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The European Union, Antisemitism, and the Politics of Denial

R. Amy Elman

Published by the University of Nebraska Press, Lincoln and London, for the
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*This book is dedicated to Dr. Edward Alexander
and is in memory of his wife, Lois.
Together they taught me the importance of Jewish living.*

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List of Abbreviations

AENM	Alliance of European National Movements
AJC	American Jewish Committee
BZÖ	Alliance for the Future of Austria
CEC	Commission for the European Communities (European Commission)
CERD	Committee on the Elimination of Discrimination (UN)
CIA	Central Intelligence Agency (US)
COE	Council of Europe
CRA	Centre for Research on Antisemitism (Berlin)
EC	European Community
ECFR	European Council for Fatwa and Research
ECJ	European Court of Justice
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEC	European Economic Community
EJC	European Jewish Congress
EMU	European Monetary Union
ENAR	European Network against Racism
EP	European Parliament
EU	European Union
EUMC	European Union Monitoring Centre on Racism and Xenophobia
EUJS	European Union of Jewish Students
FPÖ	Freedom Party (Austria)
FRA	European Union Fundamental Rights Agency
ICARE	Internet Centre Anti-Racism Europe
ICERD	International Convention on the Elimination of Discrimination (UN)
IHRA	International Holocaust Remembrance Alliance (formerly ITF)
IKG	Israelitische Kultusgemeinde (Austria)
ITF	International Task Force for International Cooperation on Holocaust Education, Remembrance and Research
LHF	Living History Forum (Sweden)
LHP	Living History Project (Sweden)

MEP	Member of the European Parliament
NGO	Non-governmental organization
NSDAP	Nazi Party (National-Socialist German Workers Party)
OHPI	Online Hate Prevention Institute (Australia)
OJ	<i>Official Journal of the European Communities</i>
OSCE	Organization for Security and Cooperation in Europe
ÖVP	People's Party (Austria)
RAXEN	European Information Network on Racism and Xenophobia
SKMA	Swedish Committee against Antisemitism
SPÖ	Social Democrats (Austria)
SWC	Simon Wiesenthal Center
TEU	Treaty on European Union (commonly referred to as "Maastricht Treaty")
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
WCAR	World Conference against Racism (UN)
WJC	World Jewish Congress

Introduction

In the aftermath of the Second World War, Europe's politicians constructed a "common market" on the supposition that a cohesive economic union would diminish the rabid nationalism that, in part, led to genocide. Indeed, the Preamble of the European Community's founding treaty requires Member States "to substitute. . .age-old rivalries [through] the merging of their essential interests and create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts."¹

Decades later, in accepting the Nobel Peace Prize on behalf of the European Union (EU), the President of the European Commission explained, "The genius of the founding fathers was precisely in understanding that to guarantee peace in the 20th century, nations needed to think beyond the nation-state."²

As nationalism's primary losers, Europe's Jews were perhaps the major beneficiaries of this transnational emphasis insofar as any tamping down of nationalism would extinguish the potential for future antisemitic coalescence. Though, as I argue here, this hope might prove "unwarrantedly optimistic."³ Indeed, some maintain that the repressed and sullied patriotic pride resulting from Europe's post-nationalism may ignite the very conflicts the creation of the EU attempted to avert.⁴ This position implies therefore that Europe's integration is unlikely to reduce, much less resolve, antisemitism. So, which is it—or as my Nana would ask, is Europe's integration "good for Jews"? While the question defies a clear-cut verdict, it invites an analysis of the utopian ambitions of Europe's political architects from the perspective both of those responsible for implementing Europe's lofty goals, as well as of others (i.e., Jews) whose presence in Europe has long been and continues to be precarious.

RECENT INCIDENTS OF ANTISEMITISM

The European Union now operates as the world's largest single market as well as its largest trader of goods and services. As such, however, the integrated market has not translated into a unified social voice against antisemitism. Taunting references to Auschwitz and other examples of the verbal arsenal of antisemitism recur in social discourse. For example, at

soccer matches rival fans taunt Jewish players and others with chants such as “The train is leaving for Auschwitz” and “Gas the Jews.”⁵ In addition, arsonist attacks on synagogues, desecrated Jewish graves, anti-Jewish boycotts, and violence directed against Jews because they are Jews, raise considerable concerns.

In 2009, a barrage of threatening and abusive emails and telephone calls to Jewish organizations in Britain and an arsonist attack on a London synagogue led that country’s All Parliamentary Group against Antisemitism to condemn efforts to use the mounting conflict in Gaza as a pretext for anti-Jewish violence. France’s former President, Nicolas Sarkozy, issued a similar statement after antisemites there set French Jewish synagogues ablaze.⁶ Three years earlier, in 2006, a gang brutally murdered a young Frenchman, Ilan Halimi, because he was Jewish. Following the Madrid bombing of 2004, Spanish police officers uncovered a plot by Islamic militants to bomb a Jewish retreat center outside the country’s capital. In 2012, French authorities were unable to subvert a similar plot when a man murdered four Jews outside a Jewish day school in France’s south. What’s more, those openly denouncing antisemitism are also at risk of losing their lives. Consider the case of Mehmet Sahin, a Dutch-Turkish doctoral student. In 2013, the Mayor of Arnhem advised Mr. Sahin and his family to go into hiding after he received death threats for reproaching teens from his community for their support of Hitler and the *Shoah* on Dutch television. These events underscore the deadly dimensions of antisemitism and the fact that Europe’s economic and political integration has not been an effective antidote to antisemitism.

As Europe’s Jews of the twenty-first century defensively adopt stringent security measures for themselves and their religious and cultural organizations, the question arises whether or not Europe’s political institutions and Member States have come to tolerate or even dismiss the circumstances that necessitate such vigilance? In many respects, the EU has increased emphasis on combating a generalized concept of discrimination. However, general rhetoric about discrimination, especially in a broader context of controversies about whether Europe’s integration entails the erosion of state sovereignty, the ascent of supranational institutions, and the salience of post-national identity produces a climate in which specific inequities and hostilities (e.g., against Jews) are elided and even effaced. It is thus rare that explicit denunciations of antisemitism extend beyond Holocaust commemorations where public officials promise moral clarity and political courage in the future. At present, the ritual posturing pertaining to prior antisemitism can serve as a diversion from confronting its current manifestations.⁷ Understanding this dynamic of denial might lessen the incredulity

of those shocked by the above-noted episodes. After all, the Dutch had just chaired the International Holocaust Remembrance Alliance (IHRA) in 2011, an initiative begun by Sweden over a decade earlier when it was known as the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF).

SCHOLARLY ACCOUNTS

Scholarly considerations of the EU's efforts to address discrimination give scant attention to antisemitism.⁸ At the same time, scholarship on contemporary antisemitism in Europe rarely engages the political context of European integration.⁹ There are exceptions to be sure. The work of Erik Bleich, Steven Beller, Lars Rensmann, and Julius Schoeps notably defy this dichotomy. Bleich, whose primary focus is on the politics of racism (in Germany, France, Great Britain, and the United States), offers a chapter on Holocaust denial yet he extends only cursory attention to the EU.¹⁰ Beller's historical emphasis, by contrast, focuses on the "pluralizing" influence of the Jews on the EU but gives short shrift to the actual policy responses of EU institutions to contemporary antisemitism.¹¹ Thus, Beller characterizes "the emerging institutions of the European Union [as] very good for the Jews," and argues that concerns about European antisemitism are alarmist and misplaced. Further, he considers that "the main threat to Jews in Europe lies in the reassertion of atavistic nationalist ideologies and the rise in the persecution of minorities, not the growth in transnational institutions of the European Union."¹² Like Beller, Rensmann and Schoeps similarly suggest "antisemitic mobilizations...face serious restrictions in the transnational publics of the European Union."¹³ Yet, they, like Beller, offer scarce evidence to support these claims. Unlike these scholars, who neither attend to EU policy nor the political dynamics of European integration, my work—with its attention to Member States *and* the EU's key policy-making institutions—encourages consideration of whether Europe's integration has unintentionally prompted the reassertion of atavistic nationalism or the "counter-cosmopolitanism" that may result in a concomitant resurgence of antisemitism.

To bridge scholarly considerations of European integration and antisemitism, I rely in part on Europe's leading politicians. Their statements, however symbolic, underscore the relevance of Jews and antisemitism for scholarly debates concerning what substantive role, if any, the EU has in providing potential remedies for prejudice. As Göran Adamson reminds us,

official political statements from these authorities are often more revealing than those put forward by less tactically restrained commentators.¹⁴ Determining which level of governance (if any) is best suited to provide redress is essential to discovering how best to mitigate antisemitism in the EU. To do so, I explore the deliberations over state sovereignty and European supranationalism with an eye toward generating beneficial insights for Jews and other claimants of discrimination.

THE EUROPE UNION'S RESPONSE TO ANTISEMITISM

Antisemitism and the position of Jews in Europe has, on occasion, been center-stage in the political discourse of Europe's politicians. Following his investiture as EU Commission President (1999–2004), Romano Prodi traveled to Auschwitz and there discussed the inextricable links between European integration and antisemitism. Insisting that we assess civilizations by their treatment of minorities, Prodi focused on Europe's Jews because, he reasoned, they are Europe's first and oldest Europeans.¹⁵ That is, while Europe's (Gentile) citizens are "just starting to learn the complex art of living with multiple allegiances, Jews have been forced to master this art since antiquity."¹⁶ He continued, "They were Jewish and Italian, or Jewish and French, Jewish and Spanish, Jewish and Polish, Jewish and German. Proud of their ties with Jewish communities throughout the continent, and equally proud of their bonds with their own country."¹⁷ Emphasizing the Jewish community's internal plurality and its trend-setting civic engagement, Diana Pinto¹⁸ and Steven Beller¹⁹ similarly imply that Jews are among the most European of EU citizens.

If European Jews are, as Prodi and others imply, the quintessential embodiment of a transnational European identity, antisemitism strikes at the heart of the European project—one meant to tame, not eliminate, the nation-state.²⁰ The question for those interested in Europe's integration in general and Jews (and other minorities) more specifically is this: how might "Europe" best respond to and implement efforts against this virulent prejudice? The fact that Prodi and other EU officials have publicly repudiated antisemitism testifies to the success of Jews and their allies in politicizing it. Exploring the consequences of the EU's response to contemporary antisemitism generates insights into both European governance and the potential relief offered to claimants of discrimination.

If, as supranationalists argue, the power of states to act independently has declined, Jews and other minorities interested in organizing to end violence and discrimination would do best to invest their energies elsewhere, in

transnational arenas. If, however, state-centered intergovernmentalists are correct in asserting that the nation-state remains the primary unit for dispensing and protecting rights and privileges, it would be premature at best (or perhaps even illogical) for activists to pursue their aspirations within supranational contexts.

Still, as Prodi's comments suggest, there is another possibility: state sovereignty and transnational unification need not be a zero-sum game. As the political analyst Glyn Morgan explains, the EU is "conceived as a supranational community that coexists with national governments" and thus "encourages citizens to see themselves as both nationals and Europeans."²¹ The increased interdependence and harmonization among Europe's Member States that potentially inspires European identity is not only compatible with national influence, it might enhance it. Indeed, I have elsewhere argued (concerning gender inequality) that the augmented cooperation and competition between these levels of governance make the boundaries between Member States and transnational actors (such as the EU) more difficult to delineate.²²

While blurred boundaries can pose a problem for those seeking optimal access points for positive social change, they can also enhance the permeability of states and transnational actors to varied claims for social justice. Which is it for those Europeans seeking actions against and remedy for antisemitism? Over the last decade, several investigations into European antisemitism have helped foster a more sophisticated understanding of its present (some argue "new") manifestations, but none has sought a satisfactory explanation for what role (if any) European institutions might play in efforts to help end it.

This work establishes new territory by providing an overview of the specific circumstances that obliged the Community's institutional triangle—its Council, Commission, and Parliament—to take action against antisemitism. Recognizing that supranational efforts are superfluous unless the Member States inform and implement them, this work then offers a fine-grained conceptually rigorous account of this social problem by reference to Sweden and Austria. By asking whether, how, and to what end these states have implemented efforts to end antisemitism, we are able to analyze how Europe's integration recasts state power.

Because the EU's initial laws and related policies pertaining to antisemitism began well before Sweden or Austria entered into European Union (in 1995), we commence with a brief description of the three key EU institutions that initiated these efforts. All Member State governments, not

least the two that are our focus, have their appropriate ministers negotiate legislation and countless policies in private meetings under the auspices of Europe's primary decision-making body, the Council of the European Union (formerly the Council of Ministers).²³ Prior to the adoption of the Lisbon Treaty in 2009, this largely intergovernmental Council responded to policy proposals from the European Commission and the European Parliament. The Commission, often referred to as the EU's policy engine, served as an independent political body that advocates the Community's *collective* interests while the Parliament influenced budgetary decisions and policy directions through detailed reports, amendments, non-binding resolutions, and vetoes on select bills. Although the Members of the European Parliament (MEPs) labored within the only directly elected international assembly in the world, most critics recognized the institution as the EU's most democratic and least powerful because its primary role was as an influential observer. In fact, until 2009, MEPs were actually unable to legislate. The Treaty of Lisbon then granted parliamentarians considerably more power because, rather than pressuring the Commission to forward legislation to the Council as it did in the past, MEPs now work with both bodies to adopt EU-wide legislation. Although the European Court of Justice (ECJ) interprets and upholds this legislation, it has yet to issue a direct ruling pertaining specifically to antisemitism. Our focus thus remains on the EU's three other institutions and the two Member States that have been prominent interlocutors in the development and implementation of EU policy pertaining to antisemitism.

By observing the behavior of two seemingly dissimilar Member States through juxtaposition, we are able to glean general insights into state sovereignty, transnational prowess, and the reciprocal relationship between these levels of governance. The similarities between Austria and Sweden include the fact that, in 1995, both social democracies of then approximately 8 million residents entered into the EU as affluent neutral latecomers in the aftermath of the Cold War. Thus, one cannot attribute their differing responses to antisemitism to the size and strength of their democracies, the timing of their membership or the relative strength or weakness of their economies. Instead, the relevant dissimilarities between these two Member States reside in their history and standing in the Community.

Although the EU holds Sweden in high regard for its educational efforts against antisemitism,²⁴ Sweden has only recently begun to confront its historical complicity with Nazism.²⁵ By contrast, Austria was (until 2012) the first and only Member State to receive the EU's formal condemnation following the triumph of the far right in its 1999 national elections.²⁶ Yet, prior to its entrance into Europe, Austria was among the first Member States

to acknowledge its willing collaboration with the Nazis,²⁷ a past that persists in haunting it.

By considering the EU's varied responses to and subsequent effects (however slight) on the distinctive conditions within Sweden and Austria as each confronts antisemitism, we come closer to answering the primary riddle that motivates this work: what role, if any, does Europe have in mitigating discrimination in general and antisemitism more specifically? After reaching a tentative answer to this question through a historical comparative analysis of the EU's response and those of two of its comparable Member States, this work concludes with a general overview of this transnational polity's more recent efforts to combat antisemitism, particularly in the decade since 9/11.²⁸ There is no better time to understand and expect stepped up transnational efforts against this discrimination than amidst its global resurgence in the twenty-first century.

I suggest that while efforts to combat antisemitism (and racism more generally) may appear to have inspired some of the EU's foundational rhetoric, political actors throughout the EU rarely regard Jews as sufficiently oppressed to warrant either state or Union interventions. Thus, Jews receive "virtual redress"—sporadic rhetoric that condemns the continent's past crimes while proving insufficient in countering current antisemitism. In sum, as the conflicting forces of intergovernmentalism and supranationalism pull activists in different directions, elected leaders and public officials at both the Member State and transnational levels often ignore, downplay, or deny current injustices against Jews. This point is evident, not least, through the EU's efforts to counter racism and xenophobia.

When, for instance, the European Commission—the EU's executive arm—established a European Union Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna in 1997, it included antisemitism in the portfolio of this watchdog agency. The regulation that established the Centre obliges it to "provide the Community and the Member States...with objective, reliable and comparative data at the European level on the phenomenon of racism, xenophobia and *anti-Semitism* in order to help them when they take measures or formulate courses of action within their respective areas of competence."²⁹ That is, the regulation does not oblige Member States to counter antisemitism, racism, and xenophobia, but contends that the Centre must assist them when they do.

Unsurprisingly, while some states assume responsibility for monitoring antisemitism, many do not. Records are often unreliable; statistics are relatively new or non-existent and crimes against Jews have been notoriously

underreported. In fact, according to its 2011 overview of antisemitism in the EU, the Fundamental Rights Agency (FRA, formerly the EUMC) found only Austria, France, Germany, and Sweden had “collect[ed] sufficient criminal justice data allowing for a trend analysis of recorded anti-Semitic crimes.”³⁰ Upon scrutiny, this conclusion seems too generous. For instance, in Sweden, the data collection methodology changed so that the results before and after 2005 were no longer comparable.³¹ Moreover, in both Germany and Austria, official statistical data are highly circumscribed because those authorities collecting it focus almost exclusively on incidents involving right wing criminality.³² Thus, far fewer reported incidents likely result from this approach. For this reason, among many, one must interpret such statistics with care.

Because there is still no genuinely comparative basis for the evaluation of antisemitic incidents throughout all Member States by the FRA or any other European institution, I do not offer a comparative analysis of antisemitic incidents. Rather, I consider, in general terms, the capacities of the EU and its Member States to recognize and respond to antisemitism when it comes to their attention.

As the absence of antisemitism from the Centre’s title suggests, the EUMC extended relatively limited attention to antisemitism, a position in keeping with the Community’s often inconsistent commitment to countering prejudice against a people who are neither “White” nor “Black” and are often, though not always, EU nationals. Although Jews long ago negotiated their presence in a complex racial world in which Europe’s Gentiles regarded them as non-white,³³ the price of admission into a white privileged mainstream can be steep. It can represent a collective amnesia among Jews of their roots and/or a denial of Jewish oppression and history.³⁴ The latter problem has emerged, paradoxically, within the very settings that claim to counter racism.

In its preparatory text for the 2001 United Nations (UN) World Conference against Racism, Xenophobia and Related Intolerance in Durban, South Africa, the Commission detailed its own anti-discrimination efforts and those of the EUMC without a single reference to antisemitism.³⁵ Yet, a year after the conference ended, the EU Presidency issued a statement to the UN that reads, “The European Union attaches great importance to the fight against anti-Semitism and welcomes the call of the Durban Conference to take concrete action to combat this manifestation of racism.”³⁶ Ironically, Durban’s final action program excluded virtually all references to antisemitism.³⁷ Had the EU extended greater prominence to the above stated sentiment against antisemitism *prior to* or during Durban, it may have been better able to stem the tide of antisemitism that enveloped the conference.

Still, as we will note, this was not the only time that the EU was slow to side with social justice.

The next chapter details the Community's initial reservations for confronting racism more generally. It thus provides a historical foundation from which to better understand the EUMC's policies and the early actions of the two Member States that are our focus, Sweden and Austria.

ORGANIZATION OF THE BOOK

The EU's policies and administrative structures to counter discrimination may be distinctive and relatively new, but they did not arise from a coherent and deliberate plan. Ongoing struggles and bargaining among the Member States and EU institutions about discrimination leave their mark in the form of improvisational policies and explicit settlements that specify (or even waffle on) the rights and expectations of affected parties. The next section's historical investigation into the establishment of the European Union Monitoring Centre underscores this point. The agency's goal was to provide the Community and the Member States with "objective, reliable and comparable data" on racism, xenophobia and antisemitism in an effort to end these discriminations as if they are commensurable. Yet, I suggest that while the EUMC is an important political actor, it is not a primary architect of non-discrimination. I make similar claims about the European Commissioners, heads of state, and Members of the European Parliament who helped establish the agency. Although one should recognize the initial importance of all these players, I suggest that there is a more tenuous relationship between them, their plans, policies, and outcomes than we may realize. In recognizing this, one can better discern the difference between rhetoric and reality, national sovereignty and transnational power, as activists and others adjust their strategies and expectations accordingly.

The meaning(s) of policies and their consequences are not determined entirely by the intentions of those who create them. There are, in fact, two key factors in the formation of policy to consider. First, those who use, analyze, abandon, or deny others access to policies can affect the policies themselves. Second, the global context of multi-level governance can influence the way that various actors view policies. For instance, activists engaged on behalf of Jews (particularly survivors of the *Shoah* and their families) must consider international factors (e.g., international law) while mobilizing within a Community whose national histories and state provisions for Holocaust denial vary despite the EU's attempts to harmonize these

policies. Thus, the pursuit of social justice is often serendipitous and complicated, with unintended and often confusing and capricious consequences. Nonetheless, this entire nexus of complex influences informs all subsequent policy debates, interventions, and inertia.

An analysis and accurate assessment of the significance of the EU's most recent investigations and initiatives to counter antisemitism require an historical exploration of their context. This work's next section, thus, offers a consideration of the Community's earliest condemnations of racism and identifies the key institutions (e.g., the Parliament) within which policies emerged and explores the reasons for the EU's stated interest in advancing them. Chapter 2 then details the consequences of the Community's first policies (through 2000) by exploring the Member States within which such efforts were implemented and informed. Subsequent to this discussion, Chapter 3 moves into a synopsis of the success and shortcomings of these efforts before considering the reforms taken to improve upon them, while Chapter 4 again considers their consequences by reference to the Member States after 9/11. The book thus pursues an essentially chronological structure.

In moving from the EU's first measures against racism to current considerations of their impact for Jews, one confronts several ironies but perhaps none more compelling than the Community's reliance on non-EU actors to shore up its own efforts against discrimination. The last section (Chapter 5) thus suggests that the seemingly byzantine and often blurry dimensions of the EU's anti-discrimination efforts become clear when one notes how each level of "integrated Europe" off-loads responsibility onto another level for the promise of fulfilling it. The reader is urged in the following chapters to watch closely as the language and politics of integration increase expectations through equitable rhetoric, while the responsibility for antisemitism and the implementation of measures to end it are scattered and so elusive that the promise of substantive redress is easily deferred and even denied.

NOTES

1. Treaty of Paris (Formally the Treaty establishing the European Economic and Steel Community [ECSC]), Treaty, 18 April 1951. This initial treaty was repeatedly amended by other Treaties (e.g., the Treaty of Amsterdam and the Treaty of Lisbon), including accession treaties. The accession treaties extended the European Community from six Member States (i.e., France, Germany, Italy, Belgium, the Netherlands, and Luxembourg) to the twenty-eight that now comprise the European Union (see Table 2, p. 23). Only after the Treaty on European Union (i.e., the "Maastricht Treaty") had come into force, in 1993, did commentators begin to refer to

the European Community (EC) as the “European Union” (EU). Though I often use the term “Community” when referring to matters prior to 1993, others whom I quote may use the terms interchangeably.

2. José Manuel Durão Barroso, “From War to Peace: A European Tale” (paper read at Acceptance of the Nobel Peace Prize Award to the European Union, Oslo, 10 Dec. 2012).

3. Hannah Arendt and Jerome Kohn, *Essays in Understanding, 1930–1954* (New York, 1994), 416.

4. See, e.g., Bruce S. Thornton, *Decline and Fall: Europe’s Slow-Motion Suicide* (New York, 2007), 132–33.

5. Carlo Balestri, *Racism, Football and the Internet* (Vienna, 2002); European Union Agency for Fundamental Rights (FRA), *Anti-Semitism: Summary overview of the situation in the European Union 2001–2010* (Vienna, 2011); John Mann and Johnny Cohen, *Antisemitism in European Football: A Scar on the Beautiful Game* (London, 2008).

6. Johnny Paul, “Gaza-linked attacks on Jews sweep Europe,” *Jerusalem Post*, 7 Jan. 2009.

7. Daniel Schammenthal, “End the Holocaust Memorials,” *Wall Street Journal*, 28 Jan. 2009.

8. See, e.g., Mark Bell, *Racism and Equality in the European Union* (Oxford, 2008); Robert Maier, “Does a Supranational Europe Stimulate and/or Combat Racism,” in *Europe’s New Racism: Causes, Manifestations, and Solutions*, edited by the Evens Foundation (New York, 2002).

9. See, e.g., Pierre-André Taguieff, *Rising from the Muck: The New Anti-Semitism in Europe* (Chicago, 2004); also Emanuele Ottolenghi, “Making Sense of European Anti-Semitism,” *Human Rights Review* 8, no. 2 (2007): 104–26; and John Rosenthal, “Anti-semitism and Ethnicity in Europe,” *Policy Review* (Oct.–Nov. 2003): 17–38.

10. Erik Bleich, *The Freedom to Be Racist?: How the United States and Europe Struggle to Preserve Freedom and Combat Racism* (New York, 2011), 23, 123–24, 135.

11. Steven Beller, “Is Europe good for the Jews? Jews and the pluralist tradition in historical perspective,” *European Judaism* 42, no. 1 (2009): 134–55.

12. *Ibid.*, 134.

13. Lars Rensmann and Julius H. Schoeps, *Politics and Resentment: Antisemitism and Counter-Cosmopolitanism in the European Union, Jewish Identities in a Changing World* (Leiden; Boston, 2010), 59.

14. Göran Adamson, “Selective Perceptions: The Stockholm International Forum on the Holocaust,” *Patterns of Prejudice* 34, no. 3 (2000): 66.

15. Romano Prodi, “A Union of minorities” (Paper read at Against anti-Semitism, For a Union of Diversity, Brussels, 19 Feb. 2004). While Prodi’s comments and Auschwitz visit may border on philosemitism and a desire to overcome the continent’s fascist past, his credentials as the consummate EU leader cannot be discounted. He took office as Commission President after a disgraced Commission resigned. He then enhanced the body’s power and legitimacy through numerous projects including, but not limited to, the adoption of the Euro, the Treaties of Amsterdam and Nice and, not least, the polity’s eastward expansion following the Cold War.

16. *Ibid.*, 2–3.

17. *Ibid.*

18. Diana Pinto, “Are There Jewish Answers to Europe’s Questions?,” *European*

Judaism 39, no. 2 (2006): 47–57.

19. Steven Beller, “Is Europe good for the Jews? Jews and the pluralist tradition in historical perspective,” *European Judaism* 42, no. 1 (2009): 134–55.

20. Joseph Weiler, *The Constitution of Europe: “Do the New Clothes Have an Emperor?” And Other Essays on European Integration* (Cambridge, U.K., 1999), 342.

21. Glyn Morgan, *The Idea of a European Superstate: Public Justification and European Integration* (Princeton, N.J., 2005), 115.

22. R. Amy Elman, “Testing the Limits of European Citizenship: Ethnic Hatred and Male Violence,” *National Women’s Studies Association Journal* 13 no. 3 (2001): 49–69; Elman, *Sexual Equality in an Integrated Europe: Virtual Equality* (New York, 2007).

23. This “Council” is not to be confused with the European Council, conceivably the EU’s most visible body because it meets semiannually, usually in Brussels, for highly publicized “summits.” While these meetings typically promote the EU’s most visible decisions and appear to provide key guidelines for the Council, Commission, and Parliament, we are more concerned with the political intricacies of policy making that transpire in advance of these summits. For this reason, we turn first to the institution previously known as the Council of Ministers. For a cursory overview of the EU’s main institutions and how they operate, visit the European Union’s official website, “How the EU works,” http://europa.eu/abc/12lessons/lesson_4/index_en.htm.

24. See, for instance, Werner Bergman and Juliane Wetzel, *Manifestations of anti-Semitism in the European Union: First Synthesis Report* (Vienna, 2003), 65.

25. See, e.g., “Sweden followed Nazi marriage laws,” *The Local*, 4 Apr. 2006, <http://www.thelocal.se/3464/20060404/>. See also Chapter 2 for additional examples.

26. The unique character of that rebuke is considered in greater detail in Chapter 2. Poland marks the second state to be reprimanded. In June 2006, the European Parliament passed a Resolution on the increase in racist and homophobic violence in Europe (P6 TA (2006) 0273). It expressly condemned Poland’s government for a general rise in racism, xenophobia, antisemitism, and homophobia. The Parliament then called on the Member States and EU institutions to take action. For instance, it requested the withdrawal of funding for parties failing to abide by the Charter of Fundamental Rights. Years later, in January 2012, MEPs called for the suspension of Hungary’s voting rights because, they reasoned, its right-wing government breached the Union’s fundamental democratic values when, among other things, it passed a censorious media law and rescinded the Constitution, replacing it with an ominous Basic Law that centralized power. Still, as we will soon note, these reprimands generated nowhere near the level of debate that confronted the actions taken against Austria.

27. Avi Beker, “Restitution Issues Destroy National Myths” in *Europe’s Crumbling Myths: The Post-Holocaust Origins of Today’s Anti-Semitism*, edited by Manfred Gerstenfeld (Jerusalem, 2003), 167.

28. Though the connection between these terrorist attacks on the United States with legislative developments in the EU may impress some as awkward, 9/11 galvanized the EU to adopt some of the measures against discrimination that are our focus. For clarity on this matter, see the legal scholar Laurent Pech, “The Law of Holocaust Denial in Europe: Towards a (qualified) EU-wide Criminal Prohibition” in *Genocide Denials and the Law*, edited by Ludovic Hennebel and Thomas Hochmann (Oxford; New York, 2011), 185–234.

29. Council Regulation (EC) 1035/97 establishing a European Monitoring Centre

on Racism and Xenophobia. OJ L 151/1, 10.06.1997.

30. European Union Agency for Fundamental Rights (FRA), *Anti-Semitism: Summary overview of the situation in the European Union 2001–2010*, 31.

31. *Ibid.*, 18.

32. *Ibid.*, 5, 14.

33. Sander Gilman, *The Jew's Body* (London, 1991).

34. Michael Lerner, *The Socialism of Fools: Anti-Semitism on the Left* (Oakland, Calif., 1992). See also Robert S. Wistrich, *A Lethal Obsession. Anti-Semitism from Antiquity to the Global Jihad* (New York, 2010), Chapter 15.

35. European Commission, *European Union action to combat racism: European Commission contribution to the world conference against racism, racial discrimination, xenophobia and related intolerance: Durban, South Africa, 31 August–7 September 2001* (Luxembourg, 2001).

36. “European Union Presidency, EU Presidency Statement—Racism” (paper read at the United Nations General Assembly, New York, 23 Oct. 2002).

37. According to the final platform of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, only two references to antisemitism remained. Paragraph 61 reads, “We recognize with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities.” The other, Paragraph 150, “Calls upon States, in opposing all forms of racism, to recognize the need to counter anti-Semitism, anti-Arabism and Islamophobia world-wide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities.” <http://www.un.org/WCAR/durban.pdf>.