all aspects of life – citizenship, property and business ownership, residence, social services, pensions, the use of public transportation and public facilities, education, occupation and trade. The last such recorded entry on February 16, 1945 was an ironic inversion of the meticulous attention paid to assuring the exclusion of Jews from every part of society: "FEBRUAR/ FEBRUARY 16 Alle Akten, die Atken Vernichtung der wirtschaftlichen Existenz der Juden betreffen, sollen vernichtet werden. RUNDSCHEIBEN DES REICHSWIRTSCHAFTSMINISTERS All files dealing with the annihilation of the economic livelihoods of Jews shall be destroyed. CIRCULAR BY THE REICH MINISTER OF ECONOMIC AFFAIRS," Ibid 195.

<sup>86</sup> Ibid.

The laws that followed the outbreak of war were similar to those imposed before September 1939: Bulgaria – Jews lost the right to vote or own property and were required to register assets; Estonia – confiscation of Jewish-owned properties; Jews were required to wear yellow badges; France – Jews were dismissed from civil service and the military; Greece, Latvia, Lithuania – Jews were uprooted and moved and then confined to ghettos; Luxembourg – adoption of the German Nuremberg Race Laws, which defined Jews as a separate race, deprived them of citizenship and prohibited marriage between Jews and non-Jews; Jews were subjected to forced labor, required to wear the yellow star; Netherlands – Jews were banned from civil service and required to register assets; Norway – Jewish properties were confiscated; Poland – Jewish bank accounts were blocked; Jews were required to wear armbands with the Star of David; Jewish properties were confiscated; Jews were confined to ghettos; Romania – Jewish-owned businesses and properties were nationalized; Jews were banned from teaching at or attending public schools and universities; Jews were required to perform compulsory labor; Slovakia – Jews were dismissed from civil service and the army; Jewish businesses were “Aryanized.”

The promulgation of the wartime antisemitic laws were precursors first to deportation and then horrendous and massive acts of genocide. In countries such as Latvia, Lithuania and Poland, the killings of Jews by their countrymen and by the Germans began soon after they were invaded.<sup>87</sup>

## **6. Antisemitic Policies After World War II – USSR/Russia**

Although World War II effectively ended the practice in European countries of specifically denominating Jews in discriminatory laws and regulations, official antisemitism continued in the USSR.

Beginning in the 1950s and continuing through the 1970s, Jews in large number requested exit visas to emigrate to Israel and the west, but were denied permission. In many cases, their applications to leave or their activism in seeking emigration rights resulted in their being arrested, committed to mental hospitals, exiled internally, and fired from or demoted in their jobs. While non-Jews in Russia also were refused emigration, Russia’s Jews applied in such large numbers that as a

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<sup>87</sup>Among the best sources of the historical record concerning post-September 1939 antisemitic laws are: “The JUST Act Report of the United States Department of State, Office of the Special Envoy for Holocaust Issues, Bureau of European and Eurasian Affairs,” (Washington DC, March 2020), <https://www.state.gov/wp-content/uploads/2020/02/JUST-Act5.pdf>; the *Holocaust Encyclopedia*, United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org>; *The Yivo Encyclopedia of Jews in Eastern Europe*, <https://yivoencyclopedia.org>, and the Holocaust Research Project, <http://www.holocaustresearchproject.org/toc.html>. References to individual country laws and post-September 1, 1939 actions involving their Jewish populations can be found in the following sources: Bulgaria - <https://encyclopedia.ushmm.org/content/en/article/bulgaria>; Czechoslovakia/Slovakia - <https://yivoencyclopedia.org/article.aspx/Czechoslovakia#id0e5xbi>, <https://www.state.gov/reports/just-act-report-to-congress/slovakia/>; Estonia - <https://encyclopedia.ushmm.org/content/en/article/estonia>; France - <https://encyclopedia.ushmm.org/content/en/article/france>; Greece <https://encyclopedia.ushmm.org/content/en/article/greece>; Hungary <https://www.state.gov/wp-content/uploads/2020/02/JUST-Act5.pdf>; Luxembourg - <http://www.holocaustresearchproject.org/nazioccupation/luxembourg.html>, <https://encyclopedia.ushmm.org/content/en/article/luxembourg>; Netherlands - [https://museeholocauste.ca/app/uploads/2018/08/anti\\_jewish\\_laws\\_netherlands.pdf](https://museeholocauste.ca/app/uploads/2018/08/anti_jewish_laws_netherlands.pdf); Norway - <https://www.state.gov/reports/just-act-report-to-congress/norway/>; Poland - [https://yivoencyclopedia.org/article.aspx/Poland/Poland\\_since\\_1939](https://yivoencyclopedia.org/article.aspx/Poland/Poland_since_1939); Romania - Gotz Aly, *Europe Against the Jews 1880-1945*, (New York: Metropolitan Books, 2020) 193, [https://yivoencyclopedia.org/article.aspx/Relations\\_between\\_Jews\\_and\\_Non-Jews/Historical\\_Overview](https://yivoencyclopedia.org/article.aspx/Relations_between_Jews_and_Non-Jews/Historical_Overview).

group they became known as “Refuseniks.” The USSR began to relent in its policy in the 1970s, and under Mikhail Gorbachev, restrictions were all but rescinded.<sup>88</sup>

In addition, the USSR continued the Czarist and later Stalinist policy of classifying internal passports by nationality. Russian Jews were considered to be a separate nationality, and their identity as Jews was imprinted in their passports. This enabled widespread and, in effect, official discrimination against Russian Jews in housing, employment, education and travel. The policy ended under Russian president Boris Yeltsin. The national identity policy also was applied to other national and ethnic groups that similarly experienced discrimination.<sup>89</sup>

### III. MONITORING ANTISEMITISM IN THE 2000s

Many international and national organizations monitor acts of, and political trends in, antisemitism. The most active and vigilant is The European Jewish Congress (EJC),<sup>90</sup> which was established in 1986 and is based in Brussels. The EJC is affiliated with the Jewish World Congress and maintains a webpage dedicated to its work monitoring antisemitism.<sup>91</sup>

The EJC publishes an annual report on antisemitism as well as reports of other organizations that combat antisemitism, such as the European Union Agency for Fundamental Rights,<sup>92</sup> the Kantor Center of Tel Aviv University, the Community Security Trust (CST) of the United Kingdom, and the Anti-Defamation League in the United States. In addition, the EJC website reports and analyzes noteworthy antisemitic incidents in a biweekly newsletter on a country-by-country basis.

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<sup>88</sup> “Refuseniks,” *The Yivo Encyclopedia of Jews in Eastern Europe*, <https://yivoencyclopedia.org/article.aspx/refuseniks>, “Union of Soviet Socialist Republics,” *The Yivo Encyclopedia of Jews in Eastern Europe*, [https://yivoencyclopedia.org/article.aspx/union\\_of\\_soviet\\_socialist\\_republics](https://yivoencyclopedia.org/article.aspx/union_of_soviet_socialist_republics); “The Refusenik Project,” <https://refusenikproject.org/history/>; United States Bureau of Citizenship and Immigration Services, *Russian Federation. The Status of Jews in the Post-Soviet Era*, 1 September 1994, <https://www.refworld.org/docid/3ae6a60a2.html>.

<sup>89</sup> Canada: Immigration and Refugee Board of Canada, *Russia: The propiska (registration) system and internal passports*, 1 May 1998, RUS29376.EX, <https://www.refworld.org/docid/3ae6ad8a3.html>; “The Residence Permit System (Propiska),” *Russian Federation: Ethnic Discrimination in Southern Russia August 1998*, Human Rights Watch, <https://www.hrw.org/legacy/reports98/russia/srusstest-04.htm>; David Hoffman, “Russia’s New Internal Passport Drops Nationality, Drawing Praise and Protest,” *The Washington Post*, Oct. 25, 1997, <https://www.washingtonpost.com/archive/politics/1997/10/25/russias-new-internal-passport-drops-nationality-drawing-praise-and-protests/8a9350ec-36bd-4a7a-9efe-acc07c2d5130/>.

<sup>90</sup> See <https://eurojewcong.org>.

<sup>91</sup> <https://eurojewcong.org/what-we-do/combating-antisemitism/antisemitism-in-europe/>. The EJC spells antisemitism as an unhyphenated word, stating “The unhyphenated spelling is favored by many scholars and institutions in order to dispel the idea that there is an entity ‘Semitism’ which ‘anti-Semitism’ opposes. Antisemitism should be read as a unified term so that the meaning of the generic term for modern Jew-hatred is clear.” <https://eurojewcong.org/news/news-and-views/spelling-of-antisemitism/>. The European Affairs Committee accepts and adopts this spelling in this report. See also Bauer, *Holocaust*, 51, tracing the term antisemitism to the German “racist ideologist” Wilhelm Marr; Yahil, *The Holocaust*, 34-40, on the origins of European antisemitism; and Ira B. Nadel, *Joyce and the Jews*, (Gainesville: University of Florida Press, 1989), 57-8, on the origin of the term antisemitism as intending to identify Jews as a race rather than as a religion. See also Peter Jelavich, “Anti-Semitism in Imperial Germany: Cultural Code or Pervasive Prejudice?”, *The Jewish Quarterly Review*, Vol. 99, No. 4 (Fall 2009) [https://www.jstor.org/stable/40586736?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/40586736?seq=1#metadata_info_tab_contents). However, accounts of the origin of the term vary.

<sup>92</sup> <https://fra.europa.eu/en/about-fra/what-we-do/areas-of-work>.

The European Parliament has a standing committee known as The Working Group on Antisemitism.<sup>93</sup> It has adopted a Resolution to combat antisemitism, as defined in 2016 by the International Holocaust Remembrance Alliance,<sup>94</sup> and published a declaration defining antisemitism in each of the 24 official languages of the EU.<sup>95</sup>

Individual European countries also have made efforts to combat antisemitism either through funding private organizations, such as the CST in the UK, or through direct campaigns. France has created the “National Plan Against Racism and Anti-Semitism” through the DILRAH, the Delegation

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<sup>93</sup> <https://ep-wgas.eu/>.

<sup>94</sup> The IHRA working definition of antisemitism states: “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” *See* “About the IHRA non-legally binding working definition of antisemitism,” International Holocaust Remembrance Alliance, <https://www.holocaustremembrance.com/working-definition-antisemitism>. The intent in creating a “definition” of antisemitism was to provide a framework to enable governments to identify antisemitic conduct as a reference point for combatting it. *See id.* (“The IHRA’s Committee on Antisemitism and Holocaust Denial worked to build international consensus around a non-legally binding [working definition](#) of antisemitism.... By doing so, the IHRA set an example of responsible conduct for other international fora and provided an important tool with practical applicability for its Member Countries.”); *see also* “About the IHRA Working Definition of Antisemitism,” Anti-Defamation League (ADL), <https://www.adl.org/resources/backgrounders/about-the-ihra-working-definition-of-antisemitism> (“Today, governments, campus administrators, law enforcement bodies and civil society organizations around the world all use the IHRA Definition as an important tool to help educate on anti-Jewish bias, help assess claims of antisemitism, assist in identifying whether a crime might also be categorized as a hate crime targeting Jews, and aid in determining – again, taking into consideration the relevant facts and circumstances – whether certain conduct adversely affecting an individual or group may constitute antisemitic discrimination under an existing law or code”).

The IHRA definition has been criticized by some as potentially curtailing legitimate free speech and political expression. *See e.g.*, “Progressive Israel Network Groups Oppose Codification of IHRA Working Definition of Antisemitism, Citing Strong Potential for Misuse,” Progressive Israel Network, Jan. 12, 2021, <https://www.progressiveisraelnetwork.org/progressive-israel-network-groups-oppose-codification-of-ihra-working-definition-of-antisemitism-citing-strong-potential-for-misuse/> (“the effort to enshrine in domestic law and institutional policy the [IHRA] Working Definition of Antisemitism... risks wrongly equating what may be legitimate activities with antisemitism”). An alternative definition of antisemitism, referred to as The Jerusalem Declaration of Antisemitism has been cited as an equally strong definition of antisemitism. <https://jerusalemdeclaration.org/>. The Jerusalem Declaration defines antisemitism as “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish).” <https://jerusalemdeclaration.org/>. The Declaration is signed by a group consisting mainly of college and university professors. The IHRA Working Definition and the Jerusalem Declaration differ in their annotated descriptions of conduct that characterizes antisemitism.

As of the writing of this report, 33 countries and many more government bodies have adopted the IHRA working definition. *See* <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism/adoption-endorsement>; *see also* “Fundamental Rights Report – 2021,” European Union Agency For Fundamental Rights, at 103, citing “Council Declaration on mainstreaming the fight against antisemitism across policy areas,” Council of the European Union (2020), Dec. 2, 2020, at 5, <https://fra.europa.eu/en/publication/2021/fundamental-rights-report-2021> (“In 2020, the Council of the EU adopted a declaration on mainstreaming the fight against antisemitism. It stressed that ‘[t]he fight against antisemitism is a cross-cutting issue involving various levels of government and policies at local, national and European level.’ It also reaffirmed its call on Member States to endorse the International Holocaust Remembrance Alliance’s (IHRA’s) working definition of antisemitism, which is not legally binding”).

<sup>95</sup> “...with a majority of 479 votes in favour (representing 76% of the Plenary), 101 votes against (16%) and 47 abstentions (7%). 124 MEPs did not vote.” <https://eurojewcong.org/what-we-do/combating-antisemitism/ep-working-group-on-antisemitism-wgas/>.

Interministerielle A La Lutte Contre Le Racisme, L'Antisemitisme, Et La Haine Anti-LGBT.<sup>96</sup> France requires public schools to educate students about the Holocaust.<sup>97</sup> The Romanian parliament enacted similar legislation in 2021 requiring instruction in high schools on Jewish history and the Holocaust.<sup>98</sup>

In 2019, the United States enacted the Combating European Anti-Semitism Act of 2017, “[t]o require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism.”<sup>99</sup> The law built upon the Global Anti-Semitism Review Act of 2004,<sup>100</sup> which established an annual reporting requirement for the State Department on antisemitism around the world.

The Act requires the Secretary of State to enhance the Department’s monitoring of antisemitic acts in Europe and partner with European governments in documenting incidents of antisemitism, adopt the (IHRA) definition of antisemitism, and work to educate European citizens on the importance of pluralism and the contributions of Jews to society.

In May 2020, Congress enacted the Never Again Education Act.<sup>101</sup> The legislation supports Holocaust education in the United States through the educational resources at the United States Holocaust Memorial Museum, which is in part federally funded. The law expands the museum’s education programming to teachers across the country, and funds a centralized website maintained by the museum for curriculum materials.<sup>102</sup>

#### **IV. THE RESURGENCE OF ANTISEMITISM IN EUROPE**

As noted, the EJC, the Kantor Center, the Anti-Defamation League, and several countries reporting independently have expressed heightened concern regarding the substantial rise in antisemitic acts across Europe. In the last few years, the conduct of an increasing number of public officials and organizations reflects the resurgence of explicit antisemitism more commonly associated with fringe politicians and extremist organizations.<sup>103</sup>

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<sup>96</sup> [https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/06/national\\_plan\\_against\\_racism\\_and\\_anti-semitism\\_2018-2020.pdf](https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/06/national_plan_against_racism_and_anti-semitism_2018-2020.pdf).

<sup>97</sup> <https://2015.holocaustremembrance.com/member-countries/holocaust-education-remembrance-and-research-france>.

<sup>98</sup> <https://eurojewcong.org/news/communities-news/romania/romanian-parliament-votes-to-make-the-study-of-holocaust-and-jewish-history-mandatory/>.

<sup>99</sup> <https://www.congress.gov/bill/115th-congress/house-bill/672?q=%7B%22search%22%3A%5B%22COMBATING+EUROPEAN+ANTI-SEMITISM+ACT+OF+2017%22%5D%7D&r=2https://www.govtrack.us/congress/bills/115/hr672>.

<sup>100</sup> <https://2001-2009.state.gov/g/drl/rls/79640.htm>.

<sup>101</sup> <https://www.congress.gov/bill/116th-congress/house-bill/943/text>.

<sup>102</sup> <https://maloney.house.gov/media-center/press-releases/senate-unanimously-passes-maloney-holocaust-education-bill>.

<sup>103</sup> The Committee’s report has not devoted more than passing attention to the timeless and abounding canards about Jewish “control” of international banks, media and other business sectors, or to the “blood libel” of Jews, or other accusations now spread even further through the Internet. (See “Hate Fuel: the hidden online world fuelling far right terror”; CST, <https://cst.org.uk/news/blog/2020/06/11/hate-fuel-the-hidden-online-world-fuelling-far-right-terror>.)

## A. The Features of Antisemitic Legislation<sup>104</sup>

The themes of what civil society organizations and other entities monitoring and assessing antisemitic activities in Europe have identified as new antisemitic legislation fall into two categories:

- Legislation that prohibits speech<sup>105</sup> alleging that a country collaborated with the Nazis<sup>106</sup> or was responsible in any part for the Holocaust, notwithstanding the irrefutable historical record of their then ruling governments' complicity with the Nazi occupation and the persecution, deportation and murder of their Jewish citizens; and
- Legislation that restricts or prohibits religious practices, such as the ritual slaughter of animals (kashrut/kosher and halal) and circumcision.

## B. Legislation Aimed at the Historical Record

### 1. Hungary – Preamble of the 2011 Constitution

The preamble of the Hungarian Basic Law of 2011 states: “We date the restoration of our country’s self-determination, lost on the nineteenth day of March 1944 [the day of the Nazi occupation of Hungary], from the second day of May 1990, when the first freely-elected body of popular representation was formed.”<sup>107</sup>

As with the Lithuanian resolution discussed below, the Hungarian Constitution does not directly deny the Holocaust. (Hungarian law prohibits Holocaust denial.) However, the law implicitly denies Hungary’s active involvement by disregarding the culpability of the Hungarian state in the murder of 450,000–490,000 Hungarian Jews. Hungary’s Jews were among the last of Europe’s Jewish populations to be rounded up and deported to death camps. The complicity of the Hungarian

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Nonetheless, the infamous book “Protocols of the Learned Elders of Zion,” a 19<sup>th</sup> century antisemitic fiction, which originated in Russia (Applebaum, *Red Famine*, 58) and is probably the most widely distributed libel against Jews, purporting to be an account of a plan by Jews to dominate the world, was being offered for sale in 2020 on the website of Oxfam, the international charity. When confronted, Oxfam withdrew the book and apologized. <https://www.algemeiner.com/2020/03/13/oxfam-stops-selling-antisemitic-books-after-being-called-out-by-israels-uk-ambassador/>. The committee notes also that added now to this litany are Internet memes alleging that Jews were responsible for the current Covid 19 pandemic. See European Union Agency for Fundamental Rights 2021, *Antisemitism - Overview of Antisemitic Incidents Recorded in the European Union 2009-2020*, 8; see also 2020 Kantor Center Annual Report [https://en-humanities.tau.ac.il/sites/humanities.en.tau.ac.il/files/media\\_server/humanities/kantor/Kantor%20Report%202020\\_130820.pdf](https://en-humanities.tau.ac.il/sites/humanities.en.tau.ac.il/files/media_server/humanities/kantor/Kantor%20Report%202020_130820.pdf).

<sup>104</sup> The legislation described in this report is considered by many organizations and entities that monitor antisemitic activities and trends to be representative of antisemitism. The Committee acknowledges that there are differing opinions as to whether the legislation, particularly relating to ritual slaughter and circumcision, is antisemitic in effect or antisemitic *per se*.

<sup>105</sup> For purposes of this report “speech” includes verbal speech and writings.

<sup>106</sup> For example, in May 2014, Russia's President Vladimir Putin signed a law making unlawful the denial of Nazi crimes but also “wittingly spreading false information about the activity of the USSR during the years of World War Two or portraying Nazis as heroes.” See <https://www.reuters.com/article/russia-putin-nazi-law/russias-putin-outlaws-denial-of-nazi-crimes-idUSL6N0NR2B520140505>.

<sup>107</sup> [https://www.constituteproject.org/constitution/Hungary\\_2011.pdf](https://www.constituteproject.org/constitution/Hungary_2011.pdf). See also <https://theorangefiles.hu/the-fundamental-law>.



government with the Nazis and its role in the deportations late in the war are a proven matter of historical record.<sup>108</sup>

## **2. Latvia – “Goodwill Compensation” – Denial of Holocaust Complicity**

In February 2022, the Latvian Seim, its parliament, voted to pay approximately \$45 million in compensation to the country’s Jewish community for property stolen from Latvian Jews with no legal heirs. The appropriation will provide aid to Holocaust survivors, Jewish schools and cultural projects. However, the law also stated that Latvia bore no culpability for its involvement in the Holocaust for the theft of the property, laying blame on the Nazis and the successor communist government.<sup>109</sup>

## **3. Lithuania – Consumer Protection Law**

A 2016 book about the Holocaust titled "Our People"<sup>110</sup> described the collaboration of Lithuanians in the murder of its country’s Jews. The book was viewed by some nationalists as an insult to the Lithuanian nation. As a result, a draft amendment to the Law on Consumer Protection was introduced, which would have banned the sale of retail goods that “distort Lithuania's historical facts (and) belittle Lithuania's history, independence, territorial integrity or constitutional order.” The amendment initially passed first reading in the Seim in March 2018. Ultimately, the government withdrew the amendment, which would have prohibited, among other things, the sale of books on the role of Lithuanian collaborators in the Holocaust.

## **4. Lithuania - Historical Memory Law**

More than 90 percent of the 200,000 Lithuanian Jews were murdered in the Holocaust. An estimated 70,000-100,000 Jews were killed in the Ponary Forest in 1941 by German SS and Lithuanian collaborators.<sup>111</sup>

In 2020, a committee of the Seim, the Lithuanian parliament, drafted a bill falsely asserting that neither Lithuania nor its leaders participated in the Holocaust. The resolution was titled, “The Lithuanian state, which was occupied in 1940-1990, did not participate in the Holocaust,” according

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<sup>108</sup> Davidowicz, *The War Against the Jews*, 341-346.

<sup>109</sup> Emma Bubola, “Latvia to Reimburse Jewish Community for Properties of Holocaust Victims,” *The New York Times*, Feb. 10, 2022, <https://www.nytimes.com/2022/02/10/world/europe/latvia-rembursement-jewish-holocaust.html>. Martin Bondars, chairman of the parliament’s budget committee, characterized the payment as “good-will reimbursement” for the atrocities by Nazi Germany and the Soviet Union, but said that because the Latvian Republic did not exist at the time of the Nazi and Soviet occupations, Latvia itself was not responsible for those atrocities. *ibid.* A similar compensation bill was enacted in 2021, *see* “Saeima supports in principle payment of EUR 40 million compensation to Jewish community for property lost during Holocaust,” September 30, 2021, LETA, Latvian Information Agency, <http://www.leta.lv/eng/home/important/E39C4B82-7A61-4ADB-834A-14D7A7C1586F>. For complicity of the Latvians in the Holocaust, *see* “Riga,” The Holocaust Museum, <https://encyclopedia.ushmm.org/content/en/article/riga>; *see also* Richard Breitman and Timothy Naftali, “Previously Classified OSS Records,” Nazi War Crimes Interagency Working Group, The National Archives, <https://www.archives.gov/iwg/reports/june-2000.html>.

<sup>110</sup> Ruta Vanagaite and Efraim Zuroff, *Musiskiai*, (Alma Littera 2017). The book was withdrawn from publication by the publisher on grounds that the co-authors did not disclose a personal relationship with each other. Vanagaite asserted that the withdrawal was based on the political controversy created by the book’s allegations of Lithuanian collaboration in the Holocaust.

<sup>111</sup> Bauer, *History*, 196-203; *Holocaust Encyclopedia*, <https://encyclopedia.ushmm.org/content/en/article/vilna>.

to Arunas Gumuliauskas, the legislation's sponsor.<sup>112</sup> At the time the bill was drafted he was a member of then Prime Minister Saulius Skvernelis' Lithuanian Farmers and Greens Union (LVLS) party. It was not clear whether the Lithuanian government or the LVLS supported this bill. Gumuliauskas is no longer in office and his party no longer leads the government.

The bill was revised as a resolution to call attention to the crimes against humanity committed by the communist regimes throughout Europe and the crimes of the Nazi regime in the Holocaust.<sup>113</sup> As reframed, the bill was adopted.

### ***5. Poland – Law on the Institute of National Remembrance***

In January 2018, the Poland Sejm and Senate of Poland (Lower and Upper Houses) amended the Act on the Institute of National Remembrances (IPN). The amended law states: "Whoever accuses, publicly and against the facts, the Polish nation, or the Polish state, of being responsible or complicit in the Nazi crimes committed by the Third German Reich... shall be subject to a fine or a penalty of imprisonment of up to three years."<sup>114</sup>

After widespread national and international objection, the law was subsequently amended in June 2018, but only to the extent of withdrawing the criminal penalty. Violation of the law is still punishable by a fine.<sup>115</sup>

Notwithstanding the overwhelming evidence of complicity, the legislation ignited revisionist debate about the collaboration of the Poles and the Polish government with the Nazis and their responsibility regarding the Holocaust.<sup>116</sup> One argument in support of the law was that Poland could not be capable of bearing responsibility for war crimes because there had been no legitimate Polish

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<sup>112</sup> See Cnaan Liphshiz, "Lithuania drafting bill exonerating nation from Holocaust crimes," Jerusalem Post, Jan. 4, 2020, <https://www.jpost.com/Diaspora/Lithuania-drafting-bill-exonerating-nation-from-Holocaust-crimes-613068>. His full statement was: "The Lithuanian state, which was occupied in 1940-1990, did not participate in the Holocaust, just as the Lithuanian nation could not participate in the Holocaust because it was enslaved."

<sup>113</sup> "[T]he crimes against humanity committed by communist regimes throughout Europe should be properly publicized, as should the crimes of the Nazi regime and the Holocaust." See <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/eb51e0d0a0e811eaa51db668f0092944>.

<sup>114</sup> Patrycja Grzebyk, "Amendments of January 2018 to the Act on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation in Light of International Law," *Polish Yearbook of International Law*, Vol. 37 (2017), 287-300, 291.

<sup>115</sup> See Herb Keinon and Jeremy Sharon, "Poland changes its controversial Holocaust law," Jerusalem Post, Jun. 27, 2018, <https://www.jpost.com/diaspora/poland-changes-its-controversial-holocaust-law-561025>.

<sup>116</sup> Many such accounts exist. See, e.g., Jan T. Gross, "Opportunistic Killings and Plunder of Jews by Their Neighbors – A Norm or an Exception in German-Occupied Europe?", in *Years of Persecution, Years of Extermination, Saul Friedlander and the Future of Holocaust Studies*, ed. Christian Wiese and Paul Betts (London, Continuum) 269-286; and Browning, *Ordinary Men*.

government under Nazi rule.<sup>117</sup> The subsequent amendment to the law, which eliminated the criminal sanction, arose after strong opposition from Israel.<sup>118</sup>

## **6. Russia – Laws Prohibiting the Distortion of History**

In 2014, Russia became one of the first countries to enact a revisionist law, which prohibited the “distortion” of the former USSR’s role in World War II.<sup>119</sup> In 1939, the Molotov-von Ribbentrop non-aggression pact with Germany aligned the Soviet Union with the then indisputably antisemitic Nazi regime. The treaty then was followed by the invasions of Poland from the west by Germany and from the east by Russia, and by Russia’s invasions of Finland, Romania and the Baltic states.<sup>120</sup>

Russia has since hardened its position on historical revisionism, enacting a law in April 2022 making unlawful “publicly identifying the USSR with Nazi Germany and denying the ‘decisive role’ and ‘humanitarian mission’ of the USSR in World War II.”<sup>121</sup>

## **7. Poland - Legislation Limiting the Recovery of Stolen Property**

In June 2021, the ruling Law & Justice Party introduced a bill in the Sejm that establishes a 30-year limit for restitution claims for the return of property stolen by the Nazis during World War II and then confiscated by the communist government that came to power after the war.<sup>122</sup> The bill was approved without a dissenting vote. “Asked about Israel’s response to the restitution law, Prime Minister Mateusz Morawiecki said in Brussels on Friday, ‘As long as I’m prime minister, Poland won’t pay a dollar, zloty or euro for German war crimes.’”<sup>123</sup> The purported basis for the law was a

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<sup>117</sup> See also Jan Grabowski, “The New Wave of Holocaust Revisionism,” *The New York Times*, Jan. 29, 2022, <https://www.nytimes.com/2022/01/29/opinion/holocaust-poland-europe.html> (describing Polish government’s recent efforts to champion a revisionist narrative of wartime heroism by Polish citizens, including by erecting monuments to Poles killed by Nazis for aiding Jews. “The effect of these memorials to Polish national virtue is a new historical narrative that depicts the rescue of the Jews as a default position of Polish society during the Holocaust,” thereby attempting to minimize Poland’s complicity in the killing of over 900,000 Jews during WWII).

<sup>118</sup> Marta Bucholc and Maciej Komornik, “The Polish ‘Holocaust Law’ revisited: The Devastating Effects of Prejudice-Mongering,” *Cultures of History Forum*, Feb. 19, 2019. The author’s analysis suggests that the national debate on the law itself triggered widely disseminated antisemitic comment. The subsequent amendment to the law was announced in a joint statement made by Polish prime minister Mateusz Morawiecki and Israeli prime minister Benjamin Netanyahu. The law still generated wide criticism and the joint statement was criticized as a political accommodation by the Israeli prime minister, <https://www.jpost.com/diaspora/poland-changes-its-controversial-holocaust-law-561025>, also <https://www.nytimes.com/2018/07/05/world/middleeast/israel-poland-holocaust.html>.

<sup>119</sup> “Holocaust Deniers in Russia Now Face Five Years in Prison,” Reuters, May 5, 2014, <https://forward.com/news/breaking-news/197664/holocaust-deniers-in-russia-now-face-five-years-in/>.

<sup>120</sup> “German-Soviet Pact,” United States Holocaust Memorial Museum. <https://encyclopedia.ushmm.org/content/en/article/german-soviet-pact>.

<sup>121</sup> “Putin Introduced a Punishment of up to 15 Days of Arrest for Denying the ‘Decisive Role’ of the USSR in World War II,” *Медиазона (MediaZona)*, <https://zona.media/news/2022/04/16/ussr> and <https://archive.ph/5aKE4#selection-653.0-665.101>; see also “Vladimir Putin’s Historical Disinformation,” US Department of State, May 6, 2022, <https://www.state.gov/disarming-disinformation/vladimir-putins-historical-disinformation/>.

<sup>122</sup> “Polish parliament passes bill to limit WW2 property restitution claims,” Reuters, Jun. 26, 2021, <https://www.reuters.com/world/europe/polish-parliament-passes-bill-limit-ww2-property-restitution-claims-2021-06-24/>.

<sup>123</sup> Dorota Bartyzel, “Poland Creates Outrage by Limiting Holocaust Restitutions,” *Bloomberg.com*, June 25, 2021, <https://www.bloomberg.com/news/articles/2021-06-25/poland-ignites-outrage-with-bill-limiting-holocaust-restitutions>.

ruling by Poland’s Constitutional Tribunal requiring that a deadline be established barring challenges to administrative decisions on the return of confiscated properties.<sup>124</sup>

### C. Restrictions on Religious Rights

#### 1. *Belgium – Flanders and Wallonia Regions – Ban on Religious Slaughter;*<sup>125</sup> *Poland – Bill to ban the Export of Kosher Meat*

In 2017, the Belgian regions of Flanders and Wallonia enacted legislation, effective in 2019, requiring that all animals, including those slaughtered under ritual laws, be stunned by electrical current when slaughtered.<sup>126</sup> Consequently, two out of three Belgian regions banned the slaughter of animals carried out in observance of Kashrut (Kosher) and Halal (Muslim) law.<sup>127</sup>

In December 2020, the European Court of Justice upheld the Flemish and Wallonian laws.<sup>128</sup> The court stated that an EU Protocol requires that religious rites observed in member states must be respected in formulating EU policies, and that “derogation from stunning” in the case of religious slaughter was granted by the Council establishing the European Food Safety Authority.<sup>129</sup>

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<sup>124</sup> “WJRO condemns Polish parliament for draft bill on Holocaust restitution,” Jerusalem Post, Jun. 27, 2021, <https://www.jpost.com/diaspora/antisemitism/wjro-condemns-polish-parliament-for-draft-bill-on-holocaust-restitution-672164>.

<sup>125</sup> The Committee acknowledges that there are differing views on religious slaughter: some view kosher slaughter as inhumane while others see its restriction as antisemitic; some believe banning it violates EU law and its accommodations for religious practice while others believe such accommodations do not override EU states’ authority to impose stricter rules for the protection of animal welfare. See Shira Feder, “All the European Countries Where Kosher and Halal Meat Production Are Now Forbidden,” *Forward*, Jan. 7, 2019, <https://forward.com/food/416983/all-the-european-countries-where-kosher-and-halal-meat-production-are-now/>; see also Rachel Frank, “Religious Liberty and Mass Expulsion in the European Union,” EU Law Working Papers No. 22, *Stanford-Vienna Transatlantic Technology Law Forum* (2017), <https://law.stanford.edu/publications/no-22-religious-liberty-and-mass-expulsion-in-the-european-union/>. That said, whether or not restrictions on kosher slaughter are antisemitic per se or merely antisemitic in effect or impact, bans on kosher slaughter are proliferating across Europe in a troubling trend that recalls bans in Germany and in Nazi-occupied countries, like Italy and Hungary, that were imposed during WWII and were subsequently removed after the war. See Feder, *id.*; see also footnote 84 above. Prohibitions against kosher practices were among the first official antisemitic measures of the period, and preceded the rise of the Nazis to power.

<sup>126</sup> See “Belgian region bans Halal and Kosher slaughter of animals,” Euronews.com, Mar. 9, 2019, <https://www.euronews.com/2019/09/03/belgian-region-bans-halal-and-kosher-slaughter-of-animals>; Veronica Zaragovia, “Animal slaughter ruling in Belgium stirs religious freedom debate,” Aljazeera.com, Sep. 8, 2019, <https://www.aljazeera.com/indepth/features/animal-slaughter-ruling-belgium-stirs-debate-halal-meat-190906101608102.html>.

<sup>127</sup> A number of European countries require stunning in the slaughter of animals. See Library of Congress, “Legal Restrictions on Religious Slaughter in Europe,” <https://www.loc.gov/item/2018296163/>.

<sup>128</sup> InfoCuria case-law, <http://curia.europa.eu/juris/document/document.jsf?jsessionid=96DB169E13E9B51DACAAC116F5056BA3?text=&docid=235717&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=19233202>.

<sup>129</sup> Notably, the Advocate General of the Court had argued that the Flemish and Wallonian laws violated EU law, stating that the Court “should find that [EU] Member States are not permitted to adopt rules which provide... for a prohibition of the slaughter of animals without stunning that also applies to the slaughter carried out in the context of a religious rite” because of the EU’s policy in deference to the freedom of religious practice, although not disputing contentions that ritual slaughter may be deemed by its opponents as inhumane. See Court of Justice of the European Union, Press Release No. 104/20, Sept. 10, 2020, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-09/cp200104en.pdf>. (Also note: the Advocate General’s opinion is not binding on the Court of Justice. “It is the role of

However, the court noted that a regulation of the Authority provided that:

Article 26 of Regulation No 1099/2009, entitled ‘Stricter national rules’, states:

‘1. This Regulation shall not prevent Member States from maintaining any national rules aimed at ensuring more extensive protection of animals at the time of killing in force at the time of entry into force of this Regulation.

....

2. Member States may adopt national rules aimed at ensuring more extensive protection of animals at the time of killing than those contained in this Regulation in relation to the following fields:

...

(c) the slaughtering and related operations of animals in accordance with Article 4(4).

The court accepted the argument of the laws’ advocates that the form of stunning as required and practiced did not result in the death of the animal and was “reversible,” thus conforming to the requirement that the animal still be alive at the time of kosher slaughter. It found that the Flemish legislature “... sought to promote animal welfare and to strike a balance between the objective of promoting animal welfare and the objective of guaranteeing freedom of religion,” and that “...where reversible stunning is applied, the religious precepts requiring that the animal not be dead at the time of slaughter and that its blood be completely drained are respected.”

Consequently, it must be found that the measures contained in the decree at issue in the main proceedings allow a fair balance to be struck between the importance attached to animal welfare and the freedom of Jewish and Muslim believers to manifest their religion and are, therefore, proportionate.

The court cited “scientific studies ... that prior stunning is the technique that compromises animal welfare the least at the time of killing.”

The position of the laws’ opponents was that stunning, reversible or not, did not comply with kosher or halal law and that other studies supported the view that ritual slaughter does not cause more suffering to animals than stunning.<sup>130</sup>

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the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible.” *Id.*)

<sup>130</sup> One such study is Temple Grandin, Joel Regenstein, “Religious slaughter and animal welfare: a discussion for meat scientists.” *Meat Focus International* - March 1994 pages 115-123, CAB International.

They also asserted that since stunning was not required of sport hunting, the imposition of the law was discriminatory of religious practice. In reply, the court cited exceptions to the rules on slaughter in EU law for hunting and cultural activities.

The opponents also cited the potential scarcity of kosher meat, owing to a bill passed in September 2020 in the Polish Sejm which, while permitting slaughter without stunning on religious grounds, would prohibit the export of such slaughtered meat. Poland, according to the laws' opponents, as cited in the court's opinion, was the largest source of kosher meat for the Belgian Jewish community.<sup>131</sup>

## **2. Denmark – Proposed Ban on Male Circumcision<sup>132</sup>**

In Denmark, a petition to “stop genital mutilation of all children worldwide regardless of cultural affiliation or religion of their parents” gathered 50,000 signatures in June 2018, meeting the required threshold number to force the Danish parliament to debate the issue.<sup>133</sup> The proposal was rejected by most Danish political parties. The petition, organized by the lobby group “Intact” was criticized by mainstream parties for equating male circumcision with female genital mutilation. No action in the parliament regarding the petition has been noted since media reported the lack of political support.<sup>134</sup>

## **3. Germany – Judicial Decision Finding Circumcision Illegal**

In 2012, the regional court in Cologne ruled that child circumcision constituted “illegal bodily harm.”<sup>135</sup> The Bundestag then enacted a law explicitly permitting non-therapeutic circumcision, effectively overturning the regional court.<sup>136</sup>

## **4. Iceland – Proposed Ban on Male Circumcision**

In February 2018, an amendment to Iceland's criminal code seeking to “prohibit male circumcision unless such action is considered necessary for health reasons” was introduced in the

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<sup>131</sup> “Jewish leaders concerned over Poland's proposed banning of kosher exports,” Jerusalem Post, Oct. 11, 2020, <https://www.jpost.com/diaspora/jewish-leaders-concerned-over-polands-proposed-banning-of-kosher-exports-645326>.

<sup>132</sup> The Committee recognizes that there are differing views on male circumcision and that there may be reasons, including but not limited to medical reasons, that may be viewed as legitimate justifications for restricting the practice of circumcision. Furthermore, such proposed restrictions may not necessarily be motivated, in whole or in part, by antisemitism. Nevertheless, the Committee is concerned by, and wishes to underscore, the increase in proposals to ban circumcision that are arising in the context of an increase in antisemitic acts and crimes across Europe.

<sup>133</sup> Martin Selsoe Sorensen, “Denmark Talks (Reluctantly) About a Ban on Circumcising Boys,” *The New York Times*, June 2, 2018, <https://www.nytimes.com/2018/06/02/world/europe/denmark-circumcision.html>; [www.haaretz.com/world-news/europe/danish-parliament-committee-approves-draft-resolution-to-ban-circumcision-1.6514879](http://www.haaretz.com/world-news/europe/danish-parliament-committee-approves-draft-resolution-to-ban-circumcision-1.6514879).

<sup>134</sup> “Petition for Danish circumcision ban loses political support,” *The Local dk*, Nov. 17, 2018, <https://www.thelocal.dk/20181116/petition-for-danish-circumcision-ban-loses-political-support/>.

<sup>135</sup> Nicholas Kulish, “German Ruling Against Circumcising Boys Draws Criticism,” *The New York Times*, Jun. 26, 2012, <https://www.nytimes.com/2012/06/27/world/europe/german-court-rules-against-circumcising-boys.html?auth=login-email&login=email>.

<sup>136</sup> DW Akademie, <https://www.dw.com/en/circumcision-remains-legal-in-germany/a-16399336>.

Althing, Iceland's Parliament.<sup>137</sup> After international objection, the proposal was rejected in committee months later. The Icelandic bill would have constituted the first blanket ban on male circumcision in Europe.

#### **D. Antisemitic Statements by a Head of State**

Not falling within either the category of historical memory laws or of religious practice, but no less concerning, were bluntly antisemitic comments made in July 2021 by Alexander Lukashenko, president of Belarus.

In an Independence Day speech to the armed forces, he proclaimed that Jews “ruled the world” and had “managed to force the world to remember the Holocaust.” He said further that “The entire world grovels before them and gives in to them. They are afraid to say a single word out of place.”<sup>138</sup> The Belarussian government rejected criticism of Lukashenko's comments, contending that his remarks were distorted and that the president intended to speak favorably of Israel's efforts to memorialize the Holocaust.<sup>139</sup>

#### **V. EUROPEAN PARLIAMENTS RESPOND**

Without question, antisemitic initiatives have been confronted by vigorous opposition in every country where they have arisen, as was the case in several countries during the post-World War I era of antisemitic legislation.<sup>140</sup> Responding to the increase of antisemitism in Europe more recently, several governments and legislative bodies have taken affirmative steps to combat antisemitism and publicly recognize their Jewish communities as full constituent members.

Several examples of these “philosemitic” measures:

In October 2019, the Czech Chamber of Deputies passed a resolution condemning antisemitism and anti-Israel boycotts.<sup>141</sup>

In January 2020, 639 of the 643 members of the UK House of Commons signed the IHRA definition of antisemitism.<sup>142</sup>

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<sup>137</sup> Christina Caron, “Bill Banning Circumcision in Iceland Alarms Religious Groups,” *The New York Times*, Feb. 28, 2018, <https://www.nytimes.com/2018/02/28/world/europe/circumcision-ban-iceland.html>.

<sup>138</sup> Ben Cohen, “‘The Entire World Grovels to the Jews’: Belarus Dictator Alexander Lukashenko in Antisemitic Outburst,” *The Algemeiner*, July 6, 2021, [www.algemeiner.com/2021/07/06/the-entire-world-grovels-to-the-jews--belarus-dictator-alexander-lukashenko-in-antisemitic-outburst/](http://www.algemeiner.com/2021/07/06/the-entire-world-grovels-to-the-jews--belarus-dictator-alexander-lukashenko-in-antisemitic-outburst/).

<sup>139</sup> “Israel slams ‘unacceptable’ remarks by Belarus leader that world bows to Jews,” *The Times of Israel*, July 7, 2021, <https://www.timesofisrael.com/israel-slams-unacceptable-remarks-by-belarus-leader-that-world-bows-to-jews/>.

<sup>140</sup> Aly, *Europe*, 2-3.

<sup>141</sup> Tovah Lazaroff, “Czech parliament condemns antisemitism and anti-Israel boycotts,” *Jerusalem Post*, Oct. 23, 2019, <https://www.jpost.com/Israel-News/Katz-lauds-Czech-Chamber-of-Deputies-for-important-decision-605474>.

<sup>142</sup> See “Virtually all British MPs sign up to IHRA definition of antisemitism, European Jewish Congress, Jan. 29, 2020, <https://eurojewcong.org/news/communities-news/united-kingdom/virtually-all-british-mps-sign-up-to-ihra-definition-on-antisemitism>.

In March 2020, the Portuguese Parliament enacted a law marking March 31 as the annual observance of a Day of Remembrance for the Inquisition of Jews and their expulsion in 1497.<sup>143</sup>

In June 2020, the legislature of the Balearic Islands in Spain adopted a resolution in committee condemning antisemitism in all its forms, including boycotts of the state of Israel.<sup>144</sup>

In 2020 the Austrian National Council, the lower house of the Austrian Parliament, passed a resolution condemning antisemitism, and urging the government to adopt plans to combat antisemitism.<sup>145</sup>

In October 2020, the UK Equalities and Human Rights Commission, an independent group, issued a report finding that “[its] investigation has identified serious failings in the Labour Party leadership in addressing antisemitism and an inadequate process for handling antisemitism complaints.”<sup>146</sup> Following the issuance of the report, the Labour Party suspended the membership of its former leader, Jeremy Corbyn, for criticizing the report. During Corbyn’s leadership the Labour Party was riven by accusations that Corbyn’s leadership of the party had been tolerant of antisemitism and had both tolerated and fomented antisemitism in the party and the country.

Although independent of parliamentary action, in October 2020, a court in Athens, Greece sentenced 18 individuals associated with Golden Dawn, a neo-fascist and antisemitic party, to prison terms, ruling that the party was a criminal organization. The defendants were charged with years-long assaults against immigrants and political opponents and the murder of a popular musician. The party had held seats in the Greek Parliament from 2012 until 2019.<sup>147</sup>

In September 2021, the Ukrainian parliament passed a law making the commission of antisemitic acts a civil offense. In February 2022, the law, “On Preventing and Countering Antisemitism in Ukraine,” was amended to add criminal sanctions.<sup>148</sup>

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<sup>143</sup> Jeremy Sharon, “Portugal declares official commemoration day for inquisition of Jews,” Jerusalem Post, Mar. 16, 2020, <https://www.jpost.com/diaspora/portugal-declares-official-commemoration-day-for-inquisition-of-jews-621047>.

<sup>144</sup> See “Spanish Jews congratulate Balearic Parliament for comprehensive resolution against antisemitism,” European Jewish Congress, Jun. 11, 2020, <https://eurojewcong.org/news/communities-news/spain/spanish-jews-congratulate-balearic-parliament-for-comprehensive-resolution-against-antisemitism/>.

<sup>145</sup> “Austrian Parliament Adopts Resolution Condemning Anti-Semitism and the BDS Movement,” Austrian Embassy – Washington, <https://www.austria.org/the-latest/2020/2/28/austrian-parliament-presents-resolution-proposal-condemning-anti-semitism-and-the-bds-movement>.

<sup>146</sup> <https://www.equalityhumanrights.com/sites/default/files/investigation-into-antisemitism-in-the-labour-party.pdf>.

<sup>147</sup> <https://www.nytimes.com/2020/10/14/world/europe/greece-golden-dawn-sentencing.html>.

<sup>148</sup> “The legislation defines anti-Semitism as hatred of Jews, as expressed by calling for or justifying attacks on Jews, making false or hateful statements and denying the persecution and mass extermination of Jews during the Holocaust. Intentionally damaging buildings, monuments and religious institutions may also fall under the definition of anti-Semitism. Under the new law, violators will face existing hate crime penalties created by previous laws. Victims will be able to claim compensation for material and moral damage as the result of anti-Semitic actions.” Thaisa Semenova, “Parliament passes bill banning anti-Semitism,” Kyiv Post, Sep. 22, 2021, <https://www.kyivpost.com/ukraine-politics/parliament-passes-bill-banning-anti-semitism.html>; see also “Ukraine’s Parliament Passes Bill Banning Anti-Semitism,” Radio Free Europe/Radio Liberty, Sep. 22, 2021, <https://www.rferl.org/a/ukraine-passes-antisemitism-law/31473362.html>; Lahav Harkov, “Ukraine passes law criminalising antisemitism,” Jerusalem Post, Feb. 16, 2022, <https://www.jpost.com/diaspora/antisemitism/article-696680>.



In October 2021, 22 European countries were signatories to a 43-nation resolution of the United Nations Human Rights Council, pledging to combat antisemitism.<sup>149</sup>

## VI. ANALYSIS

The legislation and other official actions described above, on their face, may not appear to directly threaten Jews or the practice of Judaism, and it might be considered alarmist to take a view that actions that do not specifically denominate Jews are the new manifestation of Holocaust-era laws, centuries-old royal decrees, and papal bulls. However, as history has demonstrably made clear, official actions that on their face were not specifically directed at Jews, or for that matter a specific religious or national group, have nonetheless served as a reliable harbinger of, and conduit for, far more pernicious consequences.

Once the Germans occupied France in June 1940, antisemitic laws under the Vichy government quickly followed – repealing an executive order outlawing press attacks on racial and religious groups, reviewing the naturalizations of French citizens, restricting entry into the French civil service, and limiting admission to the medical and legal professions.<sup>150</sup> None of these laws expressly mentioned Jews. Then, in October 1940, Vichy enacted the *Statut des juifs*, or “Statute on the Jews.” The law excluded Jews from positions in public service, the officer corps and specific professions, and also imposed a quota system. The official stricture was followed by the Law of 4 October 1940, which directly targeted Jews and authorized prefects to intern foreign Jews in “special camps.”<sup>151</sup> Similarly, the pre-World War II laws enacted in Romania, Hungary, and Poland targeted Jews not in name but through the professions in which they were employed in large numbers.

Therefore, it seems fair to question whether, amidst the current wave of antisemitic acts across Europe, the initiatives to introduce or enact the kinds of laws and regulations described above are antisemitic in their motivation and intent, at least on the part of some of their proponents, and because the line of such legislation and regulations from the 13<sup>th</sup> century to the 21<sup>st</sup> is essentially an unbroken one.<sup>152</sup> Moreover, it seems reasonable to be concerned by, and take appropriate measures to counter, laws that purport to embrace national pride or humanitarian (animal slaughter) or public

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<sup>149</sup> <https://www.i24news.tv/en/news/international/1633380091-43-countries-pledge-to-combat-antisemitism-at-unhrc-session>. The European signatories were Germany, Bosnia and Herzegovina, Montenegro, North Macedonia, Bulgaria, Greece, Belgium, Cyprus, Ukraine, Slovenia, Armenia, Croatia, Finland, Poland, Moldova, the Netherlands, Latvia, Romania, Lithuania, Estonia, Norway and Sweden. Some of the signatories are countries cited for the legislation and regulations which are the subject of this report. However, their governments’ official support for the resolution is in stark contrast to the documented actions of the same governments and their legislators, councils and parliaments in initiating and supporting the subject legislation and regulations.

<sup>150</sup> Marrus and Paxton, *Vichy France and the Jews*, 3-4.

<sup>151</sup> “Registration was ordered, identity cards marked, Jewish businesses listed, Jewish officials dismissed, Jews expelled from the legal profession and from journalism.... In the spring of 1941 the registration of Jewish property followed....” Friedlander, *Nazi Germany*, 259, 111; see also Marrus and Paxton, *Vichy France*, 3-4.

<sup>152</sup> “Contemporary antisemitism is thus not new, or a renewal of past forms of antisemitism, but simply a globalized intensification of a timeless phenomenon. New political actors and peoples are appropriating the themes of religious and secular antisemitism that have established the Name ‘Jew’ as a problematic signified or an issue to be resolved.” Shalem Coulibaly, “Equations in Contemporary Anti-Zionism: A Conceptual Analysis,” *Global Antisemitism: A Crisis of Modernity*, Vol. I, (New York, Institute for the Study of Global Antisemitism and Policy 2013), 45.

health (circumcision) purposes but which have antisemitic effects or impacts, and which potentially act as “dog whistles” to summon yet another campaign of government-sanctioned antisemitism.

It may seem all but inconceivable that, today, laws or regulations would be introduced or promulgated that expressly discriminate against Jews. Not that the absence of such enabling legislation stands in the way of antisemitic acts. Nor, on the other hand, do anti-discriminatory laws, while indispensable for investigation and prosecution, prevent acts of racism. Tribalism, sectarian religious doctrines, nationalistic creeds and political dogma still wreak violence against and disruption to the lives of national, ethnic and religious groups in countries throughout the world, notwithstanding the objectives of protective laws.

The rise in recent years of proposed laws and regulations understood to be antisemitic in purpose or effect are cause for alarm. Historically, as described above, the dire results of official, government-sponsored and sanctioned antisemitism – expulsion and extermination – had their origins in, and were abetted by, discriminatory laws that comprised restrictions on worship, special taxation, segregation, occupational quotas and prohibitions, and confiscation of property. In light of this history, European Jews may rightly view legislation that is impliedly or “coincidentally” antagonistic to Jewish custom and practice as a veiled but well-established testing ground or launching pad for, or a precursor to, much worse. An Appendix to this report sets forth the chronology of post-World War I antisemitic laws against the chronology of the current laws and measures here cited, as indicative of a pattern with a disturbingly familiar historical precedent.

The Holocaust was a long time in coming. The destruction and elimination of the Jewish population of Europe may have been the wish of those who committed the episodic campaigns of terror against the Jews over time in Europe, but the means to do so across the continent did not exist until the 20<sup>th</sup> century. What ultimately enabled and facilitated the Holocaust was the evolution and progress of technology and transportation, and it fell into the hands of the Nazis and their collaborators at just the right time for them. There was nothing new about an aggressor country arming itself for war, but when the Nazis began their rise to power in Germany, there existed for the first time in history the means to communicate and broadcast an ideology to mass audiences across a continent through radio, sound on film, newsreels, the microphone and the telephone. The availability of various forms of mass media enabled the Nazis to spread antisemitism, abet fifth columns and to undermine governments. And modern roadways and railways enabled them to conquer nations and to transport the victims they exterminated.

The potential means of persecution today are more varied, more available and more widespread. Telecommunications across borders, through social media and official channels, are immediately transmittable and literally at hand. The propagation of lies and hatred, and incitement to violence, can gain support and viability through unrestrained and unfiltered Internet channels, and can be communicated instantly to and from anyone with a cell phone, tablet or computer.

There are indeed notable efforts by governments and non-governmental organizations to combat antisemitism, as there were in prior eras. The question is whether those efforts can be sustained, or whether the winds will shift again, as they have for centuries, and empower leaders, governments and political parties that will scale back or repeal the laws, policies and programs aimed at antisemitism and other racial, ethnic and national hatred, or worse, enact such measures that promote it. The current progress of nativist organizations and political parties in Europe bears witness to such concern.

Nor should the failure by advocates to enact some of the cited legislative bills and initiatives be deemed as conclusive. Most, if not all of the antisemitic laws of the post-World War I period in Europe, with the possible exception of Germany, met strong opposition. Some failed initially to pass, or were modified, repealed and reinstated, just as they were historically; but eventually they became law.

## VII. CONCLUSION

The French philosopher Claude Levi-Strauss, wrote:

We know, in fact, that the concept of humanity as covering all forms of the human species, irrespective of race or civilization, came into being very late in history and is by no means widespread. Even where it seems strongest, there is no certainty – as recent history proves – that it is safe from the dangers of misunderstanding or retrogression. So far as great sections of the human species have been concerned, however, and for tens of thousands of years, there seem to have been no hint of any such idea. Humanity is confined to the borders of the tribe, the linguistic group, or even, in some instances, to the village....<sup>153</sup>

While not the only people to have been persecuted in Europe, or globally, for that matter, no other people in the Common Era were murdered in millions in state-authorized programs of discrimination and extermination carried out across a continent of sovereign, bordered nations over a period of twelve years.

At least two political trends in Europe have contributed to the introduction of legislation in recent years that raise serious concerns about a resurgence of antisemitism in Europe. One is the reemergence of nationalistic movements in some countries which disavow the irrefutable and conclusively documented evidence of the complicity of their wartime governments and large segments of their citizenries with the Nazis and the Holocaust. Another component comprises initiatives that target long-maintained customs of the Jewish and Muslim faiths, even if their advocates and motives cannot be considered entirely unified.

The ongoing shock and revelations of the Holocaust alone may not be enough to assure that current measures will not be used to discriminate against, isolate or exterminate a people. Even – or especially - in the current age of omnipresent media and cellphone cameras, national, ethnic and religious groups are being persecuted in many parts of the world. Indeed, many of the laws that adversely affected Jews in Europe during the post-World War I era also were aimed at peoples considered aliens in their own countries. Examples included the Romani people of Hungary and Romania<sup>154</sup>, as well as national groups who, through border realignments drawn by the Nazis and Soviets, suddenly found they were living under the flag of a government that was hostile to them.<sup>155</sup>

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<sup>153</sup> Claude Levi-Strauss, *Race and History*, (UNESCO Digital Library 1952), 12  
<https://unesdoc.unesco.org/ark:/48223/pf0000002896>.

<sup>154</sup> “Genocide of European Roma (Gypsies), 1939-1945,” Holocaust Encyclopedia,  
<https://encyclopedia.ushmm.org/content/en/article/genocide-of-european-roma-gypsies-1939-1945>.

<sup>155</sup> Aly, *Europe* 240-5, 250—60.

Because history and experience so clearly demonstrate that laws have been used to abet, exploit and legitimize religious, racial and ethnic discrimination and persecution, the European Affairs Committee seeks to raise awareness in, and action by, international government and non-government institutions and human rights organizations. Moreover, the Committee wholly endorses the work of organizations and individuals worldwide who monitor and publicly speak out against antisemitism and provide counsel and other aid to oppose official initiatives that are antisemitic or similarly discriminatory of other religious, racial and ethnic groups.

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October 2022

## APPENDIX

### Chronology of Antisemitic Laws from the End of World War I to the Outbreak of World War II

1920 – Hungary enacts the *Numerus Clausus* (closed number) law, establishing proportional race quotas for attendance at universities and teaching positions, effectively reducing the numbers of Jews.<sup>156</sup>

1920s - Poland nationalizes industries in which Jews are prominent, fires Jewish employees, limits employment of Jews in business, bars Jews from civil service and eligibility for government contracts.<sup>157</sup>

1933 – Germany excludes Jews from civil service (with limited exceptions) and restricts the number of Jewish students at German schools and universities. Other local restrictions follow that are applied to lawyers, doctors and actors. Saxony prohibits kosher slaughter.<sup>158</sup>

1934 – Romanian law requires that “economic, industrial, commercial and civil enterprises of all types” must be comprised of 80% “Romanian” employees, reducing the numbers of Jewish employees.<sup>159</sup>

1934 – Germany - Jews are excluded from examinations in professions and from military service.<sup>160</sup>

1934 – Lithuania bans Jews from selected trades and professions and from participation in government contracts.

1935 – France – The Laval law restricts entry into the needle and garment trades, in which Jews are employed in large number.

1935 – Germany – Jews are prohibited from marrying persons of “German” or “German-related blood.”

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<sup>156</sup> Maria Kovacs, “Disenfranchised by Law – “The ‘Numerous Clausus’ in Hungary 1920-1945,” (Simon Wiesenthal Lecture Shoah: Intervention. Methods. Documentation), [https://www.vwi.ac.at/images/Downloads/SWL\\_Reader/Kovacs/SWL-Reader-Kovacs.pdf](https://www.vwi.ac.at/images/Downloads/SWL_Reader/Kovacs/SWL-Reader-Kovacs.pdf).

<sup>157</sup> “One Thousand Years of Jewish Life in Poland,” Tuber Foundation for Jewish Life and Culture, [https://www.taubphilanthropies.org/sites/default/files/pdf/2019-11/Timeline\\_1000years.pdf](https://www.taubphilanthropies.org/sites/default/files/pdf/2019-11/Timeline_1000years.pdf).

<sup>158</sup> A few examples of German laws and regulations are cited in this chronology. See discussion in Section II(B)(4), *supra*. Germany enacted or promulgated more than 900 such local and national laws and regulations from 1933-1945 discriminating against and penalizing its Jewish citizens.

<sup>159</sup> Raul Carstocea, “Anti-Semitism in Romania: Historical Legacies, Contemporary Challenges,” ECMI Working Paper, European Centre for Minority Issues, ECMI Working Paper #81, October 2014, 11-13, [https://www.files.ethz.ch/isn/185286/Working\\_Paper\\_81.pdf](https://www.files.ethz.ch/isn/185286/Working_Paper_81.pdf).

<sup>160</sup> “Antisemitic Legislation 1933–1939,” United States Holocaust Memorial Museum, <https://encyclopedia.ushmm.org/content/en/article/antisemitic-legislation-1933-1939>; “Anti-Jewish decrees,” The British Library, <https://www.bl.uk/learning/histcitizen/voices/info/decrees/decrees.html>; see also “Anti-Jewish Laws Timeline,” Musée Holocauste Montreal, [https://museeholocauste.ca/app/uploads/2019/03/anti\\_jewish\\_laws\\_timeline.pdf](https://museeholocauste.ca/app/uploads/2019/03/anti_jewish_laws_timeline.pdf).

1935-1936 Germany – the Nuremberg Laws. Jews are stripped of German citizenship. Jews are banned from parks, restaurants and swimming pools.

1936 – Germany – Jewish teachers are banned from public schools.

1937-1938 – Germany – Jewish doctors are prohibited from treating non-Jews. Jewish lawyers are disbarred.

1937-1940 – Romania disbars Jewish lawyers, closes Jewish newspapers, dismisses Jews from government service, nationalizes Jewish-owned properties, expels Jews from teaching positions and Jewish students from public schools. Jewish citizens who settled in Romania after WW I (estimated to be 395,000) lose their citizenship. (Some of the law's provisions were later reversed, but then reinstated in 1940.)

1938 – Poland revokes the citizenship of Jews who have lived outside Poland for more than five years. Legislation is introduced in the Sejm banning kosher slaughter.

1938 – October – Germany – Jews must register property in excess of 5,000 Reichsmarks. Jews bearing names of “non-Jewish” origin must add “Israel” and “Sara” to their given names. Jewish passports are stamped with the letter “J”. Jewish-owned businesses are closed. State contracts with Jewish-owned firms are cancelled.

1938 – September – Italy issues the “Manifesto della razza” (manifesto of race) declaring that Italians are an Aryan race and that Jews are not members. Jews are expelled from government employment, banned from the army and public schools, and Jewish business and employment in the private sector are restricted.

1938 – November 9-10 – Kristallnacht occurs, destroying more than 250 synagogues and more than 7,000 Jewish-owned businesses. Jews are expelled from public schools and universities and prohibited from attending cinemas, theaters and sports facilities. Freedom of movement is restricted.

1938-1941 – Hungary restricts Jewish entry into business and professions, barring employment in the civil service and prohibiting marriage between Jews and non-Jews.

1939 – Hungary strips naturalized Jewish Hungarians of their citizenship.

1939-1941 – Slovakia seizes land from Jewish owners, requires dismissal of Jewish employees, and expropriates Jewish-owned businesses.

## **Chronology of Recent Laws and Initiatives Affecting Jews**

2011 – Hungary promulgates a Constitution disassociating the existence of the Hungarian state from the date of the Nazi occupation in March 1944, implying non-culpability with the Holocaust.

2014 – Russia enacts a revisionist law, which prohibits the “distortion” of the former USSR’s role in World War II.

2016 – Lithuania - a draft amendment to the Law on Consumer Products is introduced, which would ban the sale of retail goods that “distort Lithuania's historical facts (and) belittle Lithuania's history, independence, territorial integrity or constitutional order.” The amendment would have prohibited the sale of books on the role of Lithuanian collaborators in the Holocaust. It passes first reading in the Seim in March 2018, but the government withdraws the amendment.

2017 – Belgium – the regions of Flanders and Wallonia enact legislation, effective in 2019, that have the effect of banning kosher and halal slaughter under ritual laws. In 2020, the European Court of Justice upholds the law.

2018 – Poland - in January 2018, the Poland Sejm and Senate of Poland amend the Act on the Institute of National Remembrances (IPN). The law states: "Whoever accuses, publicly and against the facts, the Polish nation, or the Polish state, of being responsible or complicit in the Nazi crimes committed by the Third German Reich... shall be subject to a fine or a penalty of imprisonment of up to three years." The law is amended in June 2018, but only to eliminate the criminal penalty.

2018 – Iceland – in February 2018, an amendment to Iceland’s criminal code seeking to “prohibit male circumcision unless such action is considered necessary for health reasons” was introduced in the Althing, Iceland’s Parliament. The amendment is rejected in parliamentary committee.

2018 – Denmark – in Denmark, a petition to “stop genital mutilation of all children worldwide regardless of cultural affiliation or religion of their parents” gathered 50,000 signatures in June 2018, meeting the required threshold number to force the Danish parliament to debate the issue. No action is taken in parliament.

2020 – Lithuania – a committee of the Lithuanian parliament drafts a bill asserting that neither Lithuania nor its leaders participated in the Holocaust. The resolution was titled, “The Lithuanian state, which was occupied in 1940-1990, did not participate in the Holocaust.” The bill was revised and passed as a resolution calling attention to the crimes against humanity committed by the communists and the Nazis, without the language repudiating Lithuanian complicity.

2021 – Poland – in June 2021, the Sejm passes a law that establishes a thirty-year limit for restitution claims for the return of property stolen by the Nazis during World War II, and then confiscated by the communist government that came to power after the war.

2022 – Latvia – the Latvian parliament passes a law stating that Latvia bore no responsibility for involvement in the Holocaust for the theft of Jewish-owned property.

2022 – Russia makes unlawful “publicly identifying the USSR with Nazi Germany and denying the ‘decisive role’ and ‘humanitarian mission’ of the USSR in World War II.”