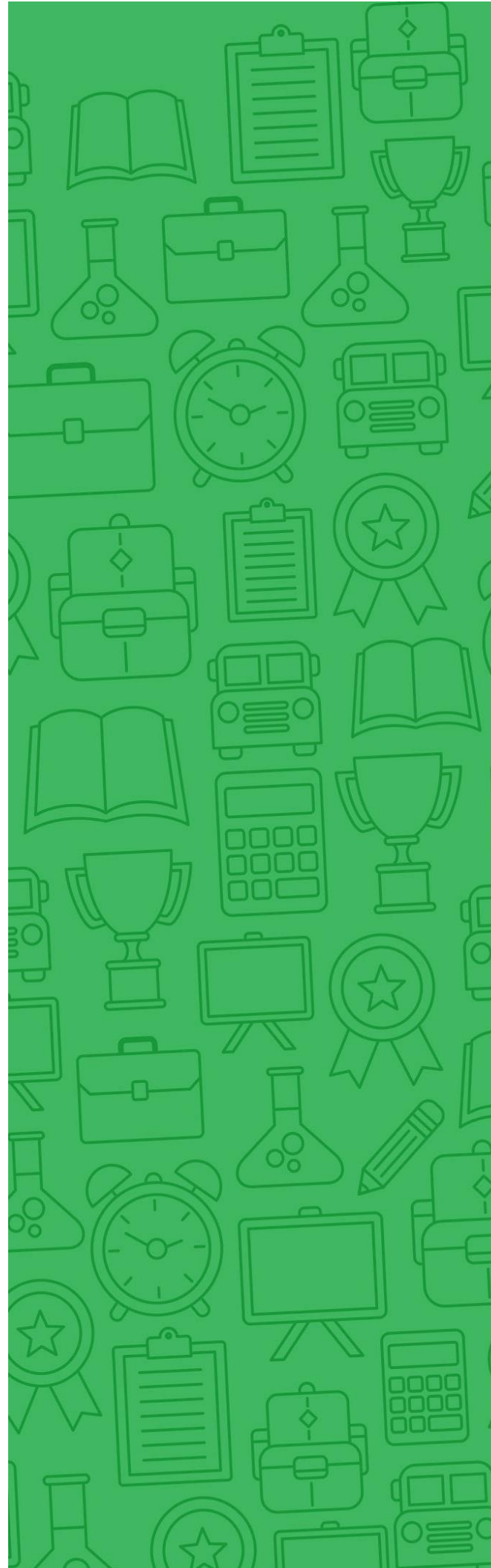


# t dsb

## Toronto District School Board



TDSB Board Member Code of Conduct  
Complaint Investigation Report naming  
TRUSTEE ALEXANDRA LULKA



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**I. Preamble**

This is the Final Report of the Office of the Integrity Commissioner of the Toronto District School Board (the “TDSB”) in relation to two complaints regarding allegations of contraventions of the TDSB’s Board Member Code of Conduct (Policy P075) (the “Code”) by Trustee Alexandra Lulka, Ward 5 (the “Respondent”). This investigation was conducted within the framework of TDSB’s Code of Conduct as well as with reference to the *Education Act*, R.S.O. 1990, c. E.2.

The Complainants alleged that the Respondent had contravened sections 6.1a, c, d, e; 6.6a; 6.9a, b; 6.10a, b; and 6.11 of the Code of Conduct by posting a public Twitter statement (the “Respondent’s Twitter Statement”) which was alleged to have mischaracterized the actions of a TDSB employee (“the staff person”) as having distributed some materials that were anti-Semitic thus constituting harassment and discrimination, interfered with an ongoing TDSB staff investigation, and falsely or maliciously injured the professional reputation of the staff person.

Before setting out my analysis and findings, I wish to clarify the limits of my role as Integrity Commissioner. This investigation is about the Respondent’s comments and whether these were not in compliance with Code rules set out in the Complaints; not about the employee’s conduct vis a vis sending out the Mailouts, what definition of antisemitism should be used by the TDSB, or how the TDSB should address the situation that ensued following the May Mailouts. The underlying issues about the Palestinian-Israeli conflict are difficult ones, which my office is not equipped to opine on. I will not analyse those issues in this report, and I will not touch on concerns raised about how the activity engendered by the Mailouts affected students and teachers of, or with, an affiliation with named religious and ethno-cultural perspectives (except as set out in the expert opinion of the Human Rights Independent Investigator) or whether the Mailouts were appropriate and the apparent lack of detailed oversight as to the Mailouts themselves. However, I have decided that in order to give a thoughtful treatment of the Complaints before me, operating in a vacuum which views integrity commissioners as inflexible and unable to navigate nuanced discussions that touch on real life issues, would render my role ineffective and the complaint investigation process, removed from any relevance.

The Complaints investigated by this Office came about within the context of two pivotal issues:

- 1) What information should be included when teaching about the Israeli-Palestinian conflict? The answer to this question does not fall within the jurisdiction of this Office to opine. However, in the gap created by an absence of an informed and responsible discussion in the departments tasked with the oversight and expertise in harassment, human rights and discrimination, students, teachers, Trustees and the public reached out to this Office seeking a resolution to an issue that should have been addressed by the school board administration. While teaching this topic, educators should be required to carefully emphasize the misinformation that has

been circulated about the recent violence between the Israelis and Palestinians on the internet. Many scholarly and journalistic articles contain unbiased information that together with an informed guide to the readings, could provide an appropriate treatment of the subject matter. However, many articles written by experts in the subject area, contain hurtful perspectives and words that trigger decade-long misconceptions that feed into stereotypes and discrimination. The investigation of a Board Member Code of Conduct complaint is not the appropriate venue to debate how to address this important but difficult subject area.

2) What language and content should be included in definitions of discriminatory terms? As pointed out by Mr. Mohammed Amin, Co-Chair of the Muslim Jewish Forum of Greater Manchester and Chairman of the Council of the Islam & Liberty Network, while referring to the UK context, how perspective can be incorporated into language is an important issue to unpackage. Infact, Mr. Amin states:

- Many on the political left see it as a conflict between colonizers and colonized, like many previous imperialist conflicts. This comes across very strongly in some of the positions taken by the extreme left of the Labour Party. For more background on this, see the book *"The Left's Jewish Problem - Jeremy Corbyn, Israel and Anti-Semitism"* by Dave Rich.
- More recently, what was historically seen as a territorial conflict has come to be seen as a religious conflict. This is shown most simply by comparing the name of Hamas (*Islamic Resistance Movement*) with organizations such as the PLO (*Palestine Liberation Organisation*).<sup>1</sup>

Teaching about contested history is a challenge faced by educators. Teaching students how to think critically about the impact of historical and present-day racism is a divisive topic that in Canada has focused primarily on anti-black and anti-indigenous racism. Educational equity seeks to provide opportunities and achieve excellent outcomes for all students by providing individual students with the supports they need to succeed. This issue stands at the forefront of many of the unresolved agenda items at the Board and has been included in several of the Annual Reports of this Office.

Currently, most educational equity research involves how materials should convey closing gaps in student achievement and increasing public confidence.<sup>2</sup> Avoidance of engaging in valuable and authentic equity learning through silence or evasion of discussions during turbulent times, effectively "impedes movement

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<sup>1</sup> <https://www.mohammedamin.com/Middle-East/Thinking-about-Israel-Palestine-dispute.html>

<sup>2</sup> *Achieving Excellence: A Renewed Vision for Education in Ontario* (2014).

toward progressive, antiracist education”.<sup>3</sup> The avoidance used by some educators are often a result of their discomfort with learning about race, diversity, and oppression, often translates into a strong commitment to maintaining dominance despite professing to be supporting policies of inclusion, equity and diversity.

Experts recommend that teaching modules for education in the area of ethnocultural contested history:

“be designed in consultation with a variety of different Jewish, Muslim and Christian groups to incorporate a variety of different perspectives and sources. Such a module might, if properly designed, perform a critical historical function and suggest the transformative socio-political possibilities of the study of the past which as we have seen as a feature of History that is vitally important to Muslim children.”<sup>4</sup>

Says one expert in the subject area:

“[A]nti-Semitism is alive and well, and increasingly it masquerades as criticism of Israel. But as the executive director of T’ruah, a Jewish organization dedicated to protecting human rights here, in Israel and in the occupied Palestinian territories, I know it’s possible to criticize Israel without veering into anti-Semitism. I do it every day.”<sup>5</sup>

There is so much that requires careful consideration, oversight and preparation when addressing this very important and often divisive topic. However, during the May 2021 unrest in the area often plagued by violence, a Mailout was distributed by an employee of the TDSB which led to a Trustee making comments which are the basis for the complaints subject of this report. What is the role of a municipal integrity commissioner whether at the council or school board level? One author of political accountability, David W. Arbuckle, stated that:

“Phillip MacEwen, in his review of the high-profile case in the City of Vaughan involving then Deputy Mayor Michael DiBiase, highlights that ‘no matter how comprehensive the rules, there will on occasion be situations where the ethical course of action is not clear and an individual will need authoritative advice and guidance.’”<sup>6</sup> Arbuckle goes on to say that “there is no universally understood definition of an accountability officer” (Anand & Sossin, 2018), [many see] “[t]he most important function of municipal accountability officers is to provide much-needed information for local media, for potential council candidates, and for

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<sup>3</sup> Berchini, C.N. (2017). Critiquing un/critical pedagogies to move toward a pedagogy of responsibility in teacher education. *Journal of Teacher Education*, 68(5), 467

<sup>4</sup> <https://www.mohammedamin.com/Middle-East/Teaching-Israel-Palestine-conflict-essential.html>

<sup>5</sup> [https://www.washingtonpost.com/outlook/how-to-tell-when-criticism-of-israel-is-actually-anti-semitism/2018/05/17/cb58bf10-59eb-11e8-b656-a5f8c2a9295d\\_story.html](https://www.washingtonpost.com/outlook/how-to-tell-when-criticism-of-israel-is-actually-anti-semitism/2018/05/17/cb58bf10-59eb-11e8-b656-a5f8c2a9295d_story.html)

<sup>6</sup> David W. Arbuckle *Western University, Held to Account? An Analysis of Political Accountability in Ontario’s Municipal Sector*, Fall 2018

conscientious citizens.<sup>7</sup> Sancton continues that “rather than expecting accountability officers to take over accountability functions from electors by imposing harsh penalties such as removal from office, we should see them as people who can help municipal voters make informed decisions” (Sancton, 2017).<sup>8</sup>

But what about when gaps in the operational administrative policies of a municipality (or in this case, a school board) lead to actions by elected officials that engage the Code of Conduct? It is against this backdrop that this Office received and investigated the two complaints subject of this investigation report.

Subsequent to these complaints, there have been a number of incidents at the TDSB leading to a recent statement from the TDSB Director of Education and three Associate Directors to Staff of the Board. They wrote:

Dear Staff,

The Toronto District School Board is committed to developing students’ critical thinking skills so they can understand complex issues from many different perspectives. This is particularly true when learning about contemporary social problems and when issues intersect with different identities and lived experiences.

Conversations about Israeli-Palestinian relationships and geopolitical issues have arisen in classrooms, between staff, students, and in professional development sessions. As a board, we have been grappling with how to honour multiple lived experiences and identities (e.g. Palestinian and Israeli) in ways that do not further exclude or cause harm.

As educators, we understand that language and context matter. The phrases “Free Palestine” and “From the River to the Sea” have been in contention. These expressions mean different things to different people because of the diversity of lived experiences in the TDSB community and beyond. Some members of the Jewish community have experienced these phrases as antisemitic, calling for the eradication of Israel, and hateful. Some Palestinians use these phrases as a statement of their human and land rights as people.

Discussions about human rights are often complex and include an examination of competing rights. Our shared goal must be to develop learners who appreciate and are able to make sense of opposing viewpoints. Our position has and will always be to enable students to share their identities safely and to build understanding of conflicting experiences of oppression. Staff will work towards

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<sup>7</sup> Sancton, A. (2017). *IMFG Perspectives: Accountability Officers and Integrity in Canadian Municipal Government*. Toronto: Institute on Municipal Finance & Governance.

<sup>8</sup> Ibid, Footnote 6

providing supports to ensure students and staff understand the multiple meanings and impacts of these words.

It is anticipated that this geopolitical issue will continue to be raised in TDSB schools for a variety of reasons. We are asking you as staff who are committed to a better future for all of our students, to remain focused on our core mandate - the education of our students and ensuring their identities are given equal consideration, dignity and respect in our schools and workplaces. Nothing more and nothing less.

To that end, TDSB will:

- Appoint an internal staff writing team for up to seven months to support, complement and augment the development of resources;
- Offer professional learning exclusively on antisemitism, and anti-Muslim hate in addition to other forms of discrimination; and
- Seek out guidance from external bodies, including the Ontario Human Rights Commission.

We will continue to update staff as additional resources and information become available. *In the meantime, we can and must intervene and educate where and when racism and hate enter our schools.*<sup>9</sup>

The Integrity Commissioner's Office believes that the above steps and clear guidelines for appropriate behaviour will assist in reducing the conflict at the Board in relation to the divisive and complex Israeli-Palestinian conflict.

## II. Summary

This report presents the investigation findings in connection with the three allegations raised in the complaints:

- 1) the Respondent undertook an act of discrimination and harassment through the posting of the Respondent's Twitter Statement which was alleged to have supported and perpetuated several harmful and recurring "closed views" or stereotypes about Palestinians and/or Muslims ("Issue #1").
- 2) by publicly posting a statement on social media about a TDSB employee, the Respondent used her influence of office to improperly influence the Board's decision in respect of the disciplinary action of a staff person ("Issue #2").
- 3) the Respondent's Twitter Statement asserted that the resources of a staff person provided in a student mailout were "antisemitic" thereby maliciously and falsely injuring the professional reputation of the staff person and attempting to use their authority or

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<sup>9</sup> Statement issued on November 18, 2021.

influence for the purpose of influencing any staff member with the intent of interfering with that person (“Issue #3”).

On Issue #1, upon review of all information received during this investigation, I rely on the Independent Investigator’s conclusion and I find that the Respondent’s conduct posting the Twitter Statement fell within the TDSB definition of being discriminatory and did breach Rule 6.10 of the Code. The Respondent’s Twitter Statement did not constitute harassment.

With respect to Issue #2, I conclude on a balance of probabilities that the Respondent’s conduct did not breach Rule 6.9(b) of the Code. The Respondent should not have retweeted a media article that took an entrenched position on a matter that likely would be the subject of an internal review. Although the Twitter Statement of the Respondent carries the weight of a Trustee with the credibility afforded that role, the statement was not intended to, nor did it, improperly influence TDSB staff to open an investigation or to conclude it in a particular way.

On Issue #3, due to a lack of expert guidance on the issue, I was unable to reach a conclusion about whether the actions of the Respondent constituted a breach of rule 6.9 (a) which states that all members of the Board shall refrain from maliciously or falsely injuring the professional reputation of staff members of the Board.

I noted that the Respondent’s Twitter Statement specifically called out some of the material of the employee’s Mailout as encouraging antisemitism. By publicly stating that some of the materials in the Mailouts were encouraging antisemitism and violence, the Respondent appeared to call into question the legitimacy of the staff person’s actions, however, I cannot conclude that her comments were false. At least three exceptions were found in the sample reviewed by the TDSB Human Rights Office (the “HRO”) of a multi-page list of additional resources (including websites, podcasts, books, as well as documents with a list of further resources). However, there was insufficient expert guidance in the HRO’s assessment to allow me to reach a conclusion about whether the actions of the Respondent constituted a breach of rule 6.9 (a) which states that all members of the Board shall refrain from maliciously or falsely injuring the professional reputation of staff members of the Board.

In this report, I discuss my investigative process, my decisions on jurisdiction, my findings on the allegations in the complaint, my reasons for those findings, and my recommendations with respect to the appropriate sanction.

I have exercised my discretion to disclose only those particulars that I have determined are necessary for the purposes of the report. In my role, I have considered the need for the Board of Trustees and the public to understand the factual basis for my findings and my recommendations. The matter subject of this Complaint has played out very publicly and the transparency of the Integrity Commissioner regime is premised on public reporting of the findings of a formal Code investigation if the Integrity Commissioner finds



a breach of the Code. However, I have also considered the countervailing privacy interests of the Complainants, as well as the staff person, particularly because the allegations of the Complaints involve events that relate to the professional reputation of a staff person. As well, I have recognized the broader interest in publicly disclosing necessary and sufficient information in reports involving allegations of harassment and discrimination to facilitate informed decision-making by the Board of Trustees.

### III. The process leading up to this Report

I set out below a summary of the complaint process:

In May 2021, the Israeli-Palestinian conflict escalated and resulted in days of violence throughout Jerusalem and Gaza. Hundreds were killed.

On May 16 and May 19, 2021, materials concerning the ongoing Israeli-Palestinian conflict, primarily focused on the Palestinian experience and perspective, although it also included some materials on antisemitism, were consolidated into a resource package by the staff person, a Student Equity Program Advisor with the TDSB, and circulated through an opt-in mailing list (the “May Mailouts”).

These Mailouts were part of the “Gender-Based Violence Preventing Mailing List” which has been a resource consolidated by the staff person for 12 years. The staff person advised that the Mailouts fell within their role of a Student Equity Program Advisor who is tasked with providing resources and articles connected to current events to educators and community members for use in the classroom.<sup>10</sup> The staff person had created a process through which an individual could opt-in to the Mailout by sending the staff person an email. Approximately 1,700 people receive the Mailouts. The staff person who sent out the Mailouts is employed with the TDSB as a Student Equity Program Advisor, which assists schools, educators and students in their anti-oppression activities. The staff person has been sending out resource mailouts to teachers on an opt-in basis, and the TDSB website has referenced the Mailout list on its public website for over 12 years. The staff person does not write resources but rather pulls together different writings and articles and assembles them in topic areas. Over time, the resources that were compiled for the mailouts covered topics like antisemitism, white supremacy, the Holocaust, George Floyd’s death, the Land Back movement for indigenous peoples, resources for educators on anti-Black racism, the defunding of the police, and other issues of importance.

The following introduction was included at the top of both May 2021 Mailouts:

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<sup>10</sup> The Office of the Integrity Commission is not tasked, nor has she determined if the distribution of the “Mailouts” was a function of the job description of Student Equity Program Advisor – Gender Based Violence Prevention.

An opt-in mailout that includes resources, event announcements and other news and articles related to gender-based violence prevention, sexual violence prevention and healthy relationships using a critical anti-racist, intersectional and decolonial framework that call outs antisemitism and Islamophobia.

These resources use a power analysis and support critical thinking and action on transforming conditions that enable harm and creating ones that promote healing, care, dignity and liberation. These resources aim to support 2SLGBTQ+ youth with multiple identities and belonging to BLACK, INDIGENOUS, RACIALIZED and DISABLED communities. They are in support of Indigenous sovereignty, Indigenous self-determination and LAND BACK.

The May 16<sup>th</sup> Mailout includes “a lot of history and information about the [Israeli-Palestinian] conflict.” The mailout also includes several news articles regarding Canada’s involvement in the conflict.

According to the Complainant, the May 19<sup>th</sup> Mailout was more focused on what the Complainant calls “educator resources that folks could actually read and utilize” to teach about the conflict and the topic of Palestine in their classrooms. In keeping with the staff person’s stated goal of centering marginalized voices, these materials include numerous materials by Arab and Palestinian authors and/or which speak about the experiences of Palestinians (particularly Palestinian children). This Mailout also recommends resources assembled and distributed by Jewish Voices for Peace, including their essay collection *On Anti-Semitism, Solidarity and the Struggle for Justice*.

Both May Mailouts include, at item #12, a “Continuously Updated Master list of Sources on Palestine (Resources by multiple researchers, scholars, academics, authors.)” In each of the May Mailouts, the staff person included the following disclaimer:

I’ve read many of these links, but not all. Many are from well-known scholars, historians and journalists. The articles I’ve read use a critical race praxis and are transparent and intentional about calling out anti-Semitism. Read these with a critical anti-racist lens, and ensure credibility and intersectional anti-oppressive frameworks that use a clear analysis of power.

The staff person learned that Sue Ann Levy of the Toronto Sun would be publishing an article about the May Mailouts. There was a communication between the HRO and the staff person on or about May 21, 2021, in which the staff person sought advice from the HRO about the materials. While the staff person and members of the HRO have slightly different recollection of the meeting, I find that the HRO office told the staff person that (i) upon brief review, it did not appear that the articles were antisemitic but rather named marginalization and oppression of Palestinians and Muslims, and that (ii) they would need to conduct a more detailed review to definitely conclude that the materials were not anti-

Semitic.

On May 22, 2021, an article by Sue Ann Levy was published in the Toronto Sun entitled “Virulent anti-Israel manual sent out to TDSB teachers,” which identified the staff person and labeled the May Mailouts as anti-Semitic. The article stated that:

An educator with the Toronto District School Board (TDSB) is under investigation after he allegedly sent a virulently anti-Israel manual out to teachers that suggests a documentary and a book about a terrorist, recommends children’s books that characterize Israelis as thieves and murderers, and gives advice on how to teach students about the hateful Boycott, Divestment and Sanctions (BDS) movement against Israel.

[...]

[The staff member] is part of the Board’s Gender-based Violence unit, whose core function, according to TDSB online materials, is to prevent and address “gender-based violence, homophobia, sexual harassment, and inappropriate sexual behaviour by students towards other students in schools.”

[...]

There’s also a whole section on what BDS is all about – a movement that calls for the boycott of Israeli authors, artists, academics and products – and why teachers should be interested in supporting the movement.

[...]

In an attempt to perhaps offset or excuse the anti-Israel content in the manual, it ends with a four-page primer on noting that even “contentious, strident or harsh criticism of Israel or its policies- including those that led to the creation of Israel – is not “*per se* anti-Semitic”

[...]

TDSB spokesman Ryan Bird said these resources were not “vetted, approved or sanctioned” by the TDSB. He said TDSB staff, including the employee services department, is currently investigating this matter. In the meantime, the staff member’s current and previous group mailings have been removed from TDSB email inboxes. Bird added that the employee in question’s social media feed is also being investigated for “any hateful comments and actions”.<sup>11</sup>

The Respondent retweeted Sue Ann Levy’s article. On May 23, 2021, the Respondent

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<sup>11</sup> Sue Ann Levy, Toronto Sun, May 22, 2021, <https://torontosun.com/news/local-news/levy-virulent-anti-israel-manual-sent-out-to-tdsb-teachers>

posted a Statement on her Facebook page and Twitter account condemning the May Mailouts. In the Respondent's post, she wrote: "My Statement regarding the reprehensible unsanctioned materials distributed to the TDSB teachers". She then posted a picture containing the following text:

This past week has already been very exhausting and distressing for many members of the Jewish and Israeli communities in Canada as a result of both the fighting in the Middle East and rising antisemitism here at home. I was deeply disturbed to recently discover that virulently anti-Israel and even antisemitic materials were distributed to the TDSB teachers through an opt-in list by a TDSB employee. I was outraged to discover that some of this material justifies suicide bombings and other forms of terrorism. This is reprehensible. These materials were provided by an employee from the TDSB equity department, the very department that should be countering antisemitism and violence, not fanning the flames

I will be demanding a full investigation into this alarming incident and working to ensure that none of these hateful materials ever see the inside of a TDSB classroom.

We must all do better to combat antisemitism, especially in these trying times.

At the time of my review of the May 23, 2021, posting on the Respondent's Twitter page, she had 600 Followers. There were 21 Comments and 26 Shares of this particular post.

At the time of my review, the Respondent's Twitter Statement remained posted on Twitter as well as on the Respondent's Facebook page.

The TDSB put out a statement on Twitter (which the Respondent retweeted) on May 19, 2021, which read:

We know the current crisis in the Middle East deeply impacts many of us in our TDSB family and our hearts & thoughts are with all those affected – particularly Israelis and Palestinians who are experiencing this violence firsthand.

It contained a link to a more detailed statement from the Interim Director of Education and the Board Chair which noted that the "topic is being widely discussed and we want to ensure that our students, staff and their families are supported during this tremendously difficult time. We all have an individual and collective responsibility to ensure that the TDSB is a welcoming, inclusive, and safe space for all students, staff and families. Whether in the classroom or other shared spaces, we encourage compassionate, caring and respectful conversations in our school communities."

Following the Toronto Sun articles, the HRO clarified to the staff person that the comments of the office on May 21<sup>st</sup> that "the articles did not appear to be antisemitic" were based on a cursory review and that "all of the materials would need to be reviewed fully by [the HRO] before [the HRO] would be able to make a statement about the content

of the materials themselves”.

In a second Toronto Sun article run on May 27, 2021, the following was said:

Although he’s officially on home assignment, [the staff person] is still filling Twitter page with anti-Israel messages amid claims he’s being punished for having the courage to engage in difficult conversations.

[...]

And the student equity program advisor [...] has found himself plenty of support [...] CUPE Ontario, CUPW and the Canadian Federation of Students (CFS).<sup>12</sup>

While I have confirmed that the Respondent’s Twitter Statement did not name the staff person as the author of the May Mailouts, by retweeting the Toronto Sun article which did name the staff person as the author, the retweet had the effect of identifying the staff person.

The TDSB’s Spokesperson sent out a press release that said “The resources in question were not reviewed or approved by the TDSB. Staff, including the Board’s Employee Services Department, are currently investigating this matter. During this time, the staff member will be on home assignment. We are also in the process of removing this staff member’s current and previous group mailings/newsletters from the TDSB email inboxes.”<sup>13</sup>

*i. Response of the Community to the Twitter Statement*

It is clear from the response to the Respondent’s Twitter Statement that it was polarizing.

The Twitter Statement received a number of comments commending the Respondent and concurring with her conclusion that the Mailouts were antisemitic. The staff person also received numerous critical messages. The Independent Investigator found that “while the evidence we’ve reviewed in this investigation does not suggest that [the Respondent] is alone responsible for identifying [the staff person] as the source of the May Mailouts (in fact, [the staff person] admits that he published a tweet identifying himself as the author of the May Mailouts), it does appear that the Trustee’s Twitter Statement, coupled with her retweeting Ms. Levy’s article, at least contributed to a significant number of harassing and sometimes threatening messages which were sent to [the staff person] after the Trustee’s Twitter Statement was published. As [the staff person] described in his interview [with the Independent Investigator] : The Twitter ones [the “harassing and hateful messages”] came immediately after [the Respondent’s] statement. There was a barrage of them. They were DMs on Twitter, via email, including my work email, but the majority

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<sup>12</sup> Sue Ann Levy, Toronto Sun, May 27, 2021 <https://torontosun.com/news/local-news/levy-tdsb-educator-still-tweeting-virulent-anti-israel-messages>

<sup>13</sup> From interview with staff

were comments on other Twitter feeds and on Facebook, and I don't have Facebook. These are still ongoing. They would say things like: "you should not be teaching my children" - "you deserve to be fired"- "people like you are Nazis in disguise." There is also a group of educators and lawyers that have organized a campaign to have my Ontario College of Teachers license revoked." There was a strong response against the staff member's materials and commending the Twitter Statement.

On the other hand, on May 28, 2021, the Ontario Parent Action Network – Fighting for Public Education is on Facebook, posted:

This came to us via friends, and with a request to share:

**"IMMEDIATE ACTION REQUIRED"**

The TDSB human rights office is being bombarded with letters from parents and other stakeholders claiming anti-Semitism in an attempt to shut down Palestine advocacy in schools. We need to flood the offices with as many letters for the rights of Palestinian advocates.

**THESE LETTERS MUST BE SENT TODAY TO THE FOLLOWING THREE PLACE BY CLICKING ONTO THE BELOW QUICK LINKS:**

1. "Human Rights office at TDSB" <https://tinyurl.com/3k5zuwnv>

This letter addresses the lack of safe space for Palestinian students in our schools in light of the Toronto Sun article by Sue-Ann Levy. The TDSB has legitimized the culture of fear that this article provokes. Also included is Trustee Luka's statements on May 23 via Twitter. These statements have contributed to harassment and racism towards Arab/Palestinian members of the TDSB.

2. "Integrity Commissioner" <https://tinyurl.com/36bjxnxe>

This letter addresses Trustee Lulka's statements where she has equated [sic] Pro-Palestinian education and terror/suicide bombing.

3. "School Board Trustee" <https://tinyurl.com/hebmft6f>

This letter goes to School Board Trustee to encourage them to lead the TDSB in support [the staff person], a Toronto District School Board anti-oppression educator who has been recently targeted by Postmedia Columnist Sue Ann Levy.

From May 28, 2021 to June 21, 2021, the Office of the Integrity Commissioner received over 1000 emails with the identical subject line and text in the body of the email. The content of the emails received by this Office mirrored the content of the May 28<sup>th</sup> letter sent out by the Ontario Parent Action Network. None of the emails received by this Office contained complaints set out in the form prescribed by the Complaint Protocol (Form 708A). However, this demonstrates that there was a strong community response

believing that the Respondent's Twitter Statement was discriminatory against Muslims and Palestinians.

*ii. The allegations in the Complaints and Notice to the Respondent*

On June 4, 2021, this Office received a formal complaint under the Code. The complaint was submitted on the TDSB Code Complaint Form, to which the Complainant attached a copy of the Respondent's Twitter Statement. On June 6, 2021, this Office received a second formal complaint under the Code, submitted on the TDSB Code Complaint Form having the same subject matter as the June 4<sup>th</sup> Complaint.

After a review of the two formal complaints, I determined that the two complaints were substantively the same in allegations and issues raised and, for this reason, I decided that it would be most appropriate to conduct one inquiry with respect to both Complaints. I conducted an initial classification to determine if each matter raised in the respective complaints, was on its face, a complaint with respect to non-compliance with the Code. I determined that there were sufficient grounds in respect of Rules 6.6(a), 6.9(a), 6.9(b), and 6.10 of the Code to commence an investigation. Rule 6.1(a), (c), (d) and (e) of the Code, which the Complaints referenced, are guiding principles. Rule 6.1 is a rule that sets out the principles that guide the interpretation of the Code that the Integrity Commissioner may use in the application of the rules during her investigation. I decided to conduct a single investigation in both formal complaints. As explained below, I did not investigate the complaint in respect of Rules 6.6 and 6.11.

I wrote to the Complainants acknowledging receipt of their Code complaints. I advised that I had conducted an initial classification review of the complaint and the supporting documentation and that I had decided to open a complaint investigation file.

On June 14, 2021, the details of the allegations were provided to the Respondent in accordance with Rule 6.5 of the TDSB Code Complaint Protocol (the "Complaint Protocol"), requesting that the Respondent provide my office with a written response to the complaint within ten days. The Complainants were provided with a copy of the Respondent's response to their Complaints, and one submitted supplementary comments in reply.

On June 25, 2021, I wrote to the Acting Senior Manager HRO and advised that I had received 2 formal complaints in which a Trustee had been named as a Respondent and that the complaint alleged that the Member had contravened several rules of the Code, including Rule 6.10. Pursuant to Rule 6.10 (b), the Integrity Commissioner shall consult with the Human Rights Office.

On June 28, 2021, I spoke with Acting Senior Manger HRO who advised that it is the position of the HRO that when complaints are received by that office against a senior executive, it would not be inappropriate to conduct a threshold assessment or investigation of the complaint as there may be a perception that the office could not

impartially conduct the investigation. The Acting Senior Manager explained that for the same reasons, it is the position of the HRO that any complaint naming a Trustee would be forwarded to the Office of the Integrity Commissioner with no further involvement of the HRO.

On July 6, 2021, I engaged an Independent Investigator expert in Human Rights, Harassment and Discrimination, to conduct a threshold assessment. After the Independent Investigator determined that this met the *prima facie* case of discrimination test (as detailed below), I engaged the Independent Investigator to conduct the human rights investigation.

From August 3, 2021 to September 3, 2021 the Independent Investigator conducted the Human Rights Investigation comprised of interviews with the parties, review of some of the resources in the Mailouts (which did not include a review of all of the linked materials as directed by the Office of the Integrity Commissioner), and review of TDSB Human Rights policies, relevant case law and other relevant documents.

Some delays resulted from the need to accommodate vacation time of one Complainant and health accommodations of one interviewee.

On September 24, 2021, this Office received the Independent Investigator's report.

On October 3, 2021, I received notice from the Respondent that she would be away from October 7<sup>th</sup> to October 23<sup>rd</sup>, 2021 without access to Board emails.

On November 2, I provided the Respondent with a copy of the basis for my proposed findings of the investigation, and I advised them that I required any comments on the preliminary findings on or before November 5, 2021, specifically on any errors or omissions of facts, and any statement that they wished to make regarding recommended sanctions. I advised that this request for comments was not to be viewed as an opportunity to provide any additional evidence or responses to allegations contained in the complaint but rather a requirement of section 6.6(b) of the Complaint Protocol for the Board Member Code of Conduct (Governance Procedure PR708).

On November 4<sup>th</sup>, I received the Respondent's written comments and by telephone interview.

After review of those comments and further consultation with the Independent Investigator, I reached my final conclusions.

On November 30, 2021, I forwarded a copy of the final report to the Complainants and the Respondent.



*iii. Section 6.10: The Role of the TDSB Human Rights Office*

The Complaint Protocol for the Board Member Code of Conduct (the “Complaint Protocol”) sets out that upon receipt of a Code complaint that raises allegations of discrimination and/or harassment, the Integrity Commissioner shall consult with the TDSB Human Rights Office to determine whether the matter was a Code complaint in which the actions of a Trustee triggered the TDSB human rights policies. Upon commencing the investigation of this Office and after having spoken with the Respondent, I wrote to the HRO on June 25, 2021 to advise that I had received Code complaints alleging contraventions under Rule 6.10 of the Code. I am required under the Code to consult with the HRO.

In discussions with the HRO, I was advised that when a senior official or Trustee is named as a Respondent in a harassment or discrimination complaint, the HRO does not take carriage of conducting a Threshold Assessment to determine if the complaint rises to the level of a discrimination or human rights complaint on its face and does not investigate the actions of the Trustee in respect of contraventions of the TDSB policies. In circumstances that involve allegations against a senior official of the TDSB, the HRO maintains a roster of independent investigators with human rights expertise whose services can be used to conduct an investigation into whether the senior official actions have contravened the TDSB Workplace Harassment Prevention, Human Rights policies and the *Ontario Human Rights Codes*. This Office recognizes having exclusive jurisdiction in respect of a decision on whether a Trustee has contravened the Code.

As a result of consultations between the HRO and this Office, I engaged the specific process for complaints under Rule 6.10 which involves an investigation by an independent third party (in this case, the “Independent Investigator”).

*iv. Independent Human Rights Investigator*

Rule 6.10 (b) of the Code sets out the process to follow when a complainant alleges harassment or discriminatory behaviour by a Trustee. When in receipt of a Code complaint alleging Workplace Violence Harassment or Human Rights policies contravention, the role of the Integrity Commissioner is to determine if the matter is a complaint for the purposes of the Code (in other words, is the matter within the jurisdiction of the Integrity Commissioner to investigate) and if so, to determine whether the matter requires a bifurcated review, beginning with the investigation by the HRO or, as the case may be, a Human Rights Independent Investigator retained by the Integrity Commissioner. The Independent Investigator will assess whether the conduct likely amounted to harassment or discrimination contrary to the Board’s policies on a balance of probabilities standard.

This Office engaged an Independent Investigator to conduct an initial threshold assessment to determine if the Complaints met the threshold of a complaint that engages human rights under *Ontario’s Human Rights Code* and/or the TDSB’s Human Rights policies (specifically P.031), as referenced in section 6.10 of the Trustee Code of Conduct.

*v. Human Rights Threshold Assessment*

The purpose of a Threshold Assessment is to determine whether a Complaint raises a *prima facie* case of discrimination, harassment, or reprisal contrary to the TDSB Human Rights Policy (P031). That is, assuming the material allegations as set out in the Complaint are true, whether the allegations present the factual foundation needed to support a claim of discrimination or harassment.

If, on the face of the Complaint, the allegations do not meet the definition of harassment or discrimination, the Office of the Integrity Commissioner will proceed with the investigation of the complaint in respect of any other Code rules.

The Complaints subject of this report allege that the Respondent's Twitter Statement contravenes numerous sections of the Code, including section 6.10 (Discreditable Conduct) which sets out the process for addressing allegedly harassing or discriminatory behaviour by Trustees. The Complaints allege that the Respondent's Twitter Statement is harassing, discriminatory (specifically, Islamophobic), constitutes "an act of anti-Palestinian racism," and has created or contributed to a toxic or unsafe working and/or learning environment for students, staff, and for one of the Complainants.

The TDSB's Human Rights Policy (P031) states that it applies to Trustees (section 2) and then states that "[a]ll those who are covered by this policy are [...] entitled to have access to the complaint procedures." All complaints about Trustees which fall under the Code are investigated by the Integrity Commissioner. The Integrity Commissioner is required to appoint an Independent Investigator, sometimes with assistance of the HRO. The TDSB as an employer also has an obligation to investigate allegations of harassment and discrimination in terms of adherence to ensure a safe and respectful workplace.

As detailed by the Independent Investigator, the Supreme Court of Canada has described the test for a "*prima facie* case" as:

The complainant in proceedings before human rights tribunals must show a *prima facie* case of discrimination. A *prima facie* case in this context is one which covers the allegations made and which, if they are believed, is complete and sufficient to justify a verdict in the complainant's favour in the absence of an answer from the respondent-employer.<sup>14</sup>

While discrimination is not defined in *Ontario's Human Rights Code*, Policy P.031 on Human Rights defines discrimination as "unfair treatment of a person or group" based on one of the listed prohibited grounds. The Policy also makes clear that discrimination can be based on association: "Discrimination against individuals because of their relationship or association with a person or persons identified by a prohibited ground of discrimination

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<sup>14</sup> OHRC and O'Malley v. Simpson-Sears Ltd. [1985] 2 SCR 526 at 558.

under the policy.” This mirrors section 12 of the Human Rights Code which prohibits discrimination because of association.

The Independent Investigator conducted the threshold assessment and determined that the Complaints raise allegations of discrimination on the basis of creed (Islamophobia) as well as race, ancestry, and/or place of origin (anti-Palestinian racism).

While the Respondent’s Twitter Statement did not appear to overtly discriminate against Palestinians or Muslims, on a preliminary review and prior to an investigation, the content appeared to perpetuate negative stereotypes and beliefs about both groups when it stated that the materials which included Palestinian voices and perspectives “justify suicide bombings and other forms of terrorism”, equating a Palestinian perspective as one that would “justify suicide bombings and other forms of terrorism.” The Independent Investigator preliminary review determined that “equating of pro-Palestinian Muslim materials with anti-Israel and antisemitic sentiment may perpetuate seeing Islam as “separate and ‘other’” without “values in common with other cultures.” On its face (and therefore, prior to a review of the facts), it appeared that the statement equated pro-Palestinian Muslim materials with support or justification for suicide bombings thus could be read to perpetuate the view of Islam “as violent, aggressive, threatening, supportive of terrorism and engaged in a ‘clash of civilizations.’” As such, the Independent Investigator concluded the Threshold Assessment with a position that the comments in the Respondent’s Twitter Statement on its face, may support a harmful and recurring “closed view” or stereotype about Palestinians and/or Muslims more broadly.

The Independent Investigator concluded that there is a *prima facie* case that the Respondent’s Twitter Statement is:

- discriminatory against Muslims, Palestinians, and those persons engaged in the political act of promoting the causes of those who have such characteristics; and
- is harassment under the Human Rights Code and OHSAA and may have created or contributed to a poisoned work environment for the Complainant who circulated the mailout.

#### *vi. Investigation Process*

In the course of this investigation, I followed the specific process applicable to harassment complaints under Rule 6.10 of the Code. While I was awaiting the results of the Independent Investigator related to Issue #1, I carried out my own investigation of Issues #2 and #3. Upon receipt of the Independent Investigator’s Report (the “Investigator’s Report”), I concluded my review of Issue #1, making a determination on Board Member Code compliance.

Section 6.6(a) of the Complaint Protocol for the Board Member Code of Conduct, PR708 (the “Complaint Protocol”) states that “[t]he Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the receipt of the

Complaint Form/Affidavit of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report to the Board and will advise the parties of the anticipated date that the report will be available". The bifurcated process set out in section 6.10(b) of the Code acted to suspend the 90-day timeframe set out for the Integrity Commissioner. The time during which the Independent Investigator conduct their investigation is not counted in the 90-day count. In any event, the Independent Investigator advised the Complainants and the Respondents of their process throughout the Human Rights investigation.

#### ***IV. The Independent Investigator's Report<sup>15</sup>***

On July 6, 2021, the Integrity Commissioner contacted the Independent Investigator, who provided the Threshold Assessment on the issue of discrimination and harassment on July 15, 2021.

The Integrity Commissioner retained the Independent Investigator to conduct the harassment and discrimination investigation. The Independent Investigator conducted interviews with Complainants and Respondents from August 3<sup>rd</sup> to September 3<sup>rd</sup> and requested and received additional documents. The Independent Investigator reviewed the Code complaints, the Respondent's response to the complaints, the TDSB Human Rights policies, relevant case law, and interviewed the Complainants and the Respondents via virtual meetings. The Investigator's Report sets out the parties' Statements, their analysis and findings regarding the Statements, the Respondent's Twitter Statement and samples of the May Mailouts.

#### ***V. The Integrity Commissioner's Investigation***

During the investigation conducted by this Office, I interviewed 8 individuals orally or in writing. I reviewed the Investigator's Report. I spoke with the Respondent on 3 occasions during this investigation and I interviewed a number of other witnesses with knowledge of the underlying events. I spoke briefly with one of the Complainants, however, all other discussions with the parties with respect to the Human Rights portion of the investigation, were carried out by the Independent Investigator in accordance with section 6.10 of the Code.

I spoke with the Respondent providing opportunities to reply to the Complaints and provide clarification on the investigation process. The Respondent confirmed that she wrote the Twitter Statement in response to concerns raised by her constituents. I exercised my discretion to disclose in this report, only those particulars that I determined were necessary to afford the Board of Trustees an understanding of the substance of the Respondent's reply to the allegations.

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<sup>15</sup> Independent Investigators: Cenobar Parker and Morgan Sim, Parker Sim LLP, <https://www.parkersim.com/>

All information and documents that I received were provided voluntarily to me and to the Independent Investigator pursuant to my exercise of the Code Protocol investigation powers. In the course of my investigation, I also reviewed extensively the materials in the May Mailouts including the links, the Respondent's Twitter Statement, the Toronto Sun articles, public and confidential Board documents, the Board's Workplace Harassment Prevention and Human Rights policies, Board and other emails, Facebook and Twitter pages of the Respondent, the staff person and some members of the community and certain other materials.

## VI. Alleged Violations of the Code

The June 4<sup>th</sup> Complaint set out that:

- The Respondent had contravened section(s) 6.1a, c, d; 6.6a; 6.9a; 6.10a, b, c of the Member Code of Conduct by:
  - o Making a public Twitter post which mischaracterized the actions of TDSB employee [named staff person];
  - o Interfering with an ongoing investigation;
  - o Contributing directly to hate and harassment;
  - o All of which were a misuse of the Respondent's public position.

The Complaint alleged that:

[t]he Trustee's post asserts that the resources [...] provided are antisemitic, de facto calling [the staff person] antisemitic – a serious claim. Furthermore, the post falsely claims that the materials [...] provided via an opt-in mailout "justify suicide bombings and other forms of terrorism." It is completely inappropriate and a disgusting violation of her public position, for a trustee to mischaracterize an employee's actions in this way and to do so publicly, and during an investigation.

To make hateful and virulent conclusive statements about [the staff person] and the material during an ongoing investigation is misuse of her public position and takes away any chance of [the staff person] having a fair and unbiased investigation. Further, her comments harm [the staff person's] reputation and career and opened [the staff person] up (as could be reasonably expected) to hundreds of harassing and hateful messages. While the Trustee does not name [the staff person] specifically, it is clear she is writing about [the staff person] from context, (there are three Toronto Sun articles and the TDSB provided public comments confirming [the staff person's] name, [...] employee status, that [the staff person] sent out materials via an opt-in mailout, and that [the staff person] was under investigation. [The staff person] experience her comments as deeply hurtful and harassing.

The TDSB has become a poisoned environment for [the staff person] as a direct result of her comments – which continue to be publicly posted. Finally, her suggestion that any content or individual that is critical of Israel promotes terrorism

and suicide bombings is also deeply Islamophobic, an act of anti-Palestinian racism and contributes to an unsafe working/learning environments for students, staff and [the staff person].

The complaint goes on to set out that “[t]he Respondent’s retweet of the Toronto Sun article lends to the position that she endorsed and supported the position set out in the Sun article thus forcing the hand of the decision-makers tasked with conducting an investigation and making public statements for the TDSB:

the Respondent’s Twitter Statements “mischaracterized the actions of TDSB employee [...], interfer[ed] with an ongoing investigation, contribut[ed] directly to hate and harassment and are a misuse of [the Respondent’s] public position

And

[took] away any chance of [the staff person participating in] an unbiased investigation

As set out in the Complaints, the Respondent is alleged to have posted in her Twitter Statement that the May Mailouts contained resources that “justify suicide bombings and other forms of terrorism” and to do so is a “violation of [the Respondent’s] position, in that a Trustee has mischaracterized an employee’s actions in a very public way, and during an investigation.

The June 6<sup>th</sup> Complaint set out that they have reason to believe that the Respondent breached Rules 6.1(a), (c), (d), (e), 6.6(a), 6.9(a), (b), 6.10(a), (b) and 6.11.

This Complaint went on to cite the various Rules from the Code. In subsequent clarification, the Complainant’s concerns with respect the Rules were identified as follows:

#### Improper Use of Influence

The Complaint alleges that the Respondent improperly influenced any future decision of the Board in respect of an investigation into staff action, to her private advantage, to another person or otherwise by implying guilt before an investigation was completed.

#### Conduct Respecting Staff Members

The Complaint alleges that the posting of the Respondent’s Twitter Statement was an improper use of her authority and had the outcome of falsely injuring the professional reputation of the staff person by equating the staff member’s resources with promoting “suicide bombing and other forms of terrorism” and being antisemitic without proof of the same or completion of the investigation.

#### Discreditable Conduct

The Complaint alleges that the Respondent was harassing and discriminatory towards the staff person by publicly displaying anti-Palestinian racism and assumed that the staff member's resources were antisemitic and that they were critical of Israel and promoting terrorism and suicide bombings.

#### Failure to Adhere to the Board Policies and Procedures

The Complaint alleges that the Respondent failed to observe the terms of all policies and procedures established by The Board including in respect of harassment and discrimination.

Both complaints do not provide supporting documentation beyond copy of the Respondent's Twitter Statement. In addition, information provided to the Independent Investigator during course of that portion of the investigation was not very detailed. Clearly, both Complainants put significant weight on the Twitter Statement in an of itself.

### VII. **Additional Facts: Review of the May Mailouts**

During my investigation, I learned that, on or about May 21, 2021 (prior to the Respondent's Twitter Statement), the staff person reached out to the HRO seeking advice about the May Mailouts and whether they met the definition of antisemitic. The information received during this investigation identified the staff person as having said that the HRO advised that they found nothing antisemitic in the sampling of resource materials they initially reviewed. However, the HRO sent a follow up email indicating that they had not reviewed all of the materials. During this investigation, this Office was advised that in a subsequent interaction between the staff person and the HRO, the staff person was told that upon further review, the HRO staff took a different position.

Under TDSB Policy PO37 (the "Equity Policy"), antisemitism is defined as:

A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

On or around June 4, 2021, the HRO completed a review of the May Mailouts to determine if the content contravened the TDSB Human Rights Policy. The HRO concluded that the main articles in the May Mailouts did not express hatred or criticism towards Jews as an ethnic group or as a creed or religion. The HRO concluded that stating one's support of Palestinians does not indicate support for terrorist groups or hate of Jewish peoples nor

are criticisms of Israeli state policies, government and army *de facto* antisemitic, though the HRO noted that criticisms can be done in an antisemitic way.

The HRO did conclude that certain links were problematic and could be reasonably considered to contain antisemitic materials and seen to be contributing to antisemitism.<sup>16</sup> “In particular, some of these materials dismiss the historical connection of Jewish people to the land; lump all Israelis together; notes that “martyrdom operations (called “suicide bombing” )” are a legitimate means of resistance; and refer to “the “Iron Fist” policy of crushing the bones of Palestinian children’s hands” which feeds into the ‘blood libel’ trope. [Note: according to an article in the Chicago Tribune an “iron fist” policy was enacted by Rabin and “resulted in hundreds of fractured limbs”.]<sup>17</sup>

Finally, the HRO confirmed that some of the materials contained in the links support the use of violence and terrorism against Israeli Jews; specifically, including a link to the website of the Popular Front for the Liberation of Palestine (a group that is currently on Canada’s Listed Terrorist Entities), documentary and resources about Leila Khaled who was involved in plane hijackings, and an interview with Ghassan Kanafani, who was involved in violent actions against civilians.

In addition, during the course of this investigation, this Office learned that the Respondent communicated directly with the HRO regarding her concerns with the May Mailouts prior to posting the Twitter Statement.

The TDSB spokesman stated that “to [their] knowledge, [the May Mailouts] were not approved by anyone at the TDSB”.<sup>18</sup>

### **VIII. The Respondent’s Response to the Complaint**

The Respondent provided a written response to the complaint. It stated:

On May 23, 2021, I made a singular public statement in reaction to an emerging story from the Toronto Sun on the distribution of unsanctioned materials to TDSB teachers that contained content which I view as highly offensive and troubling. I do not believe issuing a public statement on this matter to be an issue. I made the statement after hearing concerns from constituents who felt traumatized by the incident. Given the concern over this incident, it is reasonable that a public statement be issued by an elected representative. I believe that to be within the scope of my responsibilities as a Trustee. I also retweeted the article from the Toronto Sun which broke this story. A retweet does not entail an endorsement of the material within it. I do not believe there is any issue with retweeting an article,

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<sup>16</sup> from the list in item 12 of May Mailouts #26 and #27 “PALESTINE: A Master List - Continuously Updated Master list of Sources on Palestine (Resources by multiple researchers, scholars, academics, authors),”

<sup>17</sup> Excerpt from the HRO Review and Assessment, TDSB HRO 2021-06-04

<sup>18</sup> Received via email to the Office of the Integrity Commissioner



and if there is I was not aware. My statement was not issued with any intent to influence an investigation. In my statement I called for an investigation to take place. I believe this to be an appropriate response to the incident, and in keeping with my role as a Trustee. I do not believe my statement on social media impacts any investigation. I had no call to action in the statement that would exert influence. At no time did I call for a specific outcome to an investigation. I have no role in the investigation mentioned. I have no influence over the outcome of the investigation. I have not been privy to details regarding the investigation. I believe other claims in the complaints are outside the jurisdiction of the Integrity Commissioner and will not be responding to those matters.

In my conversations with the Respondent, she confirmed that she had reviewed the May 19 Mailout provided to her by her constituents in advance of publicly posting her Twitter Statement and Facebook Post. The Mailouts were brought to her attention by her constituents. She did not recall whether she reviewed the entire May 16 Mailout. During the course of the investigation, it became apparent that the version of the Mailouts reviewed by the Respondent did not contain the disclaimer set out in section 12. It was not apparent who modified this document, though I accept that it was not the Respondent.

**IX. Relevant provisions of the Code**

**A. Issue #1: Discreditable Conduct under Rule 6.10**

Rule 6.10 states:

(a) All members of the Board have a duty to treat members of the public, one another, and staff members respectfully and without abuse bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. This provision applies to all forms of written and oral communications, including via social media.

(b) Harassing or discriminatory behaviour, as indicated in the TDSB Workplace Harassment Prevention and Human Rights policies and the Ontario Human Rights Code, which occurs in the course of, or is related to, the performance of official business and duties of the Board Members, is subject to this Code of Conduct.

Rule 6.10 of the Code requires Trustees to treat members of the public, one another, and staff members with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment. The obligation includes the requirement to comply with the TDSB Workplace Harassment Prevention and Human Rights policies and the *Ontario Human Rights Code*. The purpose of this Rule is to ensure a safe and respectful workplace that is free from harassment. It is the policy of the Board that all persons be treated fairly in the workplace in an environment free from discrimination and personal and sexual harassment. The policies ensure a safe and respectful workplace environment and appropriate management of any occurrences of

harassment and discrimination as defined by the policies. The Human Rights and Workplace Harassment Prevention policies also apply to the actions of Trustees and will provide guidance to the Independent Investigator in the event that the Integrity Commissioner receives a Code complaint and pursuant to rule 6.10(b) refers the investigation of the allegations of harassment and discrimination to an Independent Investigator. Upon receipt of the findings of the Independent Investigator, the Integrity Commissioner shall utilize the Investigator's findings to make a determination on the application of the Code of Conduct and the merits of an investigation on the ethical conduct of the Trustee named in the complaint. By requiring Trustees to comply with the Workplace Harassment Prevention and Human Rights policies, Rule 6.10 incorporates into the Code by reference the obligations found in the TDSB policy.

The Workplace Harassment Policy defines harassment as: "...engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or is workplace sexual harassment". The Ontario Human Rights Code defines harassment as "... engaging in the course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome..." Usually, harassment is offensive behaviour that is repeated after an employee knows it is unwelcome. However, harassment may also occur from a serious, single remark or action and need not be directed at a particular individual. The Board has a responsibility to prevent harassment, but staff members in managerial roles are required to proactively prevent harassment from occurring in the workplace and to deal in a fair and expeditious manner when an allegation of harassment is brought to their attention. Under the policy, incidents and complaints against a Trustee, alleging harassment and/or discrimination will be forwarded to the Board's Integrity Commissioner and will be addressed under the Board Member Code of Conduct policy and procedure.

***B. Issue #2: Conduct Respecting Staff Members -Interference with Staff Duties under Rule 6.9(b)***

Under the heading "Conduct respecting staff members", Rule 6.9(b) states:

No members of the Board shall compel staff members to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No member of the Board shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

The allegations of improper influence in this section are more specific and expressly include attempts to influence a staff member's duties.

***C. Issue #3: Conduct Respecting Staff Members under Rule 6.9 (a)***

Rule 6.9(a) of the Code requires Trustees to refrain from:

(a) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members of the Board, and members of the Board shall show respect for the professional capacities of staff members.

Many Councillor Codes of Conduct include a similar Rule. Former City of Toronto Integrity Commissioner Valerie Jepsen wrote in *Byford v Matlow*<sup>19</sup>

City Council has considered the application of Article XII to councillors' public statements about members of staff on five previous occasions. Based on the prior cases on this Article, the helpful commentary referred to above and the TPS Bylaw in place at the City of Toronto, the following principles apply when considering whether councillors' statements about staff contravenes Article XII:

1. When questioning staff reports or actions, member of Council should ensure that their comments are in the nature of "fair comment", and related to the substance of the report and not the authors of their suggested motivations. This means that members of Council can raise concerns about whether information is correct, or whether staff considered certain information, such as local concerns. The Toronto public service is prepared (and expect) to respond to these kinds of questions from City Council. City Council discharges its duties when it is robustly and fairly scrutinizing the information and advice that staff provide.
2. However, members of Council should not publicly state or imply that a particular public servant, or a group of public servants, acted for political or private motivations or in a way that is negligent or that failed to meet professional standards. Serious concerns about staff misconduct should be raised with the public servant's supervisor, the City Manager, the applicable governing board, or as a last resort, the Auditor General through the disclosure of wrongdoing mechanism in the TPS Bylaw. However, these types of statements will not normally be tolerated by the Speaker or a Chair in a Council proceeding, and could result in a Councillor being found to have contravened the Code of Conduct.
3. Extra scrutiny should be applied to public statements about the public service that are broadcast in mass media. This is because staff do not have the same platform as members of Council to engage in the public arena. (They do not have political accountability)

To violate Rule 6.9(a), the comment must (i) maliciously injure or (ii) falsely injure the staff person's reputation or (iii) fail to show respect for the professional capacities of staff members. A finding of malice requires a conclusion about the

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<sup>19</sup> 2018 ONMIC 5 (CanLII), <<https://canlii.ca/t/hv1ts>>

Respondent's intent. A finding that the comment was "false" requires a consideration of whether the statement or statements are true (but there is no need to consider the Respondent's intent).

***D. Rules 6.1, 6.6 and 6.11: not investigated***

I concluded that Rule 6.1 sets out the fundamental components and the guiding principles to guide in the interpretation of the operational rules of the Code. A preamble or purpose section to the Code is not an operative enforceable provision. The intent of a preamble or purpose section (i.e., statement of principles) is to assist in providing context to the operative provisions that follow. These are general principles of the Code which guide the interpretation and application of the Code provisions. These fundamental guiding principles inform ethical behaviour for Trustees. They are not stand-alone provisions which lead to a finding of a breach of the Code but rather inform the analysis of whether a Member conduct has violated rules of the Code. Therefore, I will not be including in the investigation, the review of Rules 6.1(a), (c), (d) and (e).

Rule 6.6 prohibits a Trustee from using the influence of their office for any purpose other than for the exercise of her or his official duties. In particular, no Trustee shall use the status of the office to improperly influence the decision of another person to the private advantage of oneself or otherwise. Such conduct would include attempts to secure preferential treatment beyond activities in which Trustees normally engage on behalf of their constituents as part of their official duties, or improperly prejudice another person or persons.<sup>20</sup> However, the Respondent did not post the Twitter Statement for a private advantage. The Respondent was commenting with the public purpose of combating antisemitism, which is a public or collective issue and in the public interest. On its face, the conduct of the Respondent was not an attempt to improperly influence to the private advantage of herself or otherwise.

Further, I did not investigate allegations of Rule 6.11- Failure to Adhere to the Board Policies and Procedures – because in order for there to be grounds for the commencement of a complaint investigation in respect of adherence to Board policy, there must be a relevant policy which was allegedly violated. In my preliminary investigation, I learned that the Board does not have a comprehensive communications policy regarding the circumstances of this complaint nor a trustee-staff relations policy.

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<sup>20</sup> Grimes (Re), 2016 ONMIC 7

X. **Analysis**

**Issue #1 -Was the Respondent's Twitter Statement discriminatory as defined by the TDSB Human Rights Policy and the Ontario Human Rights Code?**

The Respondent saw her tweet as a communication to her constituents and thus part of the performance of her official duties. There is no dispute that her comments are subject to the Code of Conduct.

I have relied on the analysis performed by the Independent Investigator in reaching my conclusion on this issue.

The Independent Investigator reasoned that “[w]hen determining whether the [Respondent’s] Twitter Statement is discriminatory as alleged, we must consider the overall content of the materials she is referring to as well as the purpose which the materials were designed to serve.”

The Independent Investigator noted that “any assessment of whether the [Respondent’s] Twitter Statement is unfairly engaging and perpetuating harmful tropes about Palestinians or Muslims must consider the actual content of the materials which are being referred to.” The Independent Investigator noted that they were not engaged to examine whether the May Mailouts breached the TDSB’s Human Rights Policy or were anti-Semitic but only if the Respondent’s Twitter Statement was discriminatory. They noted that, of the links reviewed by the HRO, the HRO had concluded that only three resources “could reasonably be considered to contain antisemitic material, references, or allusions (overt or subtle), could reasonably be seen to be contributing to antisemitism.”

The Independent Investigator asked the Respondent to identify what materials she referred to in her Twitter Statement, which she said were anti-Israel, antisemitic, and/or encouraged violence and suicide bombing.. The Respondent provided a brief answer to the Independent Investigator identifying the materials in section #5 and #8 as being problematic (in addition to those highlighted by the HRO). The Independent Investigator sought further responses to their questions posed to the Respondent, and specifically stated that they were not asking the Respondent to review the materials again, but to identify which ones she had previously reviewed which she referred to in her statement. However, in May 2021, Hamas was carrying out rocket attacks on civilians, including in Tel Aviv. The Respondent shared with me that her sister who lives in Tel Aviv, had spent the month hiding in her stairwell because her residence was not equipped with a bomb shelter. During the interviews with the Integrity Commissioner in respect of this investigation, the Respondent communicated that it was “highly triggering, highly offensive, and deeply hurtful” to be required to re-review those documents to respond to the Independent Investigator, having already received and read the problematic materials. The Respondent advised that in reviewing the materials again, for the purpose of providing answers to the Independent Investigator, the Respondent stayed up all night reading the materials and “cried [her] eyes out at the thought that these [highly offensive and deeply hurtful materials] could be used in the classroom, caused the Respondent to

relieve the trauma of fear for her sister's life. The Respondent was unable to provide further information, and to accommodate her, I asked the Independent Investigator to complete its mandate without obtaining the outstanding answers to their questions.

The Independent Investigator raised their concern that the notice statement placed at the beginning of section #12 of the May Mailouts was missing from the copy reviewed by the Respondent. The evidence received by the Independent Investigator was that the Respondent had received the mailout as a PDF document attached to an email (which is not the native form of the Mailout). The Respondent advised that an email sent to her by a Holocaust Studies organization did not have the notice statement. This was notable to the Independent Investigator from the perspective that they concluded the notice statement was purposefully removed by someone. The Independent Investigator concluded that this has no real bearing on the outcome because (1) the disclaimer was in the version of the May Mailouts that were distributed widely, and provides important context for the way in which the materials need to be viewed; and (2) the Respondent's evidence to the Independent Investigator was that the disclaimer had no impact on her assessment of the May Mailouts as a whole.

The Independent Investigator reasoned that the analysis as to whether discrimination has taken place must focus on the *effects* of the Respondent's actions, not her intent or subjective understanding of a situation or the resources circulated. The Independent Investigator concluded that the purpose of the May Mailouts was to provide teachers with resources that center Palestinian voices within the context of the broader Israel-Palestinian conflict. The Independent Investigator found that this is significant because the May Mailouts sought to provide information through the lens of many of the Palestinian and Arab and Muslim children taught at the TDSB. Any potentially objectional materials were contained in the links in item #12 which was a continuously updated master list of resources on Palestine – and were included in the disclaimer specifying that the staff person had not reviewed all of the links and urging teachers to use their professional judgment when reviewing those materials. The HRO has not concluded that the resources in section #5 and #8 were antisemitic as this was not included in their retainer agreement with the Integrity Commissioner. The Independent Investigator concluded that the Respondent's Twitter Statement fundamentally mischaracterized materials which were intended to, and do for the most part: (1) center the voices of marginalized Palestinians (particularly those of Palestinian children) as well as Muslims more broadly, and (2) assist educators in understanding and discussing the Palestinian struggle for self-determination and human rights in a manner that provides thoughtful guidance on how one might critique the Israeli government and army without perpetuating anti-Semitism.

The Independent Investigator's Report concluded that equating pro-Palestinian materials with anti-Semitic sentiment may perpetuate seeing Palestinians and Muslims, as the two are often equated, as "separate and 'other'" without "values in common with other cultures" (one of the "closed views" of Islam that has been noted by the human rights bodies as characterizing Islamophobia). The Independent Investigator noted that a definition of Islamophobia is contained at page 33 of the TDSB Equity Policy and this definition mirrors that set out in the Ontario Human Rights Commission's Policy and

guidelines on racism and racial discrimination, which has been cited by the Ontario Human Rights Tribunal. A more detailed definition of Islamophobia was considered in the OHRC's "Human Rights and Creed Research and Consultation Report" (2013) which cites the (1997) British Runnymede Trust Report, *Islamophobia: A Challenge for Us All*, which outlines eight recurring "closed views" of Islam that characterize Islamophobia. The Independent Investigator reasons that this, along with a statement equating pro-Palestinian materials with support or justification for suicide bombings and terrorism similarly may perpetuate the dangerous and harmful stereotype which views Muslims, and particularly Palestinian Muslims, "as violent, aggressive, threatening, supportive of terrorism and engaged in a 'clash of civilizations.'" As such, the Investigator's Report concluded that these comments in the Respondent's Twitter Statement supported and perpetuated several harmful and recurring "closed views" or stereotypes about Palestinians and/or Muslims more broadly and that having these stereotypes perpetuated in a public statement by a publicly elected Trustee who participates in governing the TDSB for all students is discriminatory both within the meaning of the relevant TDSB policies as well as within the meaning of the Human Rights Code.

The Independent Investigator noted that they understood the Respondent's "desire to amplify the alleged concerns of her constituents and to ensure they are addressed. However, it is the conclusive, overarching, and unequivocal nature of the [Respondent's] Twitter Statement along with its invocation of Islamophobic tropes which paints all Palestinian voices with the same negative brush that makes the statement discriminatory." The Respondent's statements carried the weight of her office, and there was a clear power difference between the Respondent and the staff person. The evidence reviewed by the Independent Investigator showed that the impact of the Respondent's Twitter Statement on the staff person was immediate and substantial and that the Twitter Statement had an adverse impact which was felt beyond staff person by Palestinian and Muslim members of the TDSB community and those that identify with the cause of Palestinian human rights and self-determination.

The Independent Investigator concluded that the Respondent's Twitter Statement supported and perpetuated several harmful and recurring "closed views" or stereotypes about Palestinians and/or Muslims more broadly. Having these stereotypes perpetuated in a public statement by a publicly elected Trustee who participates in governing the TDSB for all students is discriminatory both within the meaning of the relevant TDSB policies as well as within the meaning of the *Human Rights Code*.

I carefully reviewed the Independent Investigator's report and analysis and my office's own notes from my broader investigation.

The Respondents communicated to me that her Twitter Statement did not equate pro-Palestinian materials with antisemitic sentiment, nor did it equate pro-Palestinian materials with support or justification for suicide bombings and terrorism. The Respondent rightly states that there was no mention in her Twitter Statement of Palestinians or Muslims. However, in reliance on the Independent Investigator's findings, the use of terms "suicide bombings" and "other forms of terrorism" evoke a narrative directed at Muslims

and Palestinians, hence included in definitions of Islamophobia. The Respondent complains that these are errors in fact that appear as words ascribed to her by the Independent Investigator. The Respondent sustains that her comments contained in the Twitter Statement “were geared towards the Jewish community and [her] Jewish constituents given what the community was experiencing throughout May of 2021, and given that some of the materials in question were discriminatory to Israelis and Jews specifically”. Importantly, the Independent Investigator points out that as a Trustee who represents a ward, the Respondent must also take into consideration other students and parents in the Board, not only those representing the Jewish community.

While I accept that the Respondent’s was profoundly hurt by reading some of the materials in the May Mailouts which triggered deep trauma of her lived experience as a Jewish woman with family directly impacted by the tragic events in May 2021 and while I accept that the Respondent did not intend for her Twitter Statement to perpetuate Islamophobic tropes, in accordance with the Independent Investigator’s findings, the effect of her words, not the intent of Respondent must be considered in an analysis of whether a statement is discriminatory.

I concluded that a determination on discrimination requires a review and analysis of the facts by experts in human rights. This is why the Codes of Conduct contain code complaint provisions that bifurcate the investigation process, in which the initial assessment is conducted by experts in human rights legislation (either the HRO or an independent investigator) and then, if the human rights assessment determines that the Code complaint triggers the human rights policies, the referral of the human rights portion of the complaint to an independent investigator. I rely on the conclusions of the Independent Investigator in respect to Issue #1.

The Independent Investigator also considered whether the Respondent’s conduct amounted to harassment.

The Independent Investigator concluded that the Respondent knew or ought to have known that her conduct would be unwelcome, and she ought to have known this conduct would incite or invite some of her social media followers to message and even threaten [the staff person] (which they did). However, as a single serious incident of racial or creed-based discrimination, they were unable to conclude that the Trustee’s Twitter Statement constitutes a course of conduct that satisfies the legal definition of harassment within the meaning of the TDSB policies, the OHSA, or the Human Rights Code.

The Complaints alleged that the Respondent’s Twitter Statement was experienced by the staff person as “deeply hurtful and harassing”.

Given the specific process prescribed by the Code for harassment and discrimination complaints under Rule 6.10 (b), I have relied on the Human Rights subject-matter expertise of the information contained in the Independent Investigator’s Investigation Report. I also considered the findings and reasons of the Independent Investigator who



has considerable experience in investigating, among other things, workplace harassment and human rights complaints under the Ontario *Human Rights Code*.

The definition of harassment found in the Ontario *Human Rights Code* is nearly identical to that found in the TDSB's Workplace Harassment Policy as well as the definition of harassment found in the OHSA. The OHSA, for example, defines harassment as engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome. Under both the OHSA and the *Human Rights Code*, a finding of harassment does not require intent on the part of the perpetrator.

The TDSB's Human Rights Policy states that:

Every student, employee, trustee, parent, and community member has the right to learn and work in an environment free of discrimination and harassment. Discrimination and harassment based on legislated prohibited ground will not be tolerated. Such behaviour must be addressed not only for its cost in individual, human terms, but also for its cost to our social, economic, and civic future.

The Policy goes on to define "Harassment" as "as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome."

The Independent Investigator applied an analysis with both a subjective and objective component and noted that the subjective experience of the Complainant is not the lone determinant of whether the Respondent Trustee's conduct constitutes harassment. There must also be the objective evidence, on a balance of probabilities, that the Respondent knew or ought to have known that the conduct was unwelcome and that the conduct is such that a reasonable person would find vexatious. The Independent Investigator accepted that the staff person had received harassing and threatening comments after the Respondent published her Twitter Statement, some of which were tied to the statement and some of which were not. The Independent Investigator noted that the TDSB departed from its long-standing practice by providing comments to Ms. Levy in response to her media requests, even advising her of the investigation before it had advised the staff person. However, in discussions with senior executives of the Board, I have determined that the internal investigation process had begun and attempts to notify the staff person had been made without success. The Independent Investigator reviewed the effects of the Twitter statement and retweeting of Sue Ann Levy's article on the staff person. The Independent Investigator concluded that, while it was impossible to know exactly how much the Twitter Statement contributed to the harassment which the staff person experienced, at least some of the harassing comments arise directly in reaction to her postings on Twitter and Facebook, including in the comments in reply to these posts.

In respect of the objective analysis, the Independent Investigator concluded that the Respondent ought to have known that her Twitter Statement would be unwelcome and

would incite or invite some of her Twitter or Facebook followers to message and even threaten the staff person in ways that would also be unwelcome.

The Independent Investigator then considered whether this amounts to a “course of conduct” within the definition of “harassment”. The Independent Investigator concluded that it did not. A single serious incident can constitute harassment in the workplace and the jurisprudence indicates that the following factors weigh in favour of a single incident being considered harassing:

- If a single comment is particularly “egregious or virulent,”<sup>21</sup>
- If the single incident involves putting one’s hands on the body of another in a sexual way,<sup>22</sup>
- If an unwanted comment is explicitly sexual, demeaning and/or attacks the dignity of the complainant,<sup>23</sup> and
- If a demeaning act is premeditated, rather than spontaneous.<sup>24</sup>

The case law from the Human Rights Tribunal of Ontario has primarily engaged the conclusion that a single serious incident constitutes harassment where the single serious incident of harassment involved sexual harassment, and often inappropriate physical touching. The Independent Investigator concluded that the case law pointed to a single incident amounting to harassment when the incident involved sexual touching or other egregious acts of sexual harassment. Unable to find any decisions finding harassment under the *Human Rights Code* or the *OHSA* on the basis of comment(s) analogous to those at issue in this case which incited or encouraged further harassment by third parties, the Independent Investigator concluded that, while the Respondent knew or ought to have known that her conduct would be unwelcome, it did not constitute harassment within the meaning of the relevant TDSB policies or legislation. I accept that conclusion.

In light of this evidence, I find the evidence that I have reviewed and the conclusions and reasons contained in the Independent Investigator’s Report show on a balance of probabilities that the Respondent’s Twitter Statement is discriminatory both within the meaning of the relevant TDSB policies and thus a breach of Rule 6.10.

While I am only required to report on an investigation where a breach is found, for the sake of completeness, I include brief comments on the two other issues raised in this

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<sup>21</sup> See for example, *Dunn v Edgewater Manor Restaurant*, 2011 HRTO 1795

<sup>22</sup> See for example, *Murchie v JB's Mongolian Grill*, 2006 HRTO 33

<sup>23</sup> See for example, *Romano v 1577118 Ontario Inc*, 2008 HRTO 9

<sup>24</sup> See for example, *Xu v Quality Meat Packers Ltd*, 2013 HRTO 533

investigation.

***Issue #2 – Improperly influence or attempt to influence the staff's investigation***

Issue #2 sets out that the Respondent's Twitter Statement and the retweeting of the Toronto Sun Article improperly influenced or attempted to influence the Board's decision in respect of the disciplinary action of the staff person in contravention of her obligation under Rule 6.9(b) of the Code.

The Role of Trustees at the TDSB:

The Board of Trustees has no role in the oversight of staff of the TDSB except the Director of Education. In respect of the Director of Education, the *Education Act* states:

**169.1 (1) Every board shall,**

(h) monitor and evaluate the performance of the board's director of education, or the supervisory officer acting as the board's director of education, in meeting,

(i) his or her duties under this Act or any policy, guideline or regulation made under this Act, including duties under the plan referred to in clause (f), and

(ii) any other duties assigned by the board.

Under s. 218.1 of the *Education Act*, the role of the trustee includes:

(d) bring concerns of parents, students and supporters of the board to the attention of the board;

(f) entrust the day-to-day management of the board to its staff through the board's director of education;

... and

(h) comply with the board's code of conduct.

The Director of Education oversees the selection, performance review and discipline of staff, often by delegating to other senior staff members within the Board. Investigations into potential employee misconduct are overseen by the Employee Services department of the TDSB. Trustees have no role in this process (except, in prescribed circumstances in respect of employment of the Director of Education).

The Respondent's comments, including those made on social media are governed by the rules of the Code. Individuals who are elected to the Board are held to a higher standard and may hold positions on matters of relevance to their communities. What is not permitted under the Code is to use one's status as a Trustee to influence the outcome of

a process or the decisions of staff. The Respondent formulated comments on a publicly accessible social media page that is followed by a significant number of individuals and can also be reviewed by staff internal to the TDSB who may have carriage of the review of the actions of a staff person. Based on the information that I have reviewed, the Respondent's request for an investigation was not directed at staff in respect of seeking a review of a particular staff person, but rather regarding a review of what processes of the TDSB would allow hurtful and antisemitic materials to be distributed to students. The Respondent should not have attempted to solicit an investigation of TDSB processes via a Twitter Statement. Based on the information that I received during this Code investigation, the decision to conduct an internal investigation had already been made prior to the Respondent's Twitter Statement. The Respondent did not run afoul of the prohibition contained in Rule 6.9(b) which includes the obligation to refrain from using one's status as a Trustee to improperly command or influence staff.

My analysis of Rule 6.9(b) of the Code does not require me to conclude whether the Twitter and Facebook postings did, in fact, influence staff; rather, I must conclude whether the Respondent intended to influence or intended to attempt to influence staff's investigation process or conclusion. I find that she did not.

While the Respondent advises that she had a conversation with the HRO, she denies having acted in any way to attempt to influence the investigation of the staff person and this was supported by my interviews with staff of the HRO and senior executives of the TDSB. The Respondent's Twitter Statement was released after the time that the TDSB commenced an internal investigation of the staff person.

I find that the Respondent did not post the statement on Twitter with the intent to command or influence staff to commence or continue an investigation in respect of the staff person, in fact an internal investigation had already begun. Rather, the Respondent's intent was in response to an outcry from her community to receive answers on what processes exist at the TDSB to prevent the distribution of antisemitic materials.

The Board of Trustees, as a collective, make decisions on Board policy. The proper forum for the Respondent to address concerns about Board processes is at a session with the full board or in the relevant Committee. Of relevance to the legislative role of the Board is Recommendation 2 of the Toronto District School Board Governance Advisory Panel Report (the "Hall Report")<sup>25</sup> which set out that:

"...the board of trustees clarify and clearly communicate throughout the board and the community the roles and responsibilities of trustees and of the board of trustees in accordance with legislation and good governance practices. While the discipline of an employee, with the exception of the Director of Education, does not reside within the jurisdiction of the Board, the Trustees may – as a collective – vote to direct the Director of Education to commence an investigation, without comment

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<sup>25</sup> [http://www.edu.gov.on.ca/eng/new/2015/tdsb2015.html#\\_Toc427062661](http://www.edu.gov.on.ca/eng/new/2015/tdsb2015.html#_Toc427062661)

on their desired outcome. In the language of the TDSB *Governance Policy*, the powers and duties of the TDSB, as an organization, are distinct from those of individual trustees and those of staff. For example, it is the duty of the Board of Trustees, rather than Staff, to make policy decisions. In making decisions, Trustees shall consider the interests of the TDSB as a whole. Individual Trustees will carry out their duties under section 218.1 of the Education Act.<sup>26</sup>

***Issue #3 – The Respondent’s Twitter Statement asserted that the resources in the Mailout were “anti-Semitic” thereby maliciously or falsely injuring the professional reputation of the staff person***

I find that there is insufficient information to determine whether the Respondent falsely injured the reputation of the staff person. I can conclude that the Respondent did not maliciously injure the reputation of the staff person, as there was no evidence of malicious intent.

I am not an expert in the Israeli-Palestinian conflict. Because the HRO did not provide a thorough analysis of the May Mailouts and the Code does not permit me to retain an Independent Investigator under s. 6.9, there has been no determination about whether the article and links that were anti-Israeli were also antisemitic, I do not have sufficient information to conclude my analysis about whether the statement falsely injured the reputation of the staff person.

The HRO has only reviewed a sample number of the materials in the May Mailouts and states that it does not have expertise on the history of Israel/Palestine and thus is unable to determine if any of the articles beyond those reviewed in the May Mailouts are factually incorrect or factually contested. In addition the Independent Investigator was not retained to review the materials in the May Mailouts with a view to deciding if they could be defined as antisemitic. As such, I am unable to decide whether the Respondent’s Twitter Statement falsely injured the reputation of the staff person.

In light of recent incidents at the TDSB, the Executive Director has committed to engage an expert person to provide resources on this conflict. That is an appropriate response in the circumstances.

In reviewing the information receive during this investigation, I did consider the question posed to me- “Who gets to decide what offends a particular racialized ethnocultural or religious group?” A word may be a pejorative term for members of an ethnocultural or religious group and notwithstanding the characterization by some experts (including members of that group) that the terms are not offensive, to see that word in print is still offensive as an epithet to many. To deviate from a definition of a racial epithet held by a

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<sup>26</sup> TDSB Policy P0086

predominant representative body of experts in the oppression of a particular group, legitimizes comments and actions that are far outside of the boundaries of acceptable speech by that group. I could not make a determination that the actions of the Respondent constituted a breach of rule 6.9(a) of the Code which states that a Trustee shall not maliciously or falsely inure the professional reputation of staff members of the Board.

While many of the articles in the May Mailouts do not express hatred or criticism toward Jews as an ethnic group or as a creed/religion, the HRO found that within the sample of materials they reviewed, there were problems with at least three resources included in item #12 in both May Mailouts. However, what came to light very significantly during this investigation is what is the threshold for offense. While it is clear from the expert analysis of the Independent Investigator that whether the Respondent was offended is irrelevant in arriving at a finding of discrimination, it is necessary for the purposes of my investigation and findings, to consider the question of who gets to decide what offends a Jewish person or any racialized ethnocultural or religious group. A word may be a pejorative term for members of an ethnocultural or religious group and notwithstanding the characterization by some experts (including members of that group) that the term is not offensive, to see that word in print may nonetheless be offensive as an epithet to many in that group and those have affinity to that group. To dismiss a definition of a racial epithet held by a predominant representative body of experts on the oppression of a particular group legitimizes comments and actions that are outside of the boundaries of acceptable speech by that group. In reviewing the content of the May Mailouts ( Attachment #1 and #2 to this report set out the 2 Code complaints), it was clear that without a detailed review by the HRO, I could not make a determination that the actions of the Respondent did constitute a breach of rule 6.9 (a) which states that a Trustees shall not maliciously or falsely injure the professional reputation of staff members of the Board.

While many of the articles in the May Mailouts do not express hatred or criticism toward Jews as an ethnic group or as a creed/religion, the HRO found that within the sample of materials they review, there were problems with three or more resources included in item #12 in both May Mailouts: "PALESTINE: A Master list - Continuously Updated Master list of Sources on Palestine (Resources by multiple researchers, scholars, academics, authors). I reviewed those resources and agreed with the Independent Investigator's finding that "[s]ome of these could reasonably be considered to contain anti-Semitic material, references, or allusions (overt or subtle), and could reasonably be seen to be contributing to antisemitism." For example:

- A Short History on the Colonization of Palestine (Flyer) contains some misinformation that could reasonably be seen to support antisemitic tropes. Specifically, dismisses the historical connection of Jewish people to the land; lumps all Israelis together; notes that "martyrdom operations (called "suicide bombing" by Zionists)" are a legitimate means of resistance; and it refers to "the "Iron Fist" policy of crushing the bones of Palestinian children's hands" which feeds into the 'blood libel' trope [note: according to an article in the Chicago Tribune an

“iron fist” policy was enacted by Rabin and “resulted in hundreds of fractured limbs, hands and skulls among Palestinian men, women and children, according to hospital and United Nations relief sources”. The flyer is not wrong that such horrific acts were enacted against children amongst others. However, its framing as an intentional policy targeting children feeds into the blood libel trope that Jews murdered non-Jews, especially children, and used their blood for ritual purposes]

- My People Shall Live by Leila Khaled makes some statements that conflate Jewish people with Zionists, thus levelling critiques towards Jews based on their ethnic/creed identity rather than towards the specific beliefs and actions of some people and the Israeli government.
- There are some links to resources that support the use of violence and terrorism against Israeli Jews; specifically, a link to the website of the Popular Front for the Liberation of Palestine (a group that is currently on Canada’s Listed Terrorist Entities), documentary and resources about Leila Khaled who was involved in plane hijackings, and an interview with Ghassan Kanafani, who was involved in violent actions against civilians.

In this analysis, I am permitted to consider the Respondent’s intent. The concept of malice must consider the Respondent’s intent. However, as I set out below, without a definitive and consensus on the definition of “antisemitism am not able to make a determination that the actions of the Respondent did constitute a breach of rule 6.9 (a) which states that a Trustees shall not maliciously or falsely injure the professional reputation of staff members of the Board. In this part of my analysis, I can consider the Respondent’s intent in considering her words. This differs from the discrimination analysis, set out by the Independent Investigator, which focuses on the impact or effect of the Respondent’s words.

The May 23<sup>rd</sup> Twitter Statement can be considered in two ways: first, it can be parsed out into 5 sections. Second, it can be reviewed holistically to determine if the sections, once read in context convey a different meaning. While I have concluded that I am unable to make a determination in respect of Issue #3, I have set out my analysis to explain the steps taken in reviewing Issue #3.

First, I have reviewed each sentence in the Twitter Statement:

1. *This past week has already been very exhausting and distressing for many members of the Jewish and Israeli communities in Canada as a result of both the fighting in the Middle East and rising antisemitism here at home.*

The Respondent is a member of the Jewish and Israeli community with family who live both in Canada and in Israel. Her expression of the week being “exhausting and distressing” in respect of the May 2021 conflict in the Middle East is a statement of fact and `expression of her lived experience.

2. *I was deeply disturbed to recently discover that virulently anti-Israel and even antisemitic materials were distributed to the TDSB teachers through an opt-in list by a TDSB employee*

The adjective virulently means “full of malice”: malignant *virulent* racists; objectionably harsh or strong *virulent* criticism<sup>27</sup>. I have reviewed Antisemitism Defined: International Holocaust Remembrance Alliance, Adopted by Canada in June 2019.

In the spirit of the Stockholm Declaration that states, “With humanity still scarred by ...antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils,” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism: “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.”

To guide IHRA in its work, the following examples may serve as illustrations: Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong’. It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

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<sup>27</sup> <https://www.merriam-webster.com/dictionary/virulent>



- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the State of Israel.

Based on the above and upon a review of the materials in the May Mailouts,, I found that they did contain some materials that could reasonably be seen to be contributing to antisemitism. . For the purpose of this analysis, while this Office recognizes that the staff person's stated intent was to curate a collective of materials to centre pro-Palestinian voices, the HRO has identified that some antisemitic materials contained within the links in the Mailouts were present. The Respondent advised me that she did not intend that her statement would cover all of the materials in the Mailouts. Rather, she intended to refer only to the offensive materials. This Office recognizes that the Respondent's Twitter Statement did not properly circumscribe to which subset of materials the Respondent intended to refer.

3. *I was outraged to discover that some of this material justifies suicide bombings and other forms of terrorism. This is reprehensible. These materials were provided by an employee from the TDSB equity department, the very department that should be countering antisemitism and violence, not fanning the flames.*

Upon review of the May Mailouts, “*some of*” the materials did justify suicide bombings and other forms of terrorism. The Respondent’s comments can be taken on their face, to mean that ‘materials that justify suicide bombings and other forms of terrorism’ are reprehensible. The Respondent’s comment that “this is reprehensible” is a statement of her opinion about the promotion or justification of suicide bombings and terrorism.

The materials were distributed by an employee from the TDSB equity department and the TDSB equity department webpage states that:

#### Equitable and Inclusive Education

Staff at the Toronto District School Board (TDSB) work every day to support the uniqueness and diversity of students. We strive to make all students and staff feel welcome and accepted in their school so they can be successful and reach their full potential, regardless of their background or personal circumstances.

Through the work of the Equitable and Inclusive Schools team, the Board ensures that fairness, equity and inclusion are essential principles in our schools and are integrated into all policies, programs, operations and practices.<sup>28</sup>

This statement was made in reference to the prior comments that some of the materials justify suicide bombings and antisemitism. While strongly worded, the fact that any of the materials would encourage violence and antisemitism was enough to support this statement as true.

4. *I will be demanding a full investigation into this alarming incident and, working to ensure that none of these hateful materials ever see the inside of a TDSB classroom.*

This section of the Twitter Statement conveys a call to investigate how the TDSB as an organization could allow antisemitic materials to be distributed (even on an opt-in basis) to students and teachers of the TDSB with a view to ensuring that hateful antisemitic materials do not ever see the inside of a TDSB classroom. However, the Respondent should have foreseen that this could be perceived as calling for an investigation of a particular staff member. I recognize and accept that the Respondent’s intent was to call out the antisemitic content of some of the materials and to seek a high-level investigation by the TDSB to obtain answers to why such materials could form part of materials distributed to students. In the course of the investigation, the Respondent stated that she intentionally did not include in the Twitter Statement, “a call for the staff person to be investigated or fired”, one of the comments conveyed by constituents. In fact, the Respondent acknowledged in interviews with this Office that she contacted my Office on May 25, 2021, confirming her understanding that an individual Trustee cannot demand

individually an investigation of a TDSB employee or predetermine the outcome. At the May 25<sup>th</sup> conversation, I advised the Respondent that putting out a statement generally condemning violence is allowed under the Code, however a Trustee cannot purport to speak on behalf of the Board and cannot call for the investigation or discipline of a staff person.

5. *We must all do better to combat antisemitism, especially in these trying times*

A call to combat antisemitism and oppression of any kind is not offensive on its face – and is allowable conduct under the Code.

Reviewing each section of the Twitter Statement, I find that read as a whole, the Twitter Statement fails to recognize the nuanced or distinction between comments on all of the Mailouts or a small subset of the Mailouts. The language used by the Respondent in her Twitter Statement was capable of suggesting two different meanings: (i) conveying a generalization regarding all of the materials or (ii) conveying that of the materials circulated, *some* were antisemitic, from a terrorist group and promoted violence. Reviewing the entire statement and considering the Respondent’s intent, this Office is unable to determine that her comments were not false.

The Respondent ought to have been more careful to limit her comments about materials being “virulently anti-Israel and even antisemitic” in the same way that she limited her comments on promoting violence to “*some of*” the materials. I find that, at worst, the Respondent’s statement was vague and she did not intend to refer to all of the materials in the May Mailouts, although I confirm my reliance on the Independent Investigator’s findings in respect of Issue #1 insofar as the standard for discrimination is identified as the outcome and effect of the comments and not the Respondent’s intent.

I further find that any reasonable person reviewing the May Mailouts would understand the Respondent’s comments to be constrained to the offensive materials. I am not tasked with reviewing the conduct of the staff person. However, for the purposes of determining whether Issue #3 was borne out, I reviewed the staff person’s statements of warning to the opt-in readers. The staff person curated resources and wrote:

I’ve read many of these links, ***but not all***. Many are from well-known scholars, historians, and journalists. The articles I’ve read use a critical race praxis and are transparent and intentional about calling out antisemitism. Read these with a critical anti-racist lens, and ensure credibility and intersectional anti-oppressive frameworks that use a clear analysis of power. [emphasis added]

The staff person clearly indicated that he curated this list with the intention to include authors who call out antisemitism. However, as a warning to the readers of the live links, the staff person wrote:

There may be websites linked from this site that are operated by organizations outside of the Toronto District School Board (TDSB). These organizations are solely responsible for the operation and information found on their sites. Linking from this site does not imply any endorsement of the organization or information found on the website. Any comments or inquiries regarding the linked web sites should be direct to the organization operating the website.

For reasons that are not clear, the Respondent was sent a copy of the May Mailout without the disclaimer above section #12. Had she received a copy with the disclaimer, she might have worded her statement differently by, for example, clarifying that there were links distributed which were problematic and which may not have been reviewed by the staff person. However, in respect of the reputation analysis, I cannot find that the Respondent should be penalized for commenting on the information that she received. She was not on the mailing list – and had no reason to believe that any portion of the May Mailouts were removed before it was provided to her. In the future, I have no doubt that she will look to the original source.

The Trustee is a Jewish woman and received numerous messages of concern from constituents in her Ward, many of whom are part of the Jewish community. Within this context, it was not unreasonable for the Respondent to have been offended by some of the materials she did review and to want the links to the problematic material removed. She intended to call out those materials.

Against the backdrop of an ongoing war, the Respondent made a public Twitter statement and in so doing, directed significant scrutiny of the staff person who was named in the Toronto Sun article. In this way, the public nature of the Respondent's comments had the outcome of contributing to the scrutiny of the staff person's actions. I have reviewed the materials in their entirety, and I confirm the conclusion of the HRO, and I find that some of the material in the May Mailouts, in particular the live links, could reasonably be considered to contain antisemitic material, references, or allusions (overt or subtle), could reasonably be seen to be contributing to antisemitism. I find that the Respondent's statement should not have been made publicly but I am unable to determine that she falsely injured the staff person's reputation because I must rely on the TDSB HRO definition of antisemitism which did not provide me with sufficient information to determine if the statement was true. I confirm my reliance on the Independent Investigator's findings in respect of Issue #1 insofar as the standard for discrimination is identified by the outcome and effect of the comments made by the Respondent and not her intent.

### **The Integrity Commissioner's considerations**

1) First, the subjective intent or understanding of the Respondent is not a factor in the assessment of whether her conduct is discriminatory. It is for this reason that the Independent Investigator did not factor the Respondent's intent into their analysis. They

performed their analysis on the basis of the May Mailouts that were sent out, relying on the HRO's determination that some of the materials may be considered antisemitic but that the stated purpose of the staff person in curating the mailout was educational. The Independent Investigator found that many Jewish parents and teachers as well as the HRO viewed some of materials in the main section of the May Mailouts and did not find that these were antisemitic. I acknowledge that citing that some Jewish teachers and students and Jewish organizations did not find the materials antisemitic does not capture the Respondent's lived experience, her trauma when reading the materials triggering her fear for sister during the Tel Aviv bombings by Hamas. But regardless of how the May Mailouts made the Respondent feel, within the context of a discrimination analysis, she is not entitled to respond to an experience of discrimination by perpetuating stereotypes against another group and I rely on the Independent Investigator's finding that the outcome of the Respondent's Twitter Statement was one of perpetuating stereotypes.

2) Second, the Independent Investigator found that the Respondent's use of "some" with reference to a subset of the materials justifying suicide bombings and other forms of terrorism, was insufficient to change the discriminatory effects of the Respondent's statement. The Independent Investigator advised that in human rights law, the first step in the discrimination analysis is to consider the effect of the conduct or statement on the individuals who claim offense. A Trustee may voice her opinion, especially in respect of calling out antisemitism. However, a trustee cannot perpetuate harmful anti-Muslim and anti-Palestinian tropes by tying generally pro-Palestinian discourse to antisemitism and violence. The Respondent stated in her comments to me that "[t]o determine that my statement was discriminatory is to say that I can choose to be a Trustee or a Jew but not both". I acknowledge the Respondent's feeling of being hamstrung by a finding that her Twitter Statement was discriminatory. However, this commentary is simply untrue. The Respondent could have carefully crafted a statement to call out the potentially harmful materials while appropriately characterizing other materials as important, positive pro-Palestinian discourse. The Respondent's position as a Trustee means that her comments on social media will carry the weight of the Office. If the Respondent had stated only that she had learned that there were some troubling materials that may promote antisemitism contained within a larger mailout, and that she would be asking that the TDSB determine how these materials were permitted to be distributed, she would not have been found to be furthering anti-Muslim tropes and would likely not have violated the Code in respect of Issue #1.

3) Third, the Independent Investigator found that the Respondent identified materials in the main part of the May Mailouts as antisemitic. In particular, the Respondent advised that her decision to distribute the Twitter Statement was based on the fact that many of her constituents contacted her voicing their outrage upon learning that antisemitic materials were being distributed in classrooms by a department of the TDSB. The HRO reviewed some of those materials and concluded that they were not problematic.

*Additional Comments*

Based on the information that I received during this investigation, I agree with the Respondent that some of the main materials may be viewed by some in the Jewish community to be antisemitic. In particular, this position can be taken in respect of articles that support an anti-Zionist narrative. In some of the articles that were deemed by the HRO not to be antisemitic, the word 'Zionist' was used as a pejorative. The Respondent explained that this use of the word 'Zionist' in the pejorative is highly offensive to her and many in the Jewish community. The fact that some Jewish families, teachers and community organizations did not find any materials in the main part of the May Mailouts as offensive or antisemitic, does not diminish the fact that the Respondent and many in the Jewish community ascribe to the position that Zionism is the belief that Jews should have the right to self-determination and understanding that the overwhelming majority of Jews are Zionist. When the Respondent defines herself as a proud Zionist, it is offensive to her to be defined as being anti-Palestine because she describes herself this way. The Respondent explains that she does not take the position that criticism of the Israel government or policy is antisemitic, but rather she objects to a position that denies a Jewish person's right to self-determination.

To the Respondent and many in the Jewish community, being a Zionist, is a part of significant part of their Jewish identity and their connection to an ancestral homeland. The Respondent advised that referring to herself as a proud Zionist does not make her any more anti-Palestinian than those who believe that a Pro-Palestine position equals being anti-Semitic. What made the Respondent's Twitter Statement problematic was not her calling out antisemitism – this is and should be a position that all hold – but rather it was that she called out antisemitism, by making a generalized statement that had the effect of painting a collective of individuals and authors as violent. The Respondent is no more an Islamophobe than the staff person is antisemitic. However, given the weight of her office, responding to the outrage of her constituents required her to measure her statements in a careful way to not feed into Islamophobic tropes. Many individuals read the Respondent's Twitter Statement to state that none or very few of the materials contained in the May Mailouts were educational and positive and most were problematic. The Respondent's Twitter Statement did not state this.

I agree with the HRO that the majority of resources provided by the staff person were educational and helped to centre often marginalized voices, however, I am concerned that the HRO has a very limited view of the definition of antisemitism, an incorrect definition of certain terms in the Jewish narrative, including 'Zionist', which is painted incorrectly and pejoratively. Further, the fact that the May Mailouts were provided by way of an opt-in registration process, does not cancel out the fact that the teachers and students who opt-in, should not be required to read through patently antisemitic materials, even if those are found in a subset of the materials in a link that is constantly being updated. The presence of a notice statement warning the reader that the materials in the links have not been reviewed by the creator of the curated materials is concerning. Reading antisemitic materials is never something that a student at the TDSB should find themselves reading. A careful and thoughtful study of Holocaust education may contain

materials that under the supervision of a subject matter expert, can ensure that the horror of antisemitism is conveyed through the readings that identify and condemn such sentiment and that are not left up to the teacher or student to interpret. Whether there were 3 articles in links or main material that contained antisemitic materials or 50, even one article with antisemitic materials is too many for the largest school board in Canada to have distributed. The Respondent should have been more explicit in her language to ensure that, among others, Palestinian children and parents felt heard and understood and encouraged to share their voices and perspectives. However, the Respondent's omitting to mention the educational value of some of the materials does not deny her the right to call out materials she believes to be antisemitic. In future, she ought to be even clearer that the majority of materials were educational and not problematic. Notwithstanding, the Respondent's comments carry the weight of her Office and her title as Trustee brings legitimacy to all of the public statements. I caution the Respondent to be more careful in choosing her words and to circumscribe her comments to ensure that legitimate academic criticism is not muted.

I urge the Respondent to exercise caution and perhaps seek assistance from a human rights expert to ensure that her words are not capable of multiple meanings and are inclusive to all people.

#### **XI. Summary of Findings**

When evaluating the integrity and ethical conduct of a Trustee, my role is to apply the rules of the Code to the facts gathered throughout the investigation and make a determination as to whether there has been a breach of the Code. In addition to the Investigator's Report, I have carried out my own review of the evidence and submissions of the parties, including the Complainants' and Respondent's statements, TDSB documents, May 16<sup>th</sup> and May 19<sup>th</sup> Mailouts, the Respondent's May 23<sup>rd</sup> online Facebook and Twitter posts and the HRO Review and Assessment dated June 4, 2021.

I make the following findings in relation to the two complaints:

With respect to Issue #1,

I rely on the conclusions of the Independent Investigator and I find that the Respondent did breach Rule 6.10 of the Code within the TDSB definition of discrimination. In reliance on the Independent Investigator's findings, the allegation of harassment was not borne out.

With reference to Issue #2, I find that the Respondent did not breach Rule 6.9(b) of the Code in that she did not influence or attempt to influence the outcome of an internal staff investigation through publicly posting on Twitter and Facebook.

In respect of Issue #3, I am unable to make a determination on Rule 6.9(a) of the Code for the reasons set out above.

## XII. Conclusion

Based on my review of the information received during this investigation, there is a significant undercurrent of politics, and entrenched conflicting religious and ethno-cultural perspectives. I am not oblivious to the raw sentiment expressed by individual members of the public, staff and Trustees regarding the subject matter at the center of the two Code complaints. However, against this backdrop, my role as Integrity Commissioner is to apply the rules of the Board Member Code of Conduct to the conduct of the Respondent and not to make a determination on the conduct of the staff person. The TDSB has advised that the organization recognizes that there is much work that must be done to support its educators around teaching and learning about topics that are subject of the Mailouts, in a manner that ensures all members of the TDSB community feel safe and supported. Senior executives at the TDSB have told me that they are grateful that this work will be done in partnership with the community as they are working to finalize the secondment of a staff member from the Centre for Israel, Jewish Affairs, and the National Council of Canadian Muslims to help develop resources with regard to antisemitism, Islamophobia and anti-Israel and anti-Palestinian sentiments. The senior executives have advised that the Board is optimistic that, together with all community groups, they will be able to use this important partnership to benefit students and staff. I encourage the TDSB to move forward with this initiative and to review the role of the HRO and the consultation process between the HRO and the Office of the Integrity Commissioner in circumstances where a Trustee's conduct is alleged to have contravened the TDSB Human Rights policies.

Based on the cumulative evidence of the Independent Investigator's Report, my review of the documents and all other information received during the course of this investigation, I conclude the following:

On Issue #1 , as I set out in my reasons above I find the Respondent's Twitter Statement did not constitute harassment but did fall within the Board's policy on discrimination in breach of Rule 6.10 of the Code. I concur with the conclusion of the Independent Investigator that while a review of the Board's handling of the staff person's distribution of materials is not within the investigative jurisdiction of the Office of the Integrity Commissioner or the retainer of the Independent Investigator, "the Board actions (or inactions) on thoughtfully curating the experience of Muslim, and specifically Palestinian, students and families,[...] with a view to enforcing their human rights without reprisal or threat of reprisal." requires deliberate and meaningful reflection of an understanding of the complexities of use language in respect of antisemitism.

I find that with respect to Issue #2 the Respondent's conduct did not interfere with staff's professional role in a manner that breached Rule 6.9(a) of the Code. The Respondent should have known that her Twitter Statement would carry the weight of a Trustee with the credibility afforded that role and should have foreseen that it could impact public reaction to the circumstance of the staff person distributing materials through the May Mailouts. However, the Respondent did not improperly influence Board staff in the performance of their duties with the possibility of predetermining the outcome of a staff



investigation as the staff investigation was independently decided. While a Trustee will typically advocate on behalf of their students and constituents, which may include making a public statement that reiterates details of approved decisions of the Board, demanding a review of TDSB processes is an appropriate subject of a motion at a Board meeting and not a social media post of an elected official.

I note however, that the Respondent's posting of the Twitter Statement was intended to curtail the furtherance of distribution of materials that the Respondent believed were harmful to the wellbeing of students at the TDSB, in particular Jewish students. That being said,, it was the responsibility of the TDSB and not the Respondent to make a determination of whether the materials were inappropriate and discriminatory. I conclude that the Respondent's conduct demonstrated an error in judgement and not a willful desire to cause harm or breach the Code.

On Issue #3, I am unable to make a finding of whether the actions of the Respondent constituted a breach of rule 6.9 (a) which states that a Trustee shall not falsely injure the professional reputation of staff members of the Board. As set out in this report, the HRO determined that some of the content in the materials sent out by the staff person could be viewed as antisemitic under the definition of the TDSB; however, there is no complete review of the materials in the Mailouts. I am not able to reach a firm conclusion on this issue.

## ***XII. Recommendations***

I tender this complaint investigation report to the Board of Trustees for their consideration and make the recommendation of a censure in respect of Issue #1 and the Respondent's breach of Rule 6.10.

In discussions related to previous Code complaint investigation reports, I have been advised by Trustees that in their view, a censure is the harshest penalty that can be meted out to a Trustee. I do not agree with that position. A censure or reprimand is a strong condemnation of an action or statement of a Trustee who has been found to have breached the Code. In my view, a censure is a lesser sanction than removal as Chair of a Committee, removal from a Committee or suspension from attendance at a Committee. I do not recommend that the Respondent face any of these higher sanctions available under the *Education Act* and the Code.

Respectfully submitted by:



Suzanne Craig  
Integrity Commissioner

[TRUSTEE LULKA'S MAY 23, 2021 FACEBOOK POST] – Appendix 1

[TRUSTEE LULKA'S MAY 23, 2021 TWITTER POST] – Appendix 2

[MAY 16, 2021 GBVP MAILOUTS EXCERPTS] – Appendix 3

[ MAY 19, 2021 GBVP MAILOUTS EXCERPTS]- Appendix 4



**Alexandra Lulka Rotman - TDSB Trustee York Centre,  
Ward 5**

May 23 · 🌐

This past week has already been very exhausting and distressing for many members of the Jewish and Israeli communities in Canada as a result of both the fighting in the Middle East and rising antisemitism here at home.

I was deeply disturbed to recently discover that virulently anti-Israel and even antisemitic materials were distributed to TDSB teachers through an opt-in list by a TDSB employee.

I was outraged to discover that some of this material justifies suicide bombings and other forms of terrorism. This is reprehensible. These materials were provided by an employee from the TDSB equity department, the very department that should be countering antisemitism and violence, not fanning the flames.

I will be demanding a full investigation into this alarming incident, and working to ensure that none of these hateful materials ever see the inside of a TDSB classroom.

We must all do better to combat antisemitism, especially in these trying times.

👍👎🥺 73

21 Comments 26 Shares

**Alexandra Lulka Rotman**

@alexandralulka

My statement regarding the reprehensible unsanctioned materials distributed to TDSB teachers.

This past week has already been very exhausting and distressing for many members of the Jewish and Israeli communities in Canada as a result of both the fighting in the Middle East and rising antisemitism here at home.

I was deeply disturbed to recently discover that virulently anti-Israel and even antisemitic materials were distributed to TDSB teachers through an opt-in list by a TDSB employee.

I was outraged to discover that some of this material justifies suicide bombings and other forms of terrorism. This is reprehensible. These materials were provided by an employee from the TDSB equity department, the very department that should be countering antisemitism and violence, not fanning the flames.

### The Gender-Based Violence Prevention Mailing List

An opt-in mailout that includes resources, event announcements and other news and articles related to gender-based violence prevention, sexual violence prevention and healthy relationships using a critical anti-racist, intersectional, and decolonial framework that call out anti-semitism and Islamophobia.

These resources use a power analysis and support critical thinking and action on transforming conditions that enable harm and creating ones that promote healing, care, dignity and liberation.

These resources aim to support 2SLGBTQ+ youth with multiple identities and belonging to BLACK, INDIGENOUS, RACIALIZED and DISABLED communities. They support of Indigenous sovereignty, Indigenous self-determination and LAND BACK.

### What's in this issue?

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1. Understanding Antisemitism at its Nexus with Israel and Zionism (Resource)
2. Architect of apartheid: *Canada's support for Israel has taken many forms, but perhaps its greatest gift has been its example* (Article)
3. Opinion: Sheikh Jarrah highlights the violent brazenness of Israel's colonialist project (Article)
4. NDP Leader Jagmeet Singh calls for Canada to block arms sales to Israel amid escalating violence (Article)
5. Teshuvah: A Jewish Case for Palestinian Refugee Return (Essay)
6. Angela Davis on Black Lives Matter, Palestine, and the Future of Radicalism (Interview)
7. Palestinian families and children are being killed. Why is it so quiet? (Article)
8. Thousands of pro-Palestine protesters gather at Nathan Phillips Square to condemn Gaza Strip violence (Article)
9. Teaching Palestine/Israel: A Multiple Narratives Approach (Online Curriculum Resource)
10. Jewish Voice for Peace: RESOURCES
11. Why are Palestinians protesting? Because we want to live (Article)
12. Continuously Updated Masterlist of Sources on Palestine (Resources by multiple researchers,

14. B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories: “A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid” (Human Rights REPORT)

15. Human Rights Watch: “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution” (Human Rights REPORT)

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### 1. Understanding Antisemitism (Resource)

*This document endeavors to define antisemitism so that it is relevant to the current context worldwide — especially with regard to the relationship between antisemitism, and Israel and Zionism. It is not meant as a legal document but rather as a guide for policymakers and community leaders as they grapple with the complexities at the nexus of these issues. Draft November 22, 2020*

SOURCE: [Israel and Antisemitism](#)

#### Advisory Committee

Jeremy Ben-Ami

Sarah Bunin Benor

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Lila Corwin Berman

Rabbi Sharon Brous

Geoffrey Cowan

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## **Understanding Antisemitism at its Nexus with Israel and Zionism <sup>1</sup>**

### **Antisemitism**

*Antisemitism consists of anti-Jewish attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews, and conditions that discriminate against Jews and impede their ability to participate as equals in political, religious, cultural, economic, or social life.*

Uniting all of antisemitism's strands is a persistent demonization that casts Jews not only as "others" (i.e., as intrinsically different or alien) but also as irredeemably threatening and dangerously powerful. There are multiple reasons that people may have for opposing Zionism and/or Israel. Such opposition does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions. For example, someone might oppose the principle of nationalism or ethnonationalist ideology, of which Zionism is an example. Someone's personal or national experience may have been adversely affected by the creation of the State of Israel (e.g., Palestinians for whom Zionism/Israel has created inequality and/or led to exile). Indeed, there are Jewish anti-Zionists who hold ethical and religious convictions that oppose a Jewish state. None of these motivations or attitudes toward Israel and/or Zionism necessarily constitute antisemitic behavior. as troublemakers, shysters, capitalists, anarchists, communists, sexual degenerates, etc. The elements that make up antisemitism derive from various historical conditions, and in our current time combine to form pejorative claims that include religion, race, culture and politics. They portray Jews as secretive, manipulative, untrustworthy, controlling, and dangerous — as well as responsible for other people's suffering.

Understanding and addressing antisemitism is important in its own right, and it is a critical part of the broader struggle against all forms of oppression.

Antisemitic behaviors and conditions may emerge from indifference, stereotyping, or the rejection of Jewish perspectives and interests because they are held by Jews. It is even possible to engage in antisemitic behavior, or to promote antisemitic conditions, without holding expressly prejudicial attitudes toward Jews. In some cases, antisemitic behaviors and conditions may coexist with positive attitudes toward certain Jews or Jewish institutions.

Antisemitism can present in different forms, and people change it and adapt it to their own social, political, cultural, religious, and historical circumstances. It can be used to target Jews of all races, denominations, gender identities, levels of observance, and political ideologies.

Antisemitism fulfills a social function: It provides an explanation for social disorders. People use it to demonize and fuel the oppression of any minority and all minorities <sup>3</sup>, while fomenting division between Jews and other minorities.

As the embodiment/realization of collective Jewish organization and action, Israel is a magnet for and a target of antisemitic behavior. Thus, it is important for Jews and their allies to understand what is and what is not antisemitic in relation to Israel.

## **Antisemitism, Israel, and Zionism**

### **Israel and Zionism:**

Historically, and especially since its establishment as a state in 1948, Israel has served as one expression of Jewish national identity. Zionism is a political ideology that says the Jewish people constitute a modern national collective. During the 20<sup>th</sup> century, Jews in many European and Middle Eastern countries were assaulted, oppressed, and economically deprived, culminating in the murder of 6,000,000 Jews in the Holocaust. This led most Jews worldwide to embrace Israel and Zionism.

As a sovereign state and a member of the United Nations, Israel has the rights and responsibilities of other sovereign states. It is subject to praise and condemnation, support and opposition, according to the expectations and provisions of its international and domestic relationships and obligations. Zionism asserts that the Jewish people should be able to exercise self-determination in their ancestral homeland. Beyond this core affirmation, the word Zionism often means different things to different people, and should therefore be used with precision. There are numerous varieties of Zionism and many attempts to appropriate the term in service of a particular political perspective.

Zionism makes no judgment regarding the justice or wisdom of particular Israeli governmental policies (e.g., Israel's precise borders or the character of its democracy).

If a person identifies as a "Zionist," such association does not entail *carte blanche* approval of all or even any policies or politics of a specific Israeli government. Similarly, "anti-Zionist" is not an appropriate label for a speaker merely because he or she opposes specific Israeli policies.

### **Criticism of Israel and Zionism:**

Criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic.



Using accusations of antisemitism as a tool to suppress criticism of Israel is dangerous on many levels. It distracts attention from *bona fide* antisemitism, infringes on the principle of freedom of expression, and militates against constructive dialogue and debate among people with differing opinions.

Even contentious, strident, or harsh criticism of Israel for its policies and actions, including those that led to the creation of Israel, is not *per se* antisemitic. This includes critiques of specific forms of Zionism that are incompatible with the equal dignity or self-determination of others (e.g., forms of Zionism which are opposed in concept to the existence of a Palestinian state or to any other credible mechanism for upholding Palestinian democratic rights).

Generally speaking, judging Israel using the same standards applied to other countries is not antisemitism. Paying disproportionate attention to Israel and/or treating it differently than other countries is not *prima facie* evidence of antisemitism. There are numerous reasons for treating Israel differently or devoting special attention to Israel, among them that Israel receives more military aid than any other country or that someone has a special religious connection with Israel. Singling out Israel because it is a Jewish state, using standards different than those applied to other countries, is antisemitism.

**Opposition to Zionism and/or Israel:**

There are multiple reasons that people may have for opposing Zionism and/or Israel. Such opposition does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions. For example, someone might oppose the principle of nationalism or ethnonationalist ideology, of which Zionism is an example.<sup>7</sup> Someone’s personal or national experience may have been adversely affected by the creation of the State of Israel (e.g., Palestinians for whom Zionism/Israel has created inequality and/or led to exile). Indeed, there are Jewish anti-Zionists who hold ethical and religious convictions that oppose a Jewish state. None of these motivations or attitudes toward Israel and/or Zionism necessarily constitute antisemitic behavior.

**When is criticism or opposition to Zionism and/or Israel antisemitic?**

All claims of antisemitism, like all claims of discrimination and oppression in general, should be given serious attention. Arguments that claims of antisemitism are *always* or *primarily* tools to suppress criticism of Israel or opposition to its policies often justify the dismissal of Jewish concerns, allowing even serious cases of antisemitism to go unchallenged. In particular, antisemitic speech or conduct is not insulated simply because it styles itself as “criticism of Israel.”

Whether or not speech or conduct about Zionism and Israel is antisemitic should be based on the standards for speech or conduct that apply to antisemitic behavior in general. Thus, it is antisemitic to promote myths, stereotypes or attitudes about Zionism and/or Israel that derive from and/or reinforce antisemitic accusations and tropes. These include:

- Characterizing Israel as being part of a world conspiracy of Jewish control of the media, economy, government or other financial, cultural or societal institutions; <sup>4</sup>
- Indiscriminately blaming suffering and injustices around the world on a Jewish conspiracy or as the maligning hand of Israel or Zionism. <sup>5</sup>
- Holding individuals or institutions, because they are Jewish, *a priori* culpable of real or imagined wrongdoing committed by Israel. <sup>6</sup>
- Considering Jews to be *a priori* incapable of setting aside their affinity/loyalty to the Jewish people and/or Israel. <sup>7</sup>
- Denigrating or denying the Jewish identity of certain Jews because they are perceived as holding the “wrong” position (whether too critical or too favorable) on Israel. <sup>8</sup>

Other cases in which criticism of Zionism and Israel or opposition to Israel’s policies might be deemed antisemitic include:

- Including symbols and images that present Jews worldwide as collectively guilty for the actions of the State of Israel.
- Attacking a Jew because of her/his relationship to Israel. Conveying intense hostility toward Jews who are connected to Israel in a way that intentionally or irresponsibly (acting with disregard to potential violent consequences) provokes antisemitic violence.
- Treating Israel in a negative manner based on a claim that Jews in particular should be denied the right to define themselves as a people and to exercise self-determination.
- Advocating a political solution that denies Jews the right to define themselves as a people, thereby denying them because they are Jews the right to self-determination, and/or denying Jews the right to physical safety and full human, civil, and religious rights.

Overall, the criterion for judging whether instances are antisemitic is the same criterion for judging antisemitic behavior in any of its forms. It is antisemitic if it includes harmful hostile, degrading, or discriminatory behaviors directed toward Jews — in word and/or in action, that harm Jews — and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life.

<sup>1</sup> This paper was drafted by the Nexus Task Force, which was a project of the Knight Program on Media and Religion at the Annenberg School of Communication and Journalism at USC, examining the issues at the nexus of antisemitism and Israel in American politics.

<sup>2</sup> For the purposes of this paper we are using the term “antisemitic” and “antisemitism” to refer to all forms of anti-Jewish behavior. We also use “antisemitism” (without a hyphen) to emphasize that there is no ideology of “Semitism” that antisemites oppose — antisemitism is not, for example, hostility towards speakers of Semitic language groups. For the purposes of this paper we are using the term “antisemitic” and “antisemitism” to refer to all forms of anti-Jewish behavior. We also use “antisemitism” (without a hyphen) to emphasize that there is no

ideology of “Semitism” that antisemites Agenda Page 59 Semitism is not, for example, hostility towards speakers of Semitic language groups.

<sup>3</sup> See [“Skin in the Game”](#) by Eric Ward for an articulation of the ways in which antisemitism animates white nationalism.

<sup>4</sup> From the Iranian run Press TV broadcasting in North America and Europe: “Netanyahu still has his hands on the strings that control puppets around the world, the press, entertainment industry, key world leaders.”

<sup>5</sup> An Algerian news site blamed the “Zionist Entity” (Israel) for the Coronavirus and a collaboration between a “Zionist Institute” and a French Jewish billionaire. <https://almasdar-dz.com/?p=103657>

<sup>6</sup> A study by the UK based Institute for Jewish Policy Research showed “almost eighty percent of respondents, indicated that “they have felt blamed by non-Jews, at least occasionally, for the actions of the Israeli government, purely on the basis of their Jewishness.”

<sup>7</sup> In August 2019, President Trump, while praising the loyalty of Israeli Jews to Prime Minister Benjamin Netanyahu accused American Jewish Democrats of disloyalty. The New York Times wrote of the incident: “It was the second day in a row that Mr. Trump addressed Jews and loyalty, a theme evoking an anti-Semitic trope that Jews have a “dual loyalty” and are often more loyal to Israel than to their own countries.” “If you want to vote Democrat, you are being very disloyal to Jewish people and very disloyal to Israel,” Mr. Trump said Wednesday at the White House.”

<sup>8</sup> David Friedman, prior to becoming U.S. Ambassador to Israel called, J St supporters “worse than Kapos.” <https://www.israelnationalnews.com/Articles/Article.aspx/18828>

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**2. Architect of apartheid: Canada’s support for Israel has taken many forms, but perhaps its greatest gift has been its example (Article)**

SOURCE: [Briarpatch](#)

**Architect of apartheid**

***Canada’s support for Israel has taken many forms, but perhaps its greatest gift has been its example***

By Mike Krebs. Mike Krebs is a Vancouver-based Indigenous activist of Blackfoot and European descent. He is an assistant professor at the University of British Columbia in Geography and the Institute of Critical Indigenous Studies.



*There is no better friend to Israel than Canada. We shall always be there for you, and in front of you.”  
– Foreign Affairs Minister John Baird, Jerusalem, January 2012*

Canada’s support for Israel has a long history, dating back even before Israel was founded. In fact, it was Canada’s own Lester B. Pearson who chaired the United Nations committee that recommended the partition of Palestine and the creation of Israel in 1947. Still, there is little question that the diplomatic, military, and economic ties between the two countries have deepened in recent years, coupled with a concerted campaign to stifle criticism of Israel.

The Canadian government’s unbending support for Israel is well known, especially within Palestine solidarity circles across Canada. What is less understood is the basis for this support. While economic and geopolitical ties are certainly important factors, the shared history of Canada and Israel as settler societies is crucial to understanding Canada’s ongoing support for Israel. Simply put, both countries were founded on the forced displacement of Indigenous peoples and the theft of their lands and resources. And in both cases, these colonial processes continue to the present day.

The similar nature of Canada and Israel as settler societies not only serves as a solid foundation for ideological affinity, but is also the basis for shared interests in the realm of international politics as both countries contend with ongoing attempts by their Indigenous populations to seek justice and redress on the world stage.

**Providing a playbook**

Canada’s support for Israel has taken many forms, but perhaps its greatest gift has been a real-life how-to guide for establishing and maintaining a settler society that includes an array of strategies, tactics, and programs for taking land, subjugating Indigenous populations, and weakening their resistance. It’s also worth noting that many of these tactics and strategies were used by the South African apartheid regime, including the Bantustan system and the use of the Dom Pass to restrict the movement of black South Africans.

The Indian Act of 1876 must be seen not only as the centerpiece of Canadian colonial policy towards Indigenous peoples, but also as a blueprint for apartheid. The Indian Act enshrined completely unequal rights, relations, and – over time – vastly disparate living conditions between Indigenous peoples and Canadian settlers. It also represented a policy of extermination as it facilitated the forced assimilation of Indigenous peoples, and deprived Indigenous nations of their right to decide who was and was not “Indian.” This was a very gendered process as different standards for retaining “status” were applied to Indigenous women as compared to men, resulting in vast numbers of Indigenous women and their descendents losing not only their recognized status as Indigenous peoples, but also their ability to remain in their communities.



Israel has long engaged in attempts to regulate Palestinian identity, such as granting Palestinians within its borders Israeli citizenship while designating them “Arab Israelis,” issuing a complex array of different

ID cards to Palestinians in the occupied territories, restricting where they can reside and travel, or gradually stripping residency rights from hundreds of thousands of Palestinians with ties to the West Bank and Gaza.

Canada's reservation system was also central to the displacement and containment of Indigenous peoples. In most of what is now Canada, the federal government can point to treaties as affirmation that the land was occupied with the ostensible consent of its Indigenous peoples, though there are also areas, including the majority of British Columbia, where colonization and the establishment of reserves took place with very few treaties. This process is one that continues to this day in a number of ways, most notably in B.C. with what's referred to as the modern day treaty process, in which the only accepted framework for negotiating treaties is through permanent extinguishment of inherent land rights in exchange for fee-simple reserve lands.

Israel's process of colonizing Palestine followed a similar strategy of forced displacement coupled with containment. Gradual settlement began in earnest during the first decades of the 20th century, culminating with the 1948 Nakba (the Arabic word for "catastrophe") which saw the displacement of over 750,000 Palestinians from what then became the state of Israel. This process of land theft deepened after 1967 with the expansion of Jewish-only settlements in the occupied territories, a process that continues to the present.

Controlling the movement of Indigenous peoples has also been central to both Canadian and Israel colonialism. Canada's pass system, enacted in 1885, dictated that Indigenous peoples required written permission, including their reasons for leaving, from the local Indian agent to leave their reserves. The pass system was put into place during the North-West Resistance and was justified by the Canadian government as a means of monitoring Indigenous peoples who were potentially participating in or supporting the resistance. Though initially described as a temporary measure, the pass system was used against Indigenous peoples at least until the 1940s.

This model of restricting the basic human right of Indigenous peoples to mobility within their own lands lives on today in Palestine. This includes an elaborate system of permits, checkpoints, and the apartheid wall, which together restrict and regulate the movement of Palestinians in the West Bank and East Jerusalem. This is accompanied by the hermetic siege of Gaza, the most extreme expression of controlling movement between and within Palestinian reserves.

A further strategy that Israel has borrowed from Canada is the use of seemingly endless negotiations as a deliberate stalling tactic and a means of further entrenching the control of Indigenous lands and resources. Negotiations also take place in a context of vast disparities in power and, to varying degrees, overt threats of violence. For example, when Treaty 7 was negotiated between the Canadian government and representatives from the Blackfoot Confederacy, the Tsuu T'ina nation, and a number of Nakoda and Assiniboine communities, the representatives of the Crown brought a sizable contingent of North West Mounted Police, who pointed their cannons directly at the Indigenous encampments and occasionally fired at them as a show of force. In an oral account of the signing of Treaty 7, Stoney Nakoda elder Morley Twoyoungmen recalls: "The chiefs said, 'You talk of peace while there are guns pointing at me. This is not peace, please lay down your guns.'"

Israel has also employed the tactic of negotiations with similar success, at the expense of the Palestinian national movement. Throughout the Oslo Accords, the Road Map to peace, the Annapolis conference, and countless other “peace processes,” Israel has continued its expansion of illegal settlements and brutal wars against the Palestinian people. At the same time, the most basic demands articulated by the Palestinian movement (ending the occupation, allowing refugees to return to their homelands, and recognizing equal rights for Palestinian citizens of Israel) are invariably outside the parameters of negotiations.

### **Fates bound together**

This shared colonial history is crucial to understanding Canada’s support for Israel. The similar nature of the two states creates a solid foundation for ideological affinity wherein, from the Canadian standpoint, there is nothing particularly problematic or controversial about a predominantly European population establishing a state on the lands of racialized people, displacing the original inhabitants, and settling the land as their own. In fact, Israel is often celebrated as an “outpost of civilization” in much the same way that the colonization of Turtle Island (North America) was justified as a “civilizing mission.”

Canada and Israel also have shared interests that are somewhat unique to settler societies. The legitimacy of both nation states is regularly challenged by the continued survival and resistance of the Indigenous inhabitants of the lands to which these states lay claim. With the perseverance of the Palestinian struggle and international growth of the Boycott, Divestment and Sanctions movement, challenges to Israel’s “right to exist” as a colonial apartheid state have gained mainstream prominence, but it’s important to note that Canada also faces significant challenges from assertions of Indigenous sovereignty. The ongoing struggles in B.C., where the provincial government has had to acknowledge that the vast majority of the land is unceded, provide but one of the more clear examples of challenges to the very legitimacy of Canada’s territorial jurisdiction.

In the realm of international politics, Canada plays the role of a proud and uncritical defender of Israel against attempts to address any of its numerous human rights violations or war crimes. Canada has its own interest in ensuring that Israel maintains impunity as it has also come under scrutiny at the UN, which is increasingly used by Indigenous peoples as a forum through which to advance their struggles and seek redress for human rights abuses. Canada has also garnered international attention over its ongoing expansion of the tarsands in Alberta, its continued export of asbestos to the Global South, and the atrocious record of Canadian mining companies in regards to human rights abuses and displacement of (predominantly Indigenous) people in Latin America. If Israel is held accountable for its crimes against Indigenous people on the world stage, Canada has a greater risk of meeting the same fate. It can’t allow these precedents to be set, and thus it benefits from ensuring that the UN and its various bodies are kept weak and unable to uphold international law.

A recent example of this is Canada’s continued fear of being held accountable for the residential school system as a crime of genocide. According to a recent article in the *Globe and Mail*, the Conservative-appointed chair of the Truth and Reconciliation Commission is conscious of this concern: “Justice Murray Sinclair says the United Nations defines genocide to include the removal of children based on race, then

placing them with another race to indoctrinate. Canada has been careful to ensure its residential school policy was not 'caught up' in the UN's definition." As Judge Sinclair explained to a group of students at the University of Manitoba in February, "That's why the minister of Indian Affairs can say this was not an act of genocide ... but the reality is that to take children away and to place them with another group in society for the purpose of racial indoctrination was – and is – an act of genocide and it occurs all around the world."

The Canadian government also benefits from its relationship with Israel by gaining access to Israel's experience with tools of repression either for domestic use or, in the case of Israeli drones, in Afghanistan. Though Canada has developed its own vast experience in this regard through repeated police and military deployments to subdue Indigenous resistance, Israel has much to share in the way of high-tech means of policing and intelligence gathering developed over decades of repression and warfare against Palestinians. In addition to more overt forms of violent repression, this also includes the repeated use of the "terrorism" label to try to discredit the Palestinian movement, a label that is now increasingly used by the Canadian government in its propaganda wars against Indigenous peoples and, recently, to smear both Indigenous and non-Indigenous opposition to the tarsands and its associated pipeline projects.

Canada's desire for Israel's expertise in matters of repression underlies the 2008 Canada-Israel Declaration of Intent to enhance co-operation on public security issues, a document signed by representatives of both governments that outlines Canada and Israel's "common threats" and details a "shared commitment to facilitate and enhance cooperation" in areas ranging from border security to correctional services and "terrorist financing."

### **Unity and solidarity**

For Indigenous peoples living in Canada, the principle of unity and solidarity between peoples has often been crucial in continuing their struggles as people of many nations all living on Turtle Island. This unity has been extended to include the Palestinian struggle since at least the 1970s when the American Indian Movement and the Palestine Liberation Organization issued a joint declaration affirming "united resistance to a common form of oppression." These connections must continue and be deepened as our different experiences of resisting Israel and Canada help inform each other.

For Canadians working in solidarity with the Palestinian struggle, it must never be forgotten that Indigenous people here are struggling every day to survive the numerous ways in which Canadian apartheid continues to damage the original peoples upon whose land this country was built. It is not simply a matter of moral consistency, though that is of course important. Struggles for Indigenous sovereignty are unique in that they directly challenge the hegemony of Canadian capitalism. For that reason, it is important to bear in mind how supporting Indigenous self-determination will benefit all struggles for social justice within Canada in the long term. Furthermore, coming to terms with what it means to be a part of a settler society in Canada, and the resulting ramifications for both Indigenous peoples and settlers, can only make our ability to support the Palestinian struggle stronger.



### 3. Opinion: Sheikh Jarrah highlights the violent brazenness of Israel's colonialist project (Article)

SOURCE: [The Washington Post](#)

## Opinion: Sheikh Jarrah highlights the violent brazenness of Israel's colonialist project

Opinion by Noura Erakat and Mariam Barghouti

May 10, 2021

*Noura Erakat is a human rights attorney and associate professor at Rutgers University. She is the author of "[Justice for Some: Law and the Question of Palestine](#)." Mariam Barghouti is a Palestinian writer and researcher based in Ramallah.*

The young Palestinian writer [Mohammed El-Kurd](#) sits quietly in front of his laptop with a grin on his face, preparing for the launch of his most recent manuscript, "[Rifqa](#)." He seems excited, anxious and afraid all at once, as he revises his poems and the paragraphs about his grandmother. [She died at 103 defending her home from Israeli settlers](#) who had already squatted in one part of it. El-Kurd seems to clutch onto his words in an attempt to ensure that the memory of his grandmother, of himself and his lineage, remains with him.

Some believe that what is documented cannot be lost, but El-Kurd's calm is broken when we speak of his Jerusalem neighborhood, Sheikh Jarrah, where he and his sister Muna are now trying to highlight the grave violations happening there as they face [forced eviction](#).

Sheikh Jarrah is now practically [a war zone](#) as armed Israeli settlers, under the protection of Israeli police, [terrorize the Palestinian residents](#). These are the very settlers who are looking to kick out families, including El-Kurd's.

Sheikh Jarrah is the [latest flashpoint](#) of Israel's expansionist project. The threats of eviction are part of what Palestinians describe as their "ongoing Nakba," because the removal and forced exile of 80 percent of historic Palestine's native population between 1947 and 1949 was not a singular event. It is the same reality we saw in [Khan al-Ahmar](#), and in Araqib before that, and it is how every settlement was solidified, from Tel Aviv in 1948 to the newer settlements of [Maali Adumim and Givat Hamatos in the West Bank](#).

Zionist settlement remains an ongoing process that seeks to remove Palestinian natives and replace them with Jewish-Zionists. In Jerusalem, the forced removals echo throughout the West Bank, throughout Gaza and among Palestinians forcibly exiled in the global diaspora.

Israeli settlers, supported as they are by the United States and a nearly silent global community, are incredibly brazen in their ethnic-cleansing campaign. One settler matter-of-factly told Muna El-Kurd while she protested the theft of her home: ["If I don't steal it, someone else](#)

[will.”](#) Jerusalem Deputy Mayor *Arieh King* was caught on camera [lamenting that a Palestinian men shot in the leg during protests wasn't shot in the head](#). On Monday, Israeli [police raided the al-Aqsa Mosque](#), one of Islam's holiest sites, wounding hundreds of Palestinians who had sought shelter inside with rubber-tipped bullets and stun grenades.

Now a new generation has taken to social media, using the hashtag #SaveSheikhJarrah, to once again show Zionist settler violence to the rest of the world. But when the hashtag began to trend in recent days on social media platforms, many activists reported that their posts were being removed; accounts have also been suspended en masse. The apparent censorship of Palestinian protest on social media is another chapter in the months-long campaign urging Facebook not to flag anti-Zionism critique as anti-Semitic hate speech. Many pro-Israel groups are trying to use the empty charges of anti-Semitism to shut down debate about Palestine.

As May 15 marks the 73rd commemoration of the mass expulsion of Palestinians from cities such as Haifa, Tarshiha and Safad in 1948, let the world bear witness to Jerusalem today. This is how refugees are made, this is our ongoing Nakba. Our freedom struggle is not for a state but for belonging to the land, to remain on it, to keep our homes, to resist erasure. But somehow calling it by its name on social media, revealing to the world what has been happening for decades, seems more offensive than our ongoing displacement at gun point.

There's no denying the reality: This is Zionist settler colonialism, where if one settler does not take our homes, another settler will. When will the world open its eyes to this injustice and respond appropriately? We do not need more empty both sides-isms, we need solidarity to overcome apartheid.

**Read more:**

[H.A. Hellyer: Israel uses apartheid to exclude Palestinians. When will Washington face that?](#)

[Daoud Kuttab: The Israel-UAE agreement is an insult to the peace Palestinians and Arabs want and need](#)

[Noura Erakat: Israel's annexation of Palestinian land will be the result of U.S. policy, not a betrayal of it](#)

[Gershom Gorenberg: What a vaccination joke on 'Saturday Night Live' got wrong about the real disease afflicting Israel](#)

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**4. NDP Leader Jagmeet Singh calls for Canada to block arms sales to Israel amid escalating violence (Article)**

SOURCE: [The Star](#)

# NDP Leader Jagmeet Singh calls for Canada to block arms sales to Israel amid escalating violence

Agenda Page 07

By [Alex Ballingall](#)

Wed., May 12, 2021

OTTAWA—NDP Leader Jagmeet Singh is calling on the federal government to block arms sales to Israel amid escalating violence in the long-running Israeli-Palestinian conflict.

Singh accused the Liberal government of “arming one side of the conflict” by allowing military exports to Israel as Palestinians face forced evictions in occupied East Jerusalem.

“It is undermining the peace process and it is supporting illegal occupation,” Singh said Wednesday in the House of Commons.

“Will the prime minister commit to stopping the sale of arms to Israel while they are violating international human rights?”

Prime Minister Justin Trudeau did not answer the question. Instead, he said the government is “following the situation with grave concern.” He also condemned rocket attacks on Israel by the Islamist militant group Hamas, called violence against Palestinian demonstrators in East Jerusalem “unacceptable” and said Canada is “gravely concerned” with the expansion of Israeli settlements in occupied territories.

“Canada supports a two-state solution and we urge all parties to renew their commitment to peace and security,” Trudeau said.

Tensions erupted this week amid protests over the displacement of Palestinians in East Jerusalem and clashes with Israeli police. Hamas militants in the Gaza Strip have fired hundreds of rockets into Israel, which launched its own airstrikes in Gaza and reportedly assassinated Hamas military leaders on Wednesday.

By Wednesday night, 65 people — including 16 children — had been killed in Gaza, while seven people had been killed by Hamas rocket fire in Israel, the Associated Press reported.

Singh said earlier in the day that Canada can play a bigger role in soothing tensions in the region. And he argued Canada should do so by banning arms sales to apply “pressure” on Israel to ensure a “peaceful resolution” to the current crisis.

“One of those elements of pressure we can place is making sure we’re not selling arms to Israel that are being used in a conflict which is breaching international law or violating human rights,” he said.

The fundamental problem with UNRWA, according to this line of argument, is that it treats the children and grandchildren of Palestinians expelled at Israel's founding as refugees themselves. Establishment Jewish critics don't blame UNRWA merely for helping Palestinians pass down their legal status as refugees, but their identity as refugees as well. In *The War of Return*, a central text of the anti-UNRWA campaign, the Israeli writers Adi Schwartz and Einat Wilf allege that without UNRWA, refugee children "would likely have lost their identity and assimilated into surrounding society." Instead, with UNRWA's help, Palestinians are "constantly looking back to their mythologized previous lives" while younger generations act as if they have "undergone these experiences themselves." To Schwartz and Wilf's horror, many Palestinians seem to believe that in every generation, a person is obligated to see themselves as if they personally left Palestine.

As it happens, I read *The War of Return* just before Tisha B'Av, the day on which Jews mourn the destruction of the Temples in Jerusalem and the exiles that followed. On Tisha B'Av itself, I listened to medieval kinnot, or dirges, that describe those events—which occurred, respectively, two thousand and two thousand five hundred years ago—[in the first person and the present tense](#).

In Jewish discourse, this refusal to forget the past—or accept its verdict—evokes deep pride. The late philosopher Isaiah Berlin once [boasted](#) that Jews "have longer memories" than other peoples. And in the late 19th century, Zionists harnessed this long collective memory to create a movement for return to a territory most Jews had never seen. "After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion," proclaims Israel's [Declaration of Independence](#). The State of Israel constitutes "the realization" of this "age-old dream."

### **Why is dreaming of return laudable for Jews but pathological for Palestinians?**

Why is dreaming of return laudable for Jews but pathological for Palestinians? Asking the question does not imply that the two dreams are symmetrical. The Palestinian families that mourn Jaffa or Safed lived there recently and remember intimate details about their lost homes. They experienced dispossession from Israel-Palestine. The Jews who for centuries afflicted themselves on Tisha B'Av, or created the Zionist movement, only imagined it. "You never stopped dreaming," the Palestinian poet Mahmoud Darwish once [told](#) an Israeli interviewer. "But your dream was farther away in time and place . . . I have been an exile for only 50 years. My dream is vivid, fresh." Darwish noted another crucial difference between the Jewish and Palestinian dispersions: "You created our exile, we didn't create your exile."

Still, despite these differences, many prominent Palestinians—from [Darwish](#) to Edward Said to law professor [George Bisharat](#) to former Knesset member [Talab al-Sana](#)—have alluded to the bitter irony of Jews telling another people to give up on their homeland and assimilate in foreign lands. We, of all people, should understand how insulting that demand is. Jewish leaders keep insisting that, to achieve peace, Palestinians must forget the Nakba, the catastrophe they endured in 1948. But it is more accurate to say that peace will come when Jews remember. The better we remember why Palestinians left, the better we will understand why they deserve the chance to return.



Samira Dajani holds a photo of her father, Fouad Moussa Dajani and his sons, taken in the same place in the courtyard of their home in the Sheikh Jarrah neighborhood of East Jerusalem, May 9th, 2021. The Dajanis are one of several Palestinian families facing imminent eviction in Sheikh Jarrah. Photo: Maya Alleruzzo/AP Photo

Even for many Jews passionately opposed to Israeli policies in the West Bank and Gaza Strip, supporting Palestinian refugee return remains taboo. But, morally, this distinction makes little sense. If it is wrong to hold Palestinians as non-citizens under military law, and wrong to impose a blockade that denies them the necessities of life, it is surely also wrong to expel them and prevent them from returning home. For decades, liberal Jews have parried this moral argument with a pragmatic one: Palestinian refugees should return only to the West Bank and Gaza, regardless of whether that is where they are from, as part of a two-state solution that gives both Palestinians and Jews a country of their own. But with every passing year, as Israel further entrenches its control over all the land between the Jordan River and the Mediterranean Sea, this supposedly realistic alternative grows more detached from reality. There will be no viable, sovereign, Palestinian state to which refugees can go. What remains of the case against Palestinian refugee return is a series of historical and legal arguments, peddled by Israeli and American Jewish leaders, about why Palestinians deserved their expulsion and have no right to remedy it now. These arguments are not only unconvincing but deeply ironic, since they ask Palestinians to repudiate the very principles of intergenerational memory and historical restitution that Jews hold sacred. If Palestinians have no right to return to their homeland, neither do we.

The consequences of these efforts to rationalize and bury the Nakba are not theoretical. They are playing themselves out right now on the streets of Sheikh Jarrah. The Israeli leaders

who [justify](#) expelling Palestinians today in order to make Jerusalem a Jewish city are merely paraphrasing the Jewish organizations that have spent the last several decades justifying the expulsion of Palestinians in 1948 in order to create a Jewish state. What [Ta-Nehisi Coates](#) has observed about the United States, and [Desmond Tutu](#) has observed about South Africa—that historical crimes that go unaddressed generally reappear, in different guise—is true for Israel-Palestine as well. Refugee return therefore constitutes more than mere repentance for the past. It is a prerequisite for building a future in which both Jews and Palestinians enjoy safety and freedom in the land each people calls home.

**THE ARGUMENT AGAINST REFUGEE RETURN** begins with a series of myths about what happened in 1948, which allow Israeli and American Jewish leaders to claim that Palestinians effectively expelled themselves.

The most enduring myth is that Palestinians fled because Arab and Palestinian officials told them to. The Anti-Defamation League (ADL) [asserts](#) that many Palestinians left “at the urging of Arab leaders, and expected to return after a quick and certain Arab victory over the new Jewish state.” The Palestinian historian Walid Khalidi debunked this claim as early as 1959. In a [study](#) of Arab radio broadcasts and newspapers, and the communiques of the Arab League and various Arab and Palestinian fighting forces, he revealed that, far from urging Palestinians to leave, Palestinian and Arab officials often pleaded with them to stay. Decades later, employing primarily Israeli and British archives for his book, *The Birth of the Refugee Problem Revisited*, the Israeli historian Benny Morris did uncover evidence of Arab leaders urging women, children, and the elderly to evacuate villages so Arab fighters could better defend them. Still, he concluded that what Arab leaders did “to promote or stifle the exodus was only of secondary importance.” It was Zionist military operations that proved “the major precipitants to flight.” Zionist leaders at the time offered a similar assessment. Israel’s intelligence service noted in a June 1948 [report](#) that the “impact of ‘Jewish military action’ . . . on the migration was decisive.” It added that “orders and directives issued by Arab institutions and gangs” accounted for the evacuation of only 5% of villages.

The Jewish establishment’s narrative of Palestinian self-dispossession also blames Arab governments for rejecting the United Nations proposal to partition Mandatory Palestine. “Zionist leaders accepted the partition plan despite its less-than-ideal solution,” the ADL has [argued](#). “It was the Arab nations who refused . . . Had the Arabs accepted the plan in 1947 there would today be an Arab state alongside the Jewish State of Israel and the heartache and bloodshed that have characterized the Arab-Israeli conflict would have been avoided.”

This is misleading. Zionist leaders accepted the UN partition plan on paper while undoing it on the ground. The UN proposal envisioned a Jewish state encompassing 55% of Mandatory Palestine’s land even though Jews composed only a third of its population. Within the new state’s suggested borders, Palestinians thus constituted as much as 47% of the population. Most Zionist leaders considered this unacceptable. Morris notes that David Ben-Gurion, soon to be Israel’s first prime minister, “clearly wanted as few Arabs as possible in the Jewish State.” As early as 1938, he had declared, “I support compulsory transfer.” Ben-Gurion’s logic, concludes

Morris, was clear: “without some sort of massive displacement of Arabs from the area of the Jewish state-to-be, there could be no viable ‘Jewish’ state.”

Establishment Jewish organizations [often link](#) Arab rejection of the UN partition plan to the war that Arab armies waged against Israel. And it is true that, even before the Arab governments officially declared war in May 1948, Arab and Palestinian militias fought the embryonic Jewish state. In February and March of 1948, these forces even came close to cutting off Jewish supply routes to West Jerusalem and other areas of Jewish settlement. Arab forces also committed atrocities. After members of the right-wing Zionist militia, Etzel, threw grenades into a Palestinian crowd near an oil refinery in Haifa in December 1947, the crowd turned on nearby Jewish workers, killing 39 of them. In April of 1948, after Zionist forces killed more than 100 unarmed Palestinians in the village of Deir Yassin, Palestinian militiamen burned dozens of Jewish civilians to death in buses on the road to Jerusalem. In May of that year, Arab fighters vowing revenge for Deir Yassin killed 129 members of the kibbutz of Kfar Etzion, even though they were flying white flags.

**What the establishment Jewish narrative omits is that the vast majority of Palestinians forced from their homes committed no violence at all. Their presence was intolerable not because they had personally threatened Jews but because they threatened the demography of a Jewish state.**

But what the establishment Jewish narrative omits is that the vast majority of Palestinians forced from their homes committed no violence at all. In *Army of Shadows*, Hebrew University historian Hillel Cohen notes that, “Most of the Palestinian Arabs who took up arms were organized in units that defended their villages and homes, or sometimes a group of villages.” They ventured beyond them “only in extremely rare cases.” He adds that, frequently, “local Arab representatives had approached their Jewish neighbors with requests to conclude nonaggression pacts.” When such efforts failed, Palestinian villages and towns often surrendered in the face of Zionist might. In most cases, their residents were expelled anyway. Their presence was intolerable not because they had personally threatened Jews but because they threatened the demography of a Jewish state.

**IN FOCUSING ON THE BEHAVIOR** of Arab leaders, the Jewish establishment tends to distract from what the Nakba meant for ordinary people. Perhaps that is intentional, because the more one confronts the Nakba’s human toll, the harder it becomes to rationalize what happened then, and to oppose justice for Palestinian refugees now. In roughly 18 months, Zionist forces evicted upwards of 700,000 individuals, more than half of Mandatory Palestine’s Arab population. They emptied more than 400 Palestinian villages and depopulated the Palestinian sections of many of Israel-Palestine’s mixed cities and towns. In each of these places, Palestinians endured horrors that haunted them for the rest of their lives.

In April 1948, the largest Zionist fighting force, the Haganah, launched Operation Bi’ur Hametz (Passover Cleaning), which aimed to seize the Palestinian neighborhoods of Haifa, whose population had already been demoralized by the flight of local Palestinian elites. A British intelligence officer accused Haganah troops of strafing the harbor with “completely

indiscriminate . . . machinegun fire, mortar fire and shelling.” The assault on Arab neighborhoods sparked what one Palestinian observer termed a “mad rush to the port” in which “man trampled on fellow man” in a desperate effort to board boats leaving the city, some of which capsized. Many evacuees sought sanctuary up the coast in Acre. Later that month, the Haganah launched mortar attacks on that city, too. It also cut off Acre’s supply of water and electricity, which likely contributed to a typhoid outbreak, thus hastening the population’s flight.



Members of the Haganah escorting Palestinians expelled from their homes out of Haifa, May 12th, 1948. Photo: AFP

In October of that year, Israeli troops entered the largely Catholic and Greek Orthodox village of Eilaboun in the Galilee. According to the Palestinian filmmaker Hisham Zreiq, who used oral histories, Israeli documents, and a UN observer report to reconstruct events, the troops were met by priests holding a white flag. Soldiers from the Golani Brigade responded by assembling villagers in the town square. They forced the bulk of Eliaboun’s residents to evacuate the village and head north, thus serving as human shields for Israeli forces who trailed behind them, in case the road was mined. After forcing the villagers to walk all day with little food or water, the soldiers robbed them of their valuables and loaded them on trucks that deposited them across the Lebanese border. According to an eyewitness, the roughly dozen men held back in the town square were executed in groups of three.

In al-Dawayima, in the Hebron hills, where Israeli forces reportedly killed between 80 and 100 men, women, and children—and, in one instance, forced an elderly woman into a house and



then blew it up—an Israeli soldier [told](#) an Israeli journalist that “cultured, polite commanders” behaved like “base murderers.” After Israeli troops evicted as many as 70,000 Palestinians from Lydda and Ramle in July, an Israeli intelligence officer analogized the event to a “pogrom” or the Roman “exile of Israel.” Less openly discussed were the rapes by Zionist soldiers. In *The Birth of the Palestinian Refugee Problem Revisited*, Morris recorded “several dozen cases”—but later [acknowledged](#) that since such incidents generally went unreported, that figure was probably “just the tip of the iceberg.”

Even survivors who avoided permanent physical injury were never the same. At the age of seven, Fawaz Turki fled Haifa with his family on foot. Decades later he wrote about “the apocalyptic images that my mind would dredge up, out of nowhere, of our refugee exodus . . . where pregnant women gave birth on the wayside, screaming to heaven with labour pain, and where children walked alone, with no hands to hold.” Nazmiyya al-Kilani [walked](#) with a broken leg, one child in her arms and another tied to her apron, to the Haifa port, where she boarded a boat to Acre. In the chaos she lost contact with her husband, father, brother, and sisters, all of whom were deported from the country. For the next half-century, until her adult daughter tracked down her siblings in Syria, she did not know if they were alive or dead. According to Elias Srouji, forced to march from his Galilean village to the Lebanese border, “The most heartrending sight was the cats and dogs, barking and carrying on, trying to follow their masters. I heard a man shout to his dog: ‘Go back! At least you can stay!’” (Jews familiar with the way our sacred texts imagine expulsion may hear a faint echo. The Talmud [records](#) that when the First Temple was destroyed, “even the animals and birds were exiled.”)

**In June 1948, Ben-Gurion himself lamented the “mass plunder to which all sectors of the country’s Jewish community were party.”**

Eviction was generally followed by theft. In June 1948, Ben-Gurion himself [lamented](#) the “mass plunder to which all sectors of the country’s Jewish community were party.” In Tiberias, according to an official from the Jewish National Fund (JNF), Haganah troops “came in cars and boats and loaded all sorts of goods [such as] refrigerators [and] beds” while groups of Jewish civilians “walked about pillaging from the Arab houses and shops.” In Deir Yassin, an officer from the elite Haganah unit, the Palmach, observed that fighters from the right-wing Zionist militia Lechi were “going about the village robbing and stealing everything: Chickens, radio sets, sugar, money, gold and more.” When the Haganah cleared the village of Sheikh Badr in West Jerusalem, according to Morris, Jews from the nearby neighborhood of Nachlaot “descended on Sheikh Badr and pillaged it.” Haganah troops fired in the air to disperse the mob, and British police later tried to protect vacated Palestinian houses. But once both forces left, Nachlaot residents returned, “torching and pillaging what remained.”

Jewish authorities soon systematized the plunder. In July 1948, Israel created a “Custodian for Deserted Property,” which it empowered to distribute houses, lands, and other valuables that refugees had left behind. Kibbutz officials, notes the historian Alon Confino, “clamored for Arab land,” and the Israeli government leased much of it to them in September, using the Jewish National Fund as a middleman. Atop other former Palestinian villages, the JNF [created national parks](#). In urban areas, it distributed Palestinian houses to new Jewish immigrants. Israel’s

national library took possession of [roughly 30,000 books](#) stolen from Palestinian homes. Many remain there today.

In November 1948, Israel conducted a census. A month later, the Knesset passed the Law for the Property of Absentees, which determined that anyone not residing on their property during the census forfeited their right to it. This meant not only that Palestinians outside Israel's borders were barred from reclaiming their houses and lands, but that even Palestinians displaced inside Israel, who became Israeli citizens, generally lost their property to the state. In a phrase worthy of Orwell, the Israeli government dubbed them "present absentees."

The scale of the land theft was astonishing. When the United Nations passed its partition plan in November 1947, Jews owned roughly 7% of the territory of Mandatory Palestine. By the early 1950s, [almost 95%](#) of Israel's land was owned by the Jewish state.



Arab refugees flee fighting between Israel and Arab troops in the Galilee, November 4th, 1948. Photo: Jim Pringle/AP Photo

**SINCE IT TOOK** the expulsion of Palestinians to create a viable Jewish state, many Jews fear—with good reason—that acknowledging and rectifying that expulsion would challenge Jewish statehood itself. This fear is often stated in numerical terms: If too many Palestinian refugees return, Jews might no longer constitute a majority. But the anxiety goes deeper. Why do so few Jewish institutions teach about the Nakba? Because it is hard to look the Nakba in the eye and not wonder, at least furtively, about the ethics of creating a Jewish state when doing so required forcing vast numbers of Palestinians from their homes. Why do so few Jewish institutions try to envision return? Because doing so butts up against pillars of Jewish statehood: for instance, the fact that the [Israel Land Council](#), which controls 93% of the land inside Israel's original boundaries, reserves almost half of its seats for representatives of the Jewish National Fund, which defines itself as "[a trustee on behalf of the Jewish People.](#)" Envisioning return requires uprooting deeply entrenched structures of Jewish supremacy and Palestinian subordination. It requires envisioning a different kind of country.

I have [argued](#) previously that Jews could not only survive, but thrive, in a country that replaces Jewish privilege with equality under the law. A wealth of comparative data [suggests](#) that political systems that give everyone a voice in government generally prove more stable and more peaceful for everyone. But, even in the best of circumstances, such a transformation would be profoundly jarring to many Jews. It would require redistributing land, economic resources, and political power, and perhaps just as painfully, reconsidering cherished myths about the Israeli and Zionist past. At this juncture in history, it is impossible to know how so fundamental a transition might occur, or if it ever will.

To ensure that this reckoning never comes, the Israeli government and its American Jewish allies have offered a range of legal, historical, and logistical arguments against refugee return. These all share one thing in common: Were they applied to any group other than Palestinians, American Jewish leaders would likely dismiss them as immoral and absurd.

Consider the claim that Palestinian refugees have no right to return under international law. On its face, this makes little sense. The Universal Declaration of Human Rights [declares](#) that “Everyone has the right to leave any country, including his own, and to return to his country.” [United Nations General Assembly Resolution 194](#), passed in 1948 and [reaffirmed more than a hundred times since](#), addresses Palestinian refugees specifically. It asserts that those “wishing to return to their homes and to live at peace with their neighbors should be permitted to do so at the earliest practicable date.”

**In the decades since World War II, the international bodies that oversee refugees have developed a clear ethical principle: People who want to return home should be allowed to do so.**

Opponents of Palestinian return have rejoinders to these documents. They [argue](#) that General Assembly Resolutions aren’t legally binding. They [claim](#) that since Israel was only created in May 1948, and Palestinian refugees were never its citizens, they would not be returning to “their country.” But these are legalisms devoid of moral content. In the decades since World War II, the international bodies that oversee refugees have developed a clear ethical principle: People who want to return home should be allowed to do so. Although the pace of repatriation has slowed in recent years, since 1990 almost [nine times](#) as many refugees have returned to their home countries as have been resettled in new ones. And as a 2019 [report](#) by the UN High Commissioner for Refugees (UNHCR) explains, resettlement is preferred only when a refugee’s home country is so dangerous that it “cannot provide them with appropriate protection and support.”

When the refugees aren’t Palestinian, Jewish leaders don’t merely accept this principle, they champion it. The 1995 Dayton Agreement, which ended years of warfare between Serbia, Croatia, and Bosnia, [states](#): “All refugees and displaced persons have the right freely to return to their homes of origin” and “to have restored to them property of which they were deprived in the course of hostilities.” The American Jewish Committee—whose CEO, David Harris, [has demanded](#) that Palestinian refugees begin “anew” in “adopted lands”—not only endorsed the Dayton agreement but [urged](#) that it be enforced with US troops. In 2019, AIPAC [applauded](#) Congress for [imposing sanctions](#) aimed at forcing the Syrian government to,

among other things, permit “the safe, voluntary, and dignified return of Syrians displaced by the conflict.” That same year, the Union for Reform Judaism, in justifying its support for reparations for Black Americans, approvingly [cited](#) a [UN resolution](#) that defines reparations as including the right to “return to one’s place of residence.”

Jewish leaders also endorse the rights of return and compensation for Jews expelled from Arab lands. In 2013, World Jewish Congress President Ronald Lauder [claimed](#), “The world has long recognized the Palestinian refugee problem, but without recognizing the other side of the story—the 850,000 Jewish refugees of Arab countries.” Arab Jews, he argued, deserve “equal rights and treatment under international law.”

Given that international law strongly favors refugee return, the logical implication of Lauder’s words is that Arab Jews should be allowed to go back to their ancestral countries. But, of course, Lauder and other Jewish leaders don’t want that; a Jewish exodus from Israel would undermine the rationale for a Jewish state. What they want is for the world to recognize Arab Jewish refugees’ rights to repatriation and compensation so Israel can trade away those rights in return for Palestinian refugees relinquishing theirs. As McGill University political scientist Rex Brynen has noted, during the Oslo peace process Israeli negotiators privately acknowledged that they were using the flight of Arab Jews as “a bargaining chip, intended to counterweigh Palestinian claims.” In so doing, Israeli leaders backhandedly conceded the legitimacy of the very rights they don’t want Palestinians to have.



A Palestinian woman living in Lebanon holds a placard that reads, “We will meet soon Palestine, we will return,” during a rally to mark the 70th anniversary of the Nakba, May 15th, 2018. Photo: Bilal Hussein/AP Photo

The double standard that suffuses establishment Jewish arguments against the Palestinian right of return expresses itself most glaringly in the debate over who counts as a refugee. Jewish leaders often claim that only Palestinians who were themselves expelled deserve the designation, not their descendants. It's a cynical argument: Later generations of Palestinians would not need refugee status had Israel allowed their expelled parents or grandparents to return. It's hypocritical too. Distinguishing between expelled Palestinians and their descendants allows Jewish leaders to cloak their opposition in the language of universal principle—"refugee status should not be handed down"—while in reality, they don't adhere to this principle universally. Across the globe, refugee designations are frequently handed down from one generation to the next, yet Jewish organizations do not object. As UNRWA has [noted](#), "Palestine refugees are not distinct from other protracted refugee situations such as those from Afghanistan or Somalia, where there are multiple generations of refugees."

Moreover, the same American Jewish leaders who decry multigenerational refugee status when it applies to Palestinians celebrate it when it applies to Jews. In 2018, AJC CEO David Harris [expressed](#) outrage that UNRWA's mandate "covers all descendants, without limit, of those deemed refugees in 1948." The following year, Harris—who was born in the United States to a [refugee father](#) who grew up in Vienna—[announced](#) that he had taken Austrian citizenship "in honor and memory of my father." In 2016, after Spain and Portugal [offered](#) citizenship to roughly 10,000 descendants of Jews expelled from the Iberian Peninsula more than 500 years ago, the AJC's Associate Executive Director [declared](#), "We stand in awe at the commitment and efforts undertaken both by Portugal and Spain to come to terms with their past."

**NOT ONLY** do Jewish leaders insist that Israel has no legal or historical obligation to repatriate or compensate Palestinians; they also claim that doing so is impossible. Israel, the ADL [notes](#), believes that "'return' is not viable for such a small state." Veteran Republican foreign policy official Elliott Abrams has called compensating all Palestinian refugees a "[fantasy](#)." Too much time has passed, too many Palestinian homes have been destroyed, there are too many refugees. It is not possible to remedy the past. The irony is that when it comes to compensation for historical crimes, Jewish organizations have shown just how possible it is to overcome these logistical hurdles. And when it comes to effectively resettling large numbers of people in a short time in a small space, Israel leads the world.

More than 50 years after the Holocaust, Jewish organizations [negotiated an agreement](#) in which Swiss banks paid more than \$1 billion to reimburse Jews whose accounts they had expropriated during World War II. In 2018, the World Jewish Restitution Organization [welcomed](#) new US legislation to help Holocaust survivors and their descendants reclaim property in Poland. While the Holocaust, unlike the Nakba, saw millions murdered, the Jewish groups in these cases were not seeking compensation for murder. They were seeking compensation for theft. If Jews robbed en masse in the 1940s deserve reparations, surely Palestinians do too.

**If Jews robbed en masse in the 1940s deserve reparations, surely Palestinians do too.**

When Jewish organizations deem it morally necessary, they find ways to [determine](#) the value of lost property. So does the Israeli government, which [estimated](#) the value of property lost by Jewish settlers withdrawn from the Gaza Strip in order to compensate them. Such calculations can be made for property lost in the Nakba as well. [UN Resolution 194](#), which declared that Palestinian refugees were entitled to compensation “for loss of, or damage to, property,” created the United Nations Conciliation Commission for Palestine (UNCCP) to tally the losses. Using land registers, tax records, and other documents from the British mandate, the UNCCP between 1953 and 1964 assembled what Randolph-Macon College historian Michael Fischbach has called “one of the most complete sets of records documenting the landholdings of any group of refugees in the twentieth century.” In recent decades, those records have been turned into a searchable database and cross-referenced with information from the Israeli Land Registry. The primary barrier to compensating Palestinian refugees is not technical complexity. It’s political will.

The same goes for allowing Palestinian refugees to return home. Lubnah Shomali of the Badil Resource Center, which promotes Palestinian refugee rights, has [noted](#) that, “If any state is an expert in receiving masses and masses of people and settling them in a very small territory, it’s Israel.” In its first four years of existence, Israel—which in 1948 contained [just over 800,000](#) citizens—absorbed [close to 700,000](#) immigrants. At the height of the Soviet exodus in the early 1990s, when the Jewish state totaled roughly [5 million](#) citizens, alongside several million Palestinian non-citizens in the West Bank and Gaza, it took in another [500,000 immigrants](#) over four years. The number of returning Palestinian refugees could be substantially higher than that, or not. It’s impossible to predict. But this much is clear: If millions of diaspora Jews suddenly launched a vast new aliyah to Israel, Jewish leaders would not say that Israel lacked the capacity to absorb them. To the contrary, Israel would exercise the capability it displayed in the late 1940s and early 1990s, when, as Technion urban planning professor Rachelle Alterman has [detailed](#), it quickly built large amounts of housing to accommodate new immigrants.

Palestinian scholars have begun imagining what might be required to absorb Palestinian refugees who want to return. One option would be to build where former Palestinian villages once stood since, [according](#) to Shomali, roughly 70% of those depopulated and destroyed in 1948 remain vacant. In many cases, the rural land on which they sat now [constitutes](#) nature preserves or military zones. The Palestinian geographer Salman Abu Sitta imagines a Palestinian Lands Authority, which could dole out plots in former villages to the families of those who lived there. He [envisions](#) many returnees “resuming their traditional occupation in agriculture, with more investment and advanced technology.” He’s even convened [contests](#) in which Palestinian architecture students build models of restored villages.



Ruins of Palestinian homes in Lifta, on the western edge of Jerusalem, abandoned in 1948. Photo: Ariel Schalit/AP Photo

The Palestinian historian Rashid Khalidi, by contrast, told me he thought it unlikely that many refugees—most of whom now live in or near cities—would return to farming. Most would probably prefer to live in urban areas. For Palestinians uninterested in reconstituting destroyed rural villages, Badil has partnered with Zochrot, an Israeli organization that raises awareness about the Nakba, to [suggest](#) two other options, both of which bear some resemblance to Israel's [strategy](#) for settling Soviet immigrants in the 1990s. In that case, the government gave newcomers money for rent while also offering developers subsidies to rapidly build affordable homes. Now, Badil and Zochrot are suggesting a “fast track” in which refugees would be granted citizenship and a sum of money and then left to find housing on their own, or a slower track that would require refugees to wait as the government oversaw the construction of housing designated for them near urban areas with available jobs.

When Jews imagine Palestinian refugee return, most probably don't imagine a modified version of Israel's absorption of Soviet Jews. More likely, they imagine Palestinians expelling Jews from their homes. Given Jewish history, and the trauma that the Israeli-Palestinian conflict has inflicted on both sides, these fears are understandable. But there is little evidence that they reflect reality. For starters, not many Israeli Jews live in former Palestinian homes since, tragically, only a [few thousand](#) remain. More importantly, the Palestinian intellectuals and activists who envision return generally insist that significant forced expulsion of Jews is neither necessary nor desirable. Abu Sitta [argues](#), “it is possible to implement the return of the refugees without major displacement to the occupants of their houses.” [Yusuf Jabarin](#), a Palestinian professor of geography who has [developed plans](#) for rebuilding destroyed villages,

emphasizes, “I have no interest in building my life on the basis of attacks on Jews and making them fear they have no place here.” Asked about Jews living in formerly Palestinian homes, Edward Said in 2000 declared that “some humane and moderate solution should be found where the claims of the present and the claims of the past are addressed . . . I’m totally against eviction.”

**“I have no interest in building my life on the basis of attacks on Jews and making them fear they have no place here.”**

Badil and Zochrot have [outlined](#) what a “humane and moderate solution” might look like. If a Jewish family owns a home once owned by a Palestinian, first the original Palestinian owner (or their heirs) and then the current Jewish owner would be offered the cash value of the home in return for relinquishing their claim. If neither accepted the payment, Zochrot activists Noa Levy and Eitan Bronstein Aparicio have suggested a further compromise: Ownership of the property would revert to the original Palestinian owners, but the Jewish occupants would continue living there. The Palestinian owners would receive compensation until the Jewish occupants moved or died, at which point they would regain possession. In cases where Jewish institutions sit where Palestinian homes once stood—for instance, Tel Aviv University, which was built on the site of the destroyed village of al-Shaykh Muwannis—Zochrot has proposed that the Jewish inhabitants pay the former owners for the use of the land.

**EFFORTS TO FACE AND REDRESS HISTORIC WRONGS** are rarely simple, rapid, uncontested, or complete. Seventeen years after the end of apartheid, the South African government in March [unveiled](#) a special court to fast-track the redistribution of land stolen from Black South Africans; some white farmers [worry](#) it could threaten their livelihood. In Canada, where the acknowledgement of native lands has become standard practice at public events, including [hockey games](#), some conservative politicians are [pushing back](#). So are some Indigenous leaders, who claim the practice has become meaningless. [Thousands of US schools](#) now use *The New York Times’s* 1619 curriculum, which aims to make slavery and white supremacy central to the way American history is taught. Meanwhile, some Republican legislators are [trying to ban it](#).

But as fraught and imperfect as efforts at historical justice can be, it is worth considering what happens when they do not occur. There is a reason that the writer Ta-Nehisi Coates ends his famous [essay](#) on reparations for slavery with the subprime mortgage crisis that bankrupted many Black Americans in the first decade of the 21st century, and that the Legacy Museum in Montgomery, Alabama—best known for memorializing lynchings—ends its main exhibit with the current crisis of [mass incarceration](#). The crimes of the past, when left unaddressed, do not remain in the past.

That’s true for the Nakba as well. Israel did not stop expelling Palestinians when its war for independence ended. It displaced [close to 400,000](#) more Palestinians when it conquered the West Bank and the Gaza Strip in 1967—roughly a quarter of whom only lived in the West Bank or Gaza because their families had fled there, as refugees, in 1948. Between 1967 and 1994, Israel rid itself of another 250,000 Palestinians through a [policy](#) that revoked the residencies of



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Palestinians in the West Bank and Gaza who have lived in these territories for an extended period of time. Since 2006, [according to Badil](#), almost 10,000 Palestinians in the West Bank and East Jerusalem have watched the Israeli government demolish their homes. In the 1950s, 28 Palestinian families forced from Jaffa and Haifa in 1948 relocated to the East Jerusalem neighborhood of Sheikh Jarrah. After a decades-long campaign by Jewish settlers, the Jerusalem District Court ruled earlier this month that six of them should be [evicted](#). By refusing to acknowledge the Nakba, the Israeli government prepared the ground for its perpetuation. And by refusing to forget the Nakba, Palestinians—and some dissident Israeli Jews—prepared the ground for the resistance that is now convulsing Jerusalem, and Israel-Palestine as a whole.

**In our bones, Jews know that when you tell a people to forget its past you are not proposing peace. You are proposing extinction.**

“We are what we remember,” wrote the late Rabbi Jonathan Sacks. “As with an individual suffering from dementia, so with a culture as a whole: the loss of memory is experienced as a loss of identity.” For a stateless people, collective memory is key to national survival. That’s why for centuries diaspora Jews asked to be buried with soil from the land of Israel. And it’s why Palestinians [gather soil](#) from the villages from which their parents or grandparents were expelled. For Jews to tell Palestinians that peace requires them to forget the Nakba is grotesque. In our bones, Jews know that when you tell a people to forget its past you are not proposing peace. You are proposing extinction.

Conversely, honestly facing the past—a process Desmond Tutu has [likened](#) to “opening wounds” and “cleansing them so that they do not fester”—can provide the basis for genuine reconciliation. In 1977, Palestinian American graduate student George Bisharat traveled to the West Jerusalem neighborhood of Talbīyeh and knocked on the door of the house his grandfather had built and been robbed of. The elderly woman who answered the door told him his family had never lived there. “The humiliation of having to plead to enter my family’s home . . . burned inside me,” Bisharat later [wrote](#). In 2000, by then a law professor, he returned with his family. As his wife and children looked on, a man originally from New York answered the door and told him the same thing: It was not his family’s home.

But after Bisharat chronicled his experiences, he received an invitation from a former soldier who had briefly lived in the house after the Haganah seized it in 1948. When they met, the man said, “I am sorry, I was blind. What we did was wrong,” and then added, “I owe your family three month’s rent.” In that moment, Bisharat [wrote](#), he experienced “an untapped reservoir of Palestinian magnanimity and good will that could transform the relations between the two peoples, and make things possible that are not possible today.”

There is a Hebrew word for the behavior of that former Haganah soldier: Teshuvah, which is generally translated as “repentance.” Ironically enough, however, its literal definition is “return.” In Jewish tradition, return need not be physical; it can also be ethical and spiritual. Which means that the return of Palestinian refugees—far from necessitating Jewish exile—could be a kind of return for us as well, a return to traditions of memory and justice that the Nakba has evicted from organized Jewish life. “The occupier and myself—both of us suffer from exile,” Mahmoud Darwish once declared. “He is an exile in me and I am the victim of his exile.”

The longer the Nakba continues, the deeper this Jewish moral exile becomes. By facing it squarely and beginning a process of repair, both Jews and Palestinians, in different ways, can start to come home.

*Eliot Cohen, Sam Sussman, and Jonah Karsh assisted with the research for this essay.*

**Peter Beinart** is editor-at-large of *Jewish Currents*.

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## 6. Angela Davis on Black Lives Matter, Palestine, and the Future of Radicalism (Interview)

SOURCE: [lithub](#)

### Angela Davis on Black Lives Matter, Palestine, and the Future of Radicalism

"Theories of Freedom are Always Tentative"

By [Gaye Theresa Johnson and Alex Lubin](#)



The following interview originally appears in [Futures of Black Radicalism](#), edited by Gaye Theresa Johnson and Alex Lubin. Angela Y. Davis is Emeritus Professor in the History of Consciousness program and University of California, Santa Cruz. Her most recent book is *Freedom, Power, and the Future of Movement*.

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**Gaye Theresa Johnson and Alex Lubin:** In your scholarship you have focused on prison abolitionism, Black feminism, popular culture and the blues, and Black internationalism with a focus on Palestine. Taken together, how does this work draw inspiration from, and perhaps move forward, the Black Radical Tradition?

**Angela Davis:** Cedric Robinson challenged us to think about the role of Black radical theorists and activists in shaping social and cultural histories that inspire us to link our ideas and our political practices to deep critiques of racial capitalism. I am glad that he lived long enough to get a sense of how younger generations of scholars and activists have begun to take up his notion of a Black Radical Tradition.

In *Black Marxism*, he developed an important genealogy that pivoted around the work of C. L. R. James, W. E. B. Du Bois, and Richard Wright. If one looks at his work as a whole, including *Black Movements in America* and *The Anthropology of Marxism*, as H. L. T. Quan has pointed out, we cannot fail to apprehend how central women have been to the forging of a Black Radical Tradition. Quan writes that when asked about why there is such an enormous focus on the role of women and resistance in his body of work, Robinson replies, “Why not? All resistance, in effect, manifests in gender, manifests as gender. Gender is indeed both a language of oppression [and] a language of resistance.”

I have learned a great deal from Cedric Robinson regarding the uses of history: ways of theorizing history—or allowing it to theorize itself—that are crucial to our understanding of the present and to our ability to collectively envisage a more habitable future. Cedric has argued that his remarkable excavations of history emanate from the positing of political objectives in the present. I have felt a kinship with his approach since I first read *Black Marxism*. My first published article—written while I was in jail—which focused on Black women and slavery was, in fact, an effort to refute the damaging, yet increasingly popular, discourse of the Black matriarchy, as represented through official government reports as well as through generalized masculinist ideas (such as the necessity of gender-based leadership hierarchies designed to guarantee Black male dominance) circulating within the Black movement in the late 1960s and early 1970s. Although this is not how I was thinking about my work at that time, I certainly would not hesitate today to link that research to the effort to make a Black radical, thus feminist, tradition more visible.

The new field formation—critical prison studies and its explicitly abolitionist framework—situates itself within the Black Radical Tradition, both through its acknowledged genealogical relation to the period in US history we refer to as Radical Reconstruction and, of course, through its relation both to the work of W. E. B. Du Bois and to historical Black feminism. The work of Sarah Haley, Kelly Lytle Hernandez, and an exciting new generation of scholars, by linking their valuable research with their principled activism, is helping to revitalize the Black Radical Tradition.

With every generation of antiracist activism, it seems, narrow Black nationalism returns phoenix-like to claim our movements’ allegiance. Cedric’s work was inspired, in part, by his desire to respond to the narrow Black nationalism of the era of his (and my) youth. It is, of

course, extremely frustrating to witness the resurgence of modes of nationalism that are not only counterproductive, but contravene what should be our goal: Black, and thus human, flourishing. At the same time it is thoroughly exciting to witness the ways new youth formations—Black Lives Matter, BYP100, the Dream Defenders—are helping to shape a new Black feminist-inflected internationalism that highlights the value of queer theories and practices.

**GTJ & AL:** What is your assessment of the Black Lives Matter movement, particularly in light of your participation in the Black Panther Party during the 1970s? Does Black Lives Matter, in your view, have a sufficient analysis and theory of freedom? Do you see any similarities between the BPP and BLM movement?

**AD:** As we consider the relation between the Black Panther Party and the contemporary Black Lives Matter movement, it feels like the decades and generations that separate one from the other create a certain incommensurability that is a consequence of all the economic, political, cultural, and technological changes that make this contemporary moment so different in many important respects from the late 1960s. But perhaps we should seek connections between the two movements that are revealed not so much in the similarities, but rather in their radical differences.

The BPP emerged as a response to the police occupation of Oakland, California, and Black urban communities across the country. It was an absolutely brilliant move on the part of Huey Newton and Bobby Seale to patrol the neighborhood with guns and law books, in other words, to “police the police.” At the same time this strategy—admittedly also inspired by the emergence of guerrilla struggles in Cuba, liberation armies in southern Africa and the Middle East, and the successful resistance offered by the National Liberation Front in Vietnam—in retrospect, reflected a failure to recognize, as Audre Lorde put it, that “the master’s tools will never dismantle the master’s house.” In other words, the use of guns—even though primarily as symbols of resistance—conveyed the message that the police could be challenged effectively by relying on explicit policing strategies.

A hashtag developed by Patrisse Cullors, Alicia Garza, and Opal Tometi in the aftermath of the vigilante killing of Trayvon Martin, #BlackLivesMatter began to transform into a network as a direct response to the rising protests in Ferguson, Missouri, which manifested a collective desire to demand justice for Mike Brown and for all of the Black lives sacrificed on the altar of racist police terror. In asking us to radically resist the racist violence at the very heart of policing structures and strategies, Black Lives Matter early on recognized that we would have to place the demand to demilitarize the police at the center of our efforts to move toward a more critical and more collective mode of justice. Ultimately linked to an approach that calls for the abolition of policing as we know and experience it, demilitarization also contested the way in which police strategies have been transnationalized within circuits that link small US police departments to Israel, which dominates the arena of militarized policing associated with the

I appreciate the more complicated analysis that is embraced by many BLM activists, because it precisely reflects a historical-mindedness that is able to build upon, embrace, and radically critique activism and antiracist theories of the past. As the BPP attempted—sometimes unsuccessfully—to embrace emergent feminisms and what was then referred to as the gay liberation movement, BLM leader and activists have developed approaches that more productively take up feminist and queer theories and practices. But theories of freedom are always tentative. I have learned from Cedric Robinson that any theory or political strategy that pretends to possess a total theory of freedom, or one that can be categorically understood, has failed to account for the multiplicity of possibilities, which can, perhaps, only be evocatively represented in the realm of culture.

**GTJ & AL:** Your most recent scholarship is focused on the question of Palestine, and its connection to the Black freedom movement. When did this connection become obvious to you and what circumstances, or conjunctures, made this insight possible?

**AD:** Actually my most recent collection of lectures and interviews reflects an increasingly popular understanding of the need for an internationalist framework within which the ongoing work to dismantle structures of racism, heteropatriarchy, and economic injustice inside the United States can become more enduring and more meaningful. In my own political history, Palestine has always occupied a pivotal place, precisely because of the similarities between Israel and the United States—their foundational settler colonialism and their ethnic cleansing processes with respect to indigenous people, their systems of segregation, their use of legal systems to enact systematic repression, and so forth. I often point out that my consciousness of the predicament of Palestine dates back to my undergraduate years at Brandeis University, which was founded in the same year as the State of Israel. Moreover, during my own incarceration, I received support from Palestinian political prisoners as well as from Israeli attorneys defending Palestinians.

In 1973, when I attended the World Festival of Youth and Students in Berlin (in the German Democratic Republic), I had the opportunity to meet Yasir Arafat, who always acknowledged the kinship of the Palestinian struggle and the Black freedom struggle in the United States, and who, like Che, Fidel, Patrice Lumumba, and Amilcar Cabral, was a revered figure within the movement for Black liberation. This was a time when communist internationalism—in Africa, the Middle East, Europe, Asia, Australia, South America, and the Caribbean—was a powerful force. If I might speak about my own story, it would have almost certainly led to a different conclusion had not this internationalism played such a pivotal role.

The encounters between Black liberation struggles in the United States and movements against the Israeli occupation of Palestine have a very long history. Alex Lubin's *Geographies of Liberation: The Making of an Afro-Arab Political Imaginary* attempts to chart important aspects of this history.

Oftentimes, however, it is not in the explicitly political realm that one discovers moments of contact. As Cedric Robinson emphasized, it is in the cultural realm. Of course Robin Kelley's *Freedom Dreams: The Making of the Black Radical Imagination* accentuates the arena

In the latter 20th century, it was Black feminist poet June Jordan who pushed the issue of the occupation of Palestine to the fore. Despite the Zionist attacks she suffered, and despite the temporary loss of a very important friendship with Adrienne Rich (who later also became a critic of the occupation), June became a powerful witness for Palestine. In her poetry she felt impelled to embody the juncture of Black and Palestine liberation. “I was born a Black woman / and now / I am become a Palestinian / against the relentless laughter of evil / there is less and less living room / and where are my loved ones / It is time to make our way home.” At a time when feminists of color were attempting to fashion strategies of what we now refer to as intersectionality, June, who represents the best of the Black Radical Tradition, taught us about the capacity of political affinities across national, cultural, and supposedly racial boundaries to help us imagine more habitable futures. I miss her deeply and am so sorry that she did not live long enough to experience Black Lives Matter activists across this continent raising banners of resistance to the occupation of Palestine.

As I have remarked on many occasions, when I joined a delegation in 2011 of indigenous and women of color feminist scholar activists to the West Bank and East Jerusalem, I was under the impression that I thoroughly understood the occupation. Although all of us were already linked, to one extent or another, to the solidarity movement, we were all thoroughly shocked by how little we really knew about the quotidian violence of the occupation. At the conclusion of our visit, we collectively decided to devote our energies to participating in BDS and to help elevate the consciousness of our various constituencies with respect to the US role—over \$8 million—in sustaining the military occupation. So I remain deeply connected in this project to Chandra Mohanty, Beverly Guy-Sheftall, Barbara Ransby, Gina Dent, and the other members of the delegation.

In the five years following our trip, many other delegations of academics and activists have visited Palestine and have helped to accelerate, broaden, and intensify the Palestine solidarity movement. As the architects of the Boycott, Divestment, and Sanctions movement have modeled their work on the anti-apartheid campaign against South Africa, US activists have attempted to point out that there are profound lessons to be gleaned from earlier boycott politics. Many organizations and movements within the United States have considered how the incorporation of anti-apartheid strategies into their agendas would radically transform their own work. Not only did the anti-apartheid campaign help to strengthen international efforts to take down the apartheid state, it also revived and enriched many domestic movements against racism, misogyny, and economic justice.

In the same way, solidarity with Palestine has the potential to further transform and render more capacious the political consciousness of our contemporary movements. BLM activists and others associated with this very important historical moment of a surging collective consciousness calling for recognition of the persisting structures of racism can play an important role in compelling other areas of social justice activism to take up the cause of Palestine solidarity—specifically the Boycott, Divestment, and Sanctions movement. Alliances on university campuses that bring together Black student organizations, Students for Justice in

Palestine, and campus chapters of Jewish Voice for Peace are reminding us of the profound need to unite antiracist efforts with strong challenges to Islamophobia and anti-Semitism, and with the global resistance to the apartheid policies and practices of the State of Israel.

Theoretically and ideologically, Palestine has also helped us to broaden our vision of abolition, which we have characterized in this era as the abolition of imprisonment and policing. The experience of Palestine pushes us to revisit concepts such as “the prison nation” or “the carceral state” in order to seriously understand the quotidian carceralities of the occupation and the ubiquitous policing by not only Israeli forces but also the Palestinian Authority. This, in turn, has stimulated other research directions on the uses of incarceration and its role, for example, in perpetrating notions of a permanent binarism with respect to gender and in naturalizing segregation based on physical, mental, and intellectual ability.

**GTJ & AL:** What sort of social movements can, or should, exist at the present conjuncture, given the ascendance of American global hegemony, neoliberal economic relations, militarized counterinsurgency at home, and racial “color blindness”?

**AD:** At a time when popular discourse is rapidly shifting as a direct response to pressures emanating from sustained protests against state violence, and from representational practices linked to new technologies of communication, I suggest that we need movements that pay as much attention to popular political education as they pay to the mobilizations that have succeeded in placing police violence and mass incarceration on the national political agenda. What this means, I think, is that we try to forge an analysis of the current conjuncture that draws important lessons from the relatively recent campaigns that have pushed our collective consciousness beyond previous limits. In other words, we need movements that are prepared to resist the inevitable seductions of assimilation. The Occupy campaign enabled us to develop an anti-capitalist vocabulary: the 99 percent versus the 1 percent is a concept that has entered into popular parlance. The question is not only how to preserve this vocabulary—as, for example, in the analysis offered by the Bernie Sanders platform leading up to the selection of the 2016 Democratic candidate for president—but rather how to build upon this, or complicate it with the idea of racial capitalism, which cannot be so neatly expressed in quantitative terms that assume the homogeneity that always undergirds racism.

Cedric Robinson never stopped excavating ideas, cultural products, and political movements from the past. He attempted to understand why trajectories of assimilation and of resistance in Black freedom movements in the United States co-existed, and his insights—in *Black Movements in America*, for example—continue to be valuable. Assimilationist strategies that leave intact the circumstances and structures that perpetuate exclusion and marginalization have always been offered as the more reasonable alternative to abolition, which, of course, not only requires resistance and dismantling, but also radical reimaginings and radical reconstructions.

Perhaps this is the time to create the groundwork for a new political party, one that will speak to a far greater number of people than traditional progressive political parties have proved

capable of doing. This party would have to be organically linked to the range of radical movements that have emerged in the aftermath of the rise of global capitalism. As I reflect on the value of Cedric Robinson's work in relation to contemporary radical activism, it seems to me that this party would have to be anchored in the idea of racial capitalism—it would be antiracist, anti-capitalist, feminist, and abolitionist. But most important of all, it would have to acknowledge the priority of movements on the ground, movements that acknowledge the intersectionality of current issues—movements that are sufficiently open to allowing for the future emergence of issues, ideas, and movements that we cannot even begin to imagine today.

**GTJ & AL:** Do you make a distinction, in your scholarship and activism, between Marxism and “Black Marxism”?

**AD:** I have spent most of my life studying Marxist ideas and have identified with groups that have not only embraced Marxist-inspired critiques of the dominant socioeconomic order, but have also struggled to understand the co-constitutive relationship of racism and capitalism. Having especially followed the theories and practices of Black communists and anti-imperialists in the United States, Africa, the Caribbean, and other parts of the world, and having worked inside the Communist Party for a number of years with a Black formation that took the names of Che Guevara and Patrice Lumumba, Marxism, from my perspective, has always been both a method and an object of criticism. Consequently, I don't necessarily see the terms “Marxism” and “Black Marxism” as oppositional.

I take Cedric Robinson's arguments in *Black Marxism: The Making of the Black Radical Tradition* very seriously. If we assume the unquestioned centrality of the West and its economic, philosophical, and cultural development, then the economic modes, intellectual histories, religions, and cultures associated with Africa, Asia, and indigenous peoples will not be acknowledged as significant dimensions of humanity. The very concept of humanity will always conceal an internal, clandestine racialization, forever foreclosing possibilities of racial equality. Needless to say, Marxism is firmly anchored in this tradition of the Enlightenment. Cedric's brilliant analyses revealed new ways of thinking and acting generated precisely through the encounters between Marxism and Black intellectuals/activists who helped to constitute the Black Radical Tradition.

The concept associated with *Black Marxism* that I find most productive and most potentially transformative is the concept of racial capitalism. Even though Eric Williams's *Capitalism and Slavery* was published in 1944, scholarly efforts exploring this relationship have remained relatively marginal. Hopefully the new research on capitalism and slavery will help to further legitimate the notion of racial capitalism. While it is important to acknowledge the pivotal part slavery played in the historical consolidation of capitalism, more recent developments linked to global capitalism cannot be adequately comprehended if the racial dimension of capitalism is ignored.



## 7. Palestinian families and children are being killed. Why is it so quiet? (Article)

SOURCE: [The Star](#)

### **Palestinian families and children are being killed. Why is it so quiet?**

By **Shenaz Kermalli**

Sun., May 16, 2021

Israeli bombs and artillery shells are raining down on Gaza. Yet again, the world watches silently.

A 14-storey highrise building [collapses](#), one tower complex at a time into piles of rubble and dirt, 9/11-style.

A Doctors Without Borders physician [reports](#) from the front-lines of Jerusalem: her patient, a 14-year-old Palestinian boy is shot in the face with a rubber bullet, the wound less than a centimetre away from his left eye.

A young Palestinian woman is being treated in a tent for the injured after being shot in the buttock. The impact of the shot causes her to fall, injuring her elbow. She's then sprayed with "skunk water," a chemical agent that Israeli police routinely fire from water cannons that smells like excrement and rotting flesh. The scent causes her to vomit.

They are the luckier ones. Too many others have lost their lives.

Early Saturday, the Shati refugee camp was hit, killing 10 Palestinians and eight children. An entire [family](#) was wiped out, except for an infant named Omar.

A few days earlier, [Ali Aymen Saleh](#), 15, was shot dead in the stomach on his birthday while watching a protest against Israeli occupation in his village.

[Sajid Mizher](#), 17, was also shot in the stomach while volunteering with medics at a refugee camp, despite wearing a clearly marked vest.

There are so many more. But not enough, it seems, amid the deafening silence.

Because even as airstrikes continue to strike the already crippled Gaza Strip, Israel still, [according](#) to U.S President Joe Biden, "has a right to defend itself" against rockets fired from the coastal Palestinian territory.

Even as [mobs](#) of far-right Israelis smash Arab-owned businesses and drag a man who they believe is Arab from his car and beat him unconscious, Israel "has a right to defend itself."

Even as the UN warns of an all-out war breaking out — a war, that is, between a state backed by the world's largest arms supplier and a dispossessed population — Israel still "has the right to defend itself."

It's a line we've heard over and over from Israeli leaders and their allies. But the death toll tells a different story, as it did after Israel's last brutal offensive in Gaza in 2014. On the Palestinian side [according to a 2015 UN report](#), 2,251 people, of whom 1,462 were civilians, were killed. On the Israeli side, 67 soldiers were killed along with six civilians.

As of [Sunday](#) morning, at least 188 Palestinians have been killed in Gaza, including 55 children and 33 women, with 1,230 people wounded. Eight people in Israel have been killed, including a five-year-old boy and a soldier.

"The right to defend itself" argument makes little sense in the context of current realities on the ground. Palestinians living in the occupied territories are not at war with Israel, they live at the mercy of their occupiers. In his book, "The Ethnic Cleansing of Palestine" Israeli historian Ilan Pappé describes how the foundations of Israel are rooted in a colonial project that continues to subject its Indigenous Palestinian population to military occupation, land dispossession and unequal rights.

Destroy, displace and kill. It's been the (arguably unofficial) policy of Israeli Prime Minister Benjamin Netanyahu's government since he was elected 25 years ago.

Meanwhile, Hamas, the Palestinian group that governs the Gaza Strip, has fired over 1,000 rockets from Gaza towards Israel over the last week, of which 200 have actually [landed](#) (most have been intercepted by Israel's Iron Dome anti-missile system). While death and suffering inflicted on Israeli civilians is as troubling as it is on the Palestinian side, any violent retaliation has to be viewed in context: Israel's Defence Forces (IDF) is supported with billions of dollars of American aid, a powerful air force and intelligence-gathering system.

It's also hard to believe that the IDF is on a mission to rid the Gaza Strip solely of "violent attackers and terrorists" when they try to use international media to provoke insurgency. Leading Israeli news outlets began reporting on Saturday that an earlier IDF proclamation about Israeli ground troops entering Gaza on Friday — news that made headlines worldwide — was an elaborate ploy to dupe Hamas into thinking that an invasion had begun so they could respond with even more lethal attacks on Palestinians. In fact, [no invasion](#) had taken place.

In response, Israel's military's spokesman, Lt. Col. Jonathan Conricus, insisted it was an honest mistake during the fog of war. Was it an honest mistake too, then, when media offices belonging to the Associated Press and Al Jazeera were destroyed Saturday afternoon?

How are we, in a year of racial awakening, still not able to recognize Israel's half-century military occupation and deepening grip over Palestinian life? Why does a culture of impunity exist when it comes to Israeli aggressions?

The silencing of Israeli crimes and exclusion of Palestinian voices has been felt acutely in Canada for years, most [recently](#) when University of Toronto's law faculty controversially decided to rescind a hiring offer to a human rights lawyer because of concerns that her scholarship criticized Israeli human rights violations of Palestinians.

Canadian journalists are getting fed up too. An open letter to newsrooms signed by over a thousand people, including news editors, reporters, academics, lawyers and citizens are calling

for more equitable coverage of Israel balanced with historical and social context, which hasn't happened. As former CBC Middle East correspondent Neil Macdonald [said](#) around the hesitation felt by reporters to cover Israel and Palestine three years ago: "Many journalists and editors have come to understand that critical coverage of Israel can result at minimum in a professional headache, and at worst in career damage."

Critics of the Israel government are not Israel-haters or anti-Semites. We all know that political conflict results in devastating suffering on both sides. But we are also pushing against the narrative that the victims of this violence — children and teenagers — are somehow deserving of it.

*Shenaz Kermalli is a freelance journalist based in Toronto and has previously worked for CBC, BBC and AJE.*

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### 8. Thousands of pro-Palestine protesters gather at Nathan Phillips Square to condemn Gaza Strip violence (Article)

SOURCE: [The Star](#)

**Thousands of pro-Palestine protesters gather at Nathan Phillips Square to condemn Gaza Strip violence**

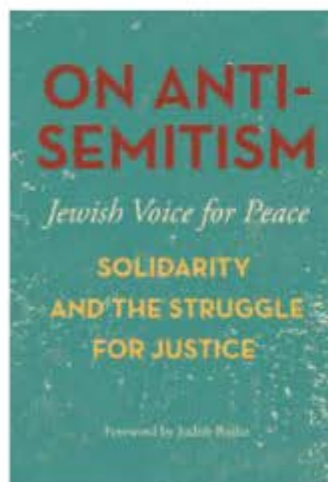
In conversations about Israel/Palestine, the same questions come up over and over again. You don't need to be an expert to talk about the issues of human rights at stake to have an opinion.

Use this guide to start conversations, field common questions, and address the myths and facts of [“The Israel/Palestine Conflict”](#) with your friends, family, and community.

[VIEW AND PRINT THE FULL PDF](#)

[DIFFICULT CONVERSATIONS ABOUT ISRAEL AND PALESTINE – \(Guide\)](#)

## BOOK: **On Antisemitism** - Solidarity and the Struggle for Justice



SOURCE: <http://onantisemitism.com/>  
About the Book

*A collection of essays on antisemitism, edited by Jewish Voice for Peace.*

With Trump and Bannon in the White House, empowering antisemites while claiming their love for Israel, how do we talk about antisemitism in the present moment?

How have false charges of antisemitism been used to stifle criticism of Israeli policy and support for Palestinian human rights?

What is the relationship between antisemitism and other forms of bigotry and oppression?

How can we further the global progressive fight for justice for all peoples?

[SOURCE: The Guardian](#)

## Why are Palestinians protesting? Because we want to live

[Mariam Barghouti](#)

Just as the Black Lives Matter protests were not only about one killing, we are facing a whole regime of oppression

I started going to demonstrations when I was 17. At first, I went to protests against Israel's military occupation. Then we also began to protest against the authoritarianism of the Palestinian Authority and Hamas, and the [sickening rivalry](#) between Palestinian political factions. For Palestinians, protest has become a way of life – a way to [be steadfast](#), to persevere.

Over the past decade, much of this burden of protest has been borne by individual Palestinian families facing expulsion or violence at the hands of soldiers and settlers. The threat of evictions or demolitions will spark a local protest, in the hope of preventing this or that particular outrage. But right now the attention of the world is on us not as individuals, but as a collective, [as Palestinians](#). It is not only about one village or one family or “only those in the West Bank” or “only those in Jerusalem”.

What we are in the streets protesting about now is not one killing or one violent raid, but a whole regime of oppression that destroys our bodies, our homes, our communities, our hopes – just as the protests for Black lives that spread across the US last year were not only about [George Floyd](#) or [Breonna Taylor](#) or any one killing.

This is what colonialism does: it suffocates every part of your life, and then it finishes by burying you. It is a strategic, deliberate process, and it is only obstructed or delayed because oppressors are almost always confronted and challenged by those under their rule. In the end, who wants to be chained down for being born who they are?

Last week, I was near the illegal settlement of [Beit El](#) by Ramallah in the West Bank as the Israeli army sent jeeps rushing towards demonstrators, journalists and medical staff, firing high-velocity teargas canisters directly at the crowd.

The sound of those canisters spiralling towards us in the dozens still makes me tremble. It reminds me of the day in December 2011, in the village of Nabi Saleh, when an Israeli soldier fired a teargas canister, from close range, directly at the face of 28-year-old Palestinian stone-thrower [Mustafa Tamimi](#), who died as a result of the injury.

I remember the face of then six-year-old Ahmad, his cousin, as she screamed in her fragile voice: “Why did you kill my best friend?” Behind her was the illegal settlement of Halamish. Mustafa’s protest was against the settlement expansion and the impunity of settler violence as he and his community were imprisoned in the village, with no access to water springs or public services.

[Once this violence in Israel and Gaza ends, there can be no return to 'normal' | Jonathan Freedland](#)

The fact that these protests are leaderless is a sign of what has been festering for decades among all Palestinians. This is the coming-of-age of a generation born since the [pitiful Oslo accords](#) of 1993-1995, who grew up during decades that only solidified Israel’s settlement expansion and grip on Palestinian lives.

More than this, it is a continued growth of stamina, endurance and loss of faith. But at the same time, it is a complete reclamation of faith, not in international policymakers, not in negotiation committees, not in humanitarian observers and NGOs, but in ourselves.

“Why do you always have to put yourself on the frontlines?” my mother reprimanded me years ago, as she threw away my clothes that were soaked in noxious “*kharara*”, [skunk water](#), sprayed by the Israeli military.

Often used in protests in the West Bank, Israeli forces have also now been spraying it on the streets of Sheikh Jarrah and the homes of Palestinians. It’s an attempt to make our [lives so unbearable](#) that we are driven out.

I wanted to tell my mother, if it isn’t me, it’s someone else. I wanted to tell her how in Gaza the [unarmed protests of 2018](#) were met with the sniping down of hundreds, as Israeli soldiers turned it into an unrelenting sniper free-for-all, deliberately causing [debilitating injuries](#). But we both knew that what made her so angry was the horrible recognition that we had no choice but to protest – that as long as injustice persists, and our dreams for better realities continue to push us towards confrontation, getting soaked in skunk water meant that I was at least alive.

This is exactly why we are protesting, because we are ready to be alive.

*Mariam Barghouti is a Palestinian writer and researcher*

## 12. Continuously Updated Masterlist of Sources (Resources by multiple researchers, scholars, academics, authors)

### PALESTINE: A Master List

*(I've read many of these links, but not all. Many are from well known scholars, historians and journalists. The articles I've read use a critical race praxis and are transparent and intentional about calling out anti-semitism. Read these with a critical anti-racist lens, and ensure credibility and intersectional anti-oppressive frameworks that use a clear analysis of power. -JD)*

Continuously Updated Masterlist of Sources on Palestine:

**Books/ archives/ research/articles/ etc:**

#SaveSheikhJarrah:

<https://linktr.ee/m7mdkurd/> & <https://linktr.ee/letstalkpalestine>

Collections:

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- <https://decolonizepalestine.com/introduction-to-palestine/> (provides Palestine 101 info, counters common myths, answers frequently asked questions, and offers reliable reads)
  - [https://drive.google.com/drive/folders/1vKvDiT\\_TLRnr-QftISLIM3EJ8eq3Wis](https://drive.google.com/drive/folders/1vKvDiT_TLRnr-QftISLIM3EJ8eq3Wis) (Palestinian Studies folder compiled by @ayaghanameh)
  - <http://sincerelyjia.com/must-read-nonfiction-books-about-palestine> <https://free-palestine.carrd.co/> (list of non-fiction books about Palestine & carrd)
  - <https://drive.google.com/drive/mobile/folders/1sck4qTPMSwc5D7C1DmtlAFMDc1BNx2LU> (folder of readings compiled by @hotgirlhala/ currently taken down by Google)
  - <https://docs.google.com/document/d/1rw55meTIE2p2eh1nTHvvREGHUITJoW7GuulkgRuJyck/mobilebasic> (Palestinian History, Israel's Crimes, and Debunking Zionist Arguments by @knafehnabulsiye)
  - <https://docs.google.com/document/d/1ES6NthIq4zq8xfekdlu3-e537UCJ7nqKY6Nk7O3LtTU/edit> Radius of Arab American Writers
  - Link tree: <https://linktr.ee/palestineresources>
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Important Reads:

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- Zionist Colonialism in Palestine by Fayez A. Sayegh: [http://www.freedomarchives.org/Documents/Finder/DOC12\\_scans/12.zionist.colonialism.palestine.1965.pdf](http://www.freedomarchives.org/Documents/Finder/DOC12_scans/12.zionist.colonialism.palestine.1965.pdf)
- Freedom Archives Collection on Palestine: [https://search.freedomarchives.org/search.php?view\\_collection=24](https://search.freedomarchives.org/search.php?view_collection=24)
- The 1936-39 Revolt in Palestine by Ghassan Kanafani: <https://www.marxists.org/archive/kanafani/1972/revolt.htm> / <http://media.virbcdn.com/files/5f/d06c929d62d90a04-3639RevoltinPalestine.pdf>
- A Short History on the Colonization of Palestine (Flyer): <http://www.onepalestine.org/resources/flyers/MythHistory.pdf>
- The Other Shift: Settler Colonialism, Israel and the Occupation: <https://online.ucpress.edu/jps/article/42/2/26/54509/The-Other-Shift-Settler-Colonialism-Israel-and-the>

### The Gender-Based Violence Prevention Training List

An opt-in mailout that includes resources, event announcements and other news and articles related to gender-based violence prevention, sexual violence prevention and healthy relationships using a critical anti-racist, intersectional, and decolonial framework that call out antisemitism and Islamophobia.

These resources use a power analysis and support critical thinking and action on transforming conditions that enable harm and creating ones that promote healing, care, dignity and liberation.

These resources aim to support 2SLGBTQ+ youth with multiple identities and belonging to BLACK, INDIGENOUS, RACIALIZED and DISABLED communities. They are in support of Indigenous sovereignty, Indigenous self-determination and LAND BACK.

### What's in this issue?

1. EVENT: What does Palestine Mean for Black America: A Discussion with Angela Davis on Why We Must Stand with Palestine. (TONIGHT @ 8pm EST)
2. The Teach Palestine Project website is a resource by and for K-12 teachers and teacher educators focused on bringing Palestine into our classrooms and schools." (Recommended by [@HarshaWalia](#))
3. Books About Contemporary Palestine for Children (Resource)
4. As an Arab American Muslim Mother, Here Is the Education I Want for My Children (Article)
5. Boycotting Occupation: Educators and Palestine (Article)
6. On Truth and Neutrality (Article and Teaching Resource)
7. Checking Yourself for Bias in the Classroom (Article and Teaching Resource)
8. Decolonize Palestine: A collection of resources for folks wanting to learn more about Palestine
9. Teaching Palestine: A Multiple Narratives Approach (Online Curriculum Resource) (Recommended by [@HarshaWalia](#))
10. Jewish Voice for Peace: RESOURCES
11. Articles documenting the Palestinian resistance to settler-colonial violence
12. Continuously Updated Master-list of Sources on Palestine (Resources by multiple researchers, scholars, academics, authors)
13. Email campaigns to send letters to elected officials.
14. Petitions.



# WHAT DOES PALESTINE MEAN FOR BLACK AMERICA?



A DISCUSSION ON WHY WE MUST STAND WITH PALESTINE



Wednesday, May 19 @ 8PM  
[bit.ly/freedom4palestine](http://bit.ly/freedom4palestine)



Ahmad Abuznaid



Janaya "Future" Kahn



Mohammed el-Kurd



Anwar Hadid



Dr. Angela Davis



Aja Monet



Vic Mensa



Fayrouz Sharqawi



US CAMPAIGN FOR PALESTINIAN RIGHTS

What does Palestine mean for Black America?

Over the last several weeks, our timelines have been filled with pictures and videos of the violence in Sheikh Jarrah and the Gaza strip. Celebrities who are often silent on issues have been posting #FreePalestine. Why now? What's it got to do with our struggles at home? Join us on Wednesday to lift the veil on what we've been told is a complicated issue and what it's got to do with Black America.

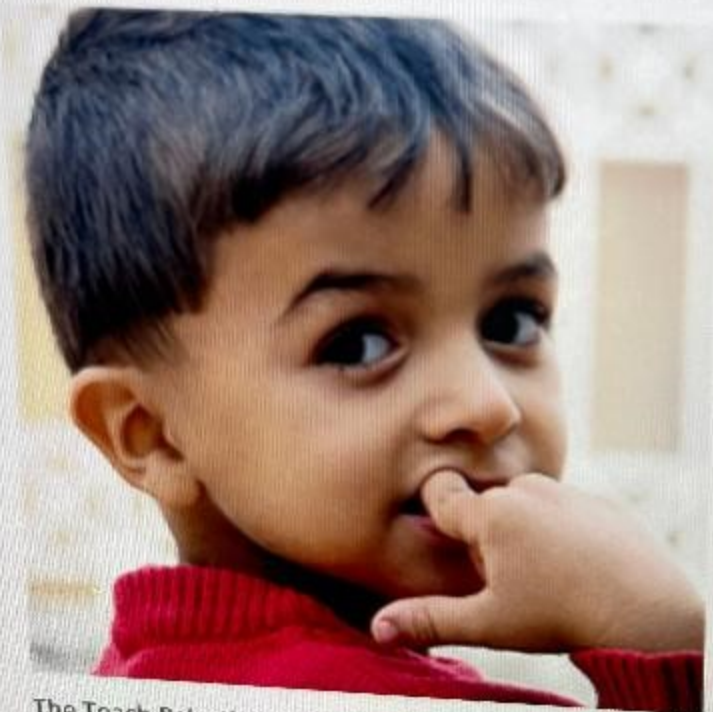
[REGISTER HERE](#)

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2. The Teach Palestine Project website is a resource by and for K-12 teachers and teacher educators focused on bringing Palestine into our classrooms and schools." (Recommended by [@HarshaWalia](#))

SOURCE: <https://teachpalestine.org/>

Welcome to the Teach Palestine Project website!



The Teach Palestine Project website is a resource by and for K-12 teachers and teacher educators focused on bringing Palestine into our classrooms and schools.

The recent history and current reality in Palestine are connected to many issues we already teach, including: immigration, Manifest Destiny, borders and walls, the juvenile justice system, water and other environmental issues, and US policy in the Middle East.

Yet almost no one in US schools teaches about Palestine—despite its importance in world politics, the many connections to US history, and the deep involvement of the US in Israel. As Palestinian and US educators, we want to change that.

We know that there are many bars to teaching about Palestine: There is a serious lack of curriculum and age-appropriate information for students of different ages. Many of us feel we aren't knowledgeable enough to take on such a controversial topic.

But teaching Palestine is both possible and rewarding. We hope the units, lessons, resources, and background materials here will inspire you to either begin or expand your curriculum on Palestine. And please contribute your own curriculum, resources, and experiences to this site!

**Teach Palestine** is a project of the Middle East Children's Alliance, based in Berkeley, California. MECA is a nonprofit organization working for the rights of children in the Middle East by sending humanitarian aid, supporting projects for children, and educating North American and international communities about the effects of US foreign policy on children in the region.

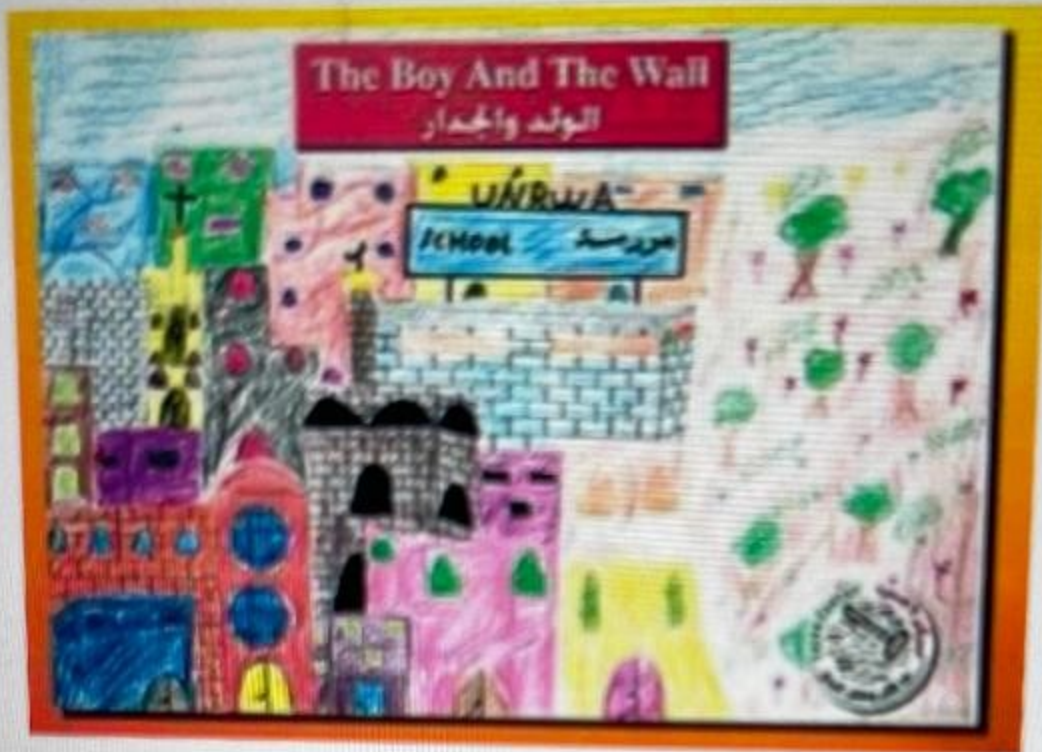
**Jody Sokolower**, project manager of Teach Palestine, is a long-time political activist, educator, writer, and editor. Most recently, she was managing editor of *Rethinking Schools* magazine; at *Rethinking Schools*, she also coedited the award-winning *Rethinking Sexism, Gender, and Sexuality* (2016) and edited *Teaching the Wars in the Middle East* (2013). Jody has taught middle and high school students, adult English language learners, and teachers. For the past eight years, Zeiad and Jody have co-facilitated workshops on teaching Palestine. She completed a Masters of Arts in Teaching at New College of California.

**Samia Shoman**, a California native with Palestinian roots, Samia Shoman has dedicated her career in public education to promoting racial and social justice in the classroom and broader educational organizations she has worked in. She is currently part of a California collaborative leading a Liberated Ethnic Studies Model Curriculum Coalition. As a long time high school social science teacher, with a special love for working with English Learners, her current passion is leading an alternative Newcomer Program and the implementation of Ethnic Studies for all ninth graders in her district. Samia currently serves as the Manager of English Learner & Academic Support Programs for the San Mateo Union High School District. In addition to her secondary school work, Samia served as a lecturer in the College of Ethnic Studies Arab and Muslim Ethnicities and Diaspora Program and the Masters of Public Health Program at San Francisco State University. Samia holds a B.A in Political Science with a minor in Spanish from UC Davis, an M.A. in Education from San Francisco State University, and an Ed.D with a focus on Organization and Leadership from the University of San Francisco. When she isn't working with students, their families, or teachers and administrators, Samia is running or reading, sharing in being a proud parent of boy/girl twins, Palestine and Jihad with her husband, Feras.

**Zeiad Abbas Shamrouh**, MECA's executive director, is a Palestinian refugee from Dheisheh Refugee Camp in the West Bank. He is the cofounder of the Ibdaa Cultural Center in Dheisheh. Zeiad is also a filmmaker, journalist, and educator who has worked with Palestinian and international media and has participated in the production of several documentary films. He was the co-producer and production



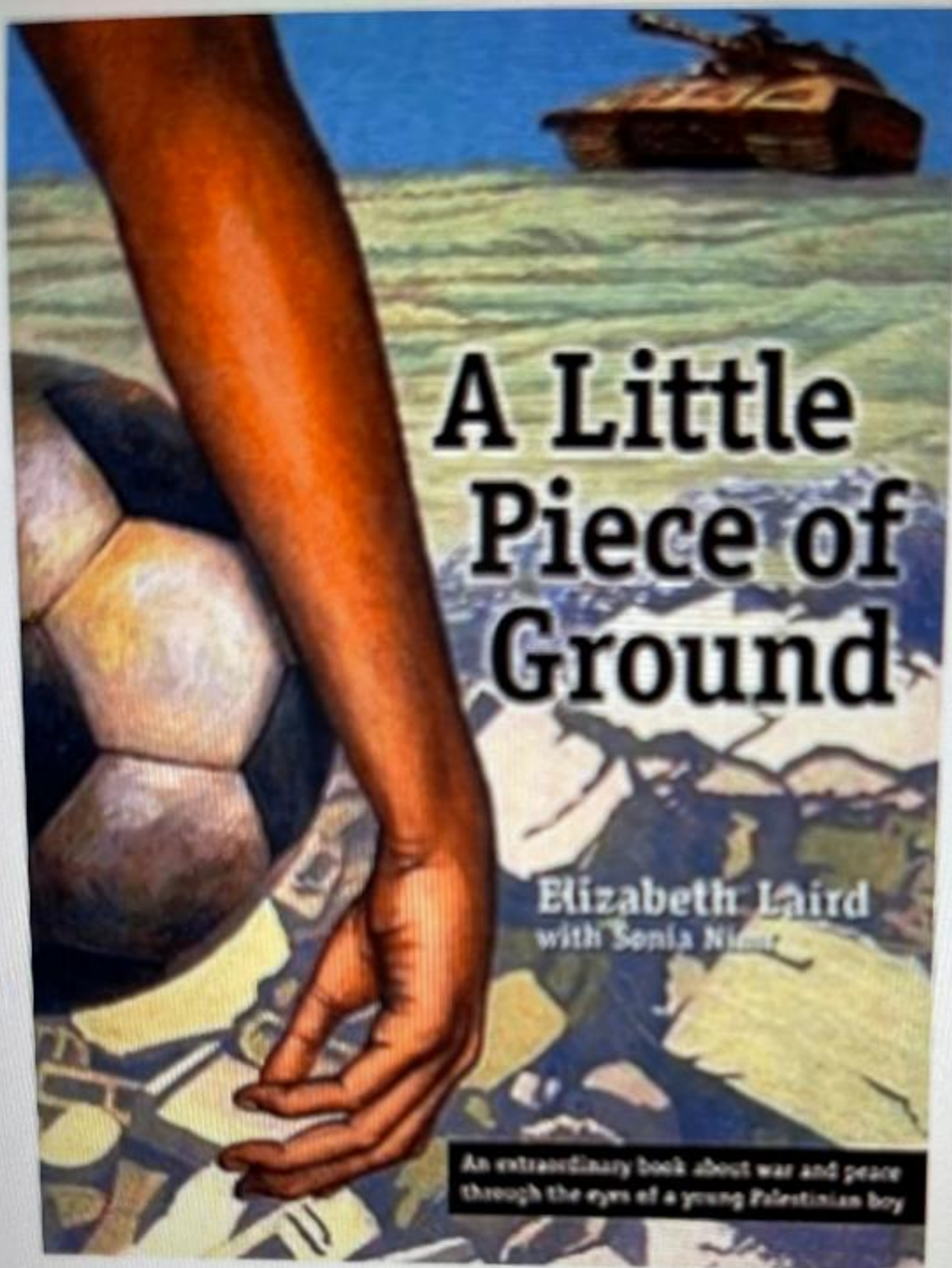
Naomi Shihab Nye is an award-winning poet whose father was a Palestinian refugee as a teenager her life was divided between Jerusalem and San Antonio, Texas. In *Sitti's Secrets*, Mona, who lives in America, goes to visit her grandmother in a Palestinian village in the occupied West Bank. Although Mona does not speak a shared language with her grandmother (*Sitti* in Arabic), they are able to communicate through gestures, music, and actions. It is a beautifully written and illustrated book about a loving relationship between a child and her grandmother.



Amahl Bishara's *The Boy and the Wall*, written in English and Arabic, is about life in Aida, a Palestinian refugee camp near Bethlehem, where the lives of Palestinians were turned upside down when Israel built a huge concrete separation wall (called an apartheid wall by former President Jimmy Carter and Archbishop Desmond Tutu, among others). In a rhythmic speak-and-respond structure modeled on Margaret Wise Brown's *The Runaway Bunny*, a Palestinian child talks with his mother about what he can do to help his community overcome the impact of the wall and all that it brings, including soldiers with guns and tear gas canisters. His mother's responses underscore her love for him and Palestinian traditions and culture, and the resilience of Palestinians under occupation. For example, when the boy says, Or maybe I will become a mountain so that I can be bigger than the wall, and see over it, his mother replies, If you become a mountain and become bigger than the wall . . . I will become a farmer and plant olive trees and tend to you and live from the olives you bear.

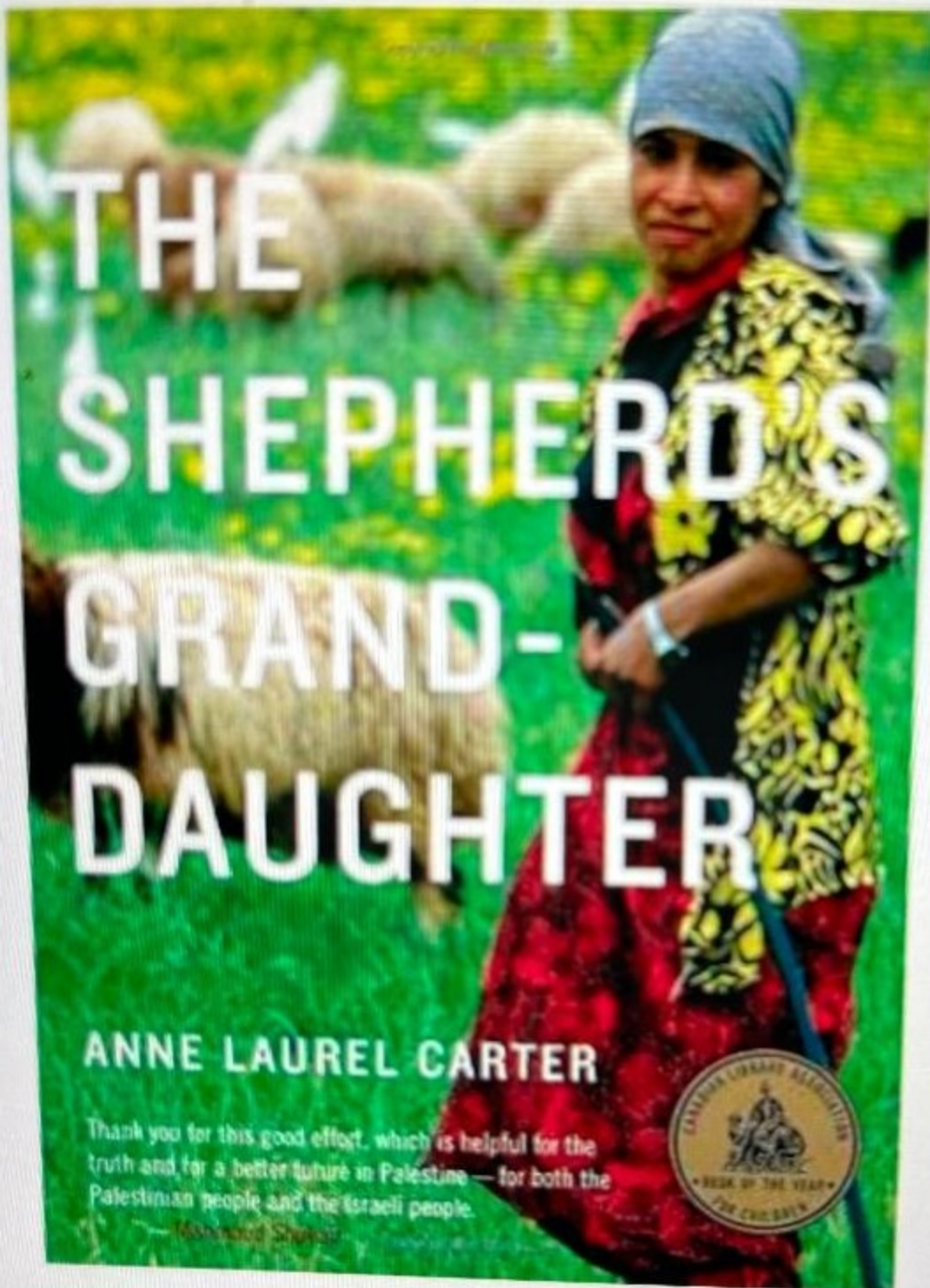
An introduction provides information about the Aida Refugee Camp and life under occupation, including the impact on Palestinians of the apartheid wall (e.g., separating Palestinians from their family members and friends, their land, their work, medical care, religious sites, and open land where children can play). The illustrations are by children from Aida.

#### Novels



Elizabeth Laird's *A Little Piece of Ground* is particularly good. It is set in Ramallah, just north of Jerusalem in the occupied West Bank. After a bombing in Israel, Ramallah is under a strict Israeli curfew and people are prevented from leaving their homes for days at a time. The main character, Karim, is a 12-year-old boy from a Muslim family who lives in town and is crazy about soccer. His best friend, Joni, is from a Christian family and is also crazy about soccer. While kicking a soccer ball against his apartment building during one of the few breaks in the curfew, Karim meets Hopper, who lives close to a refugee camp across town. Hopper takes Karim to a vacant piece of ground near the refugee camp. It is filled with the rubble of demolished buildings, but they think they can convert it into a soccer field. The three boys do exactly that by hauling rocks and rusty machinery to one side of the plot of land. They discover a car buried under the rubble and convert it into a den. One day, while the three boys are playing soccer with boys from the refugee camp, Israeli tanks roll into their soccer field and the boys take off for safety. However, Karim sprains his ankle and is unable to escape; he ends up hiding inside the abandoned car, where he is trapped for several days. The author, a well-known British writer of books for young adults

who lived in Ramallah while doing research for this book, does a particularly good job of conveying the friendship and shared interests of the boys and the tension that is created for Palestinians by life under the Israeli occupation.



Canadian author Anne Laurel Carter wrote *The Shepherd's Granddaughter* after living in both Israel and Palestine. Amani is a young girl who lives with her extended family in a West Bank village and wants to follow in the footsteps of her grandfather and become a shepherd. She and her family experience terrifying situations when a group of illegal Jewish settlers occupy a hill overlooking the village. Under the protective eyes of Israeli soldiers, the settlers poison Amani's sheep; destroy her family's ancient olive, fig, and lemon trees; appropriate their land and water sources; and threaten villagers with death if they do not leave their land. Amani observes the demolition of her house by an armored Caterpillar bulldozer and the arrests of two close family members: her father, when he returns home to find his

Kenneth Stern  
Nomi M. Stolzenberg  
Rabbi Burt Visotzky  
Steven Windmueller

## Understanding Antisemitism at its Nexus with Israel and Zionism <sup>1</sup>

### Antisemitism

*Antisemitism consists of anti-Jewish attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews, and conditions that discriminate against Jews and impede their ability to participate as equals in political, religious, cultural, economic, or social life.*

Uniting all of antisemitism's strands is a persistent demonization that casts Jews not only as "others" (i.e., as intrinsically different or alien) but also as irredeemably threatening and dangerously powerful. There are multiple reasons that people may have for opposing Zionism and/or Israel. Such opposition does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions. For example, someone might oppose the principle of nationalism or ethnonationalist ideology, of which Zionism is an example. Someone's personal or national experience may have been adversely affected by the creation of the State of Israel (e.g., Palestinians for whom Zionism/Israel has created inequality and/or led to exile). Indeed, there are Jewish anti-Zionists who hold ethical and religious convictions that oppose a Jewish state. None of these motivations or attitudes toward Israel and/or Zionism necessarily constitute antisemitic behavior as troublemakers, shysters, capitalists, anarchists, communists, sexual degenerates, etc. The elements that make up antisemitism derive from various historical conditions, and in our current time combine to form pejorative claims that include religion, race, culture and politics. They portray Jews as secretive, manipulative, untrustworthy, controlling, and dangerous — as well as responsible for other people's suffering.

Understanding and addressing antisemitism is important in its own right, and it is a critical part of the broader struggle against all forms of oppression.

Antisemitic behaviors and conditions may emerge from indifference, stereotyping, or the rejection of Jewish perspectives and interests because they are held by Jews. It is even possible to engage in antisemitic behavior, or to promote antisemitic conditions, without holding expressly prejudicial attitudes toward Jews. In some cases, antisemitic behaviors and conditions may coexist with positive attitudes toward certain Jews or Jewish institutions.

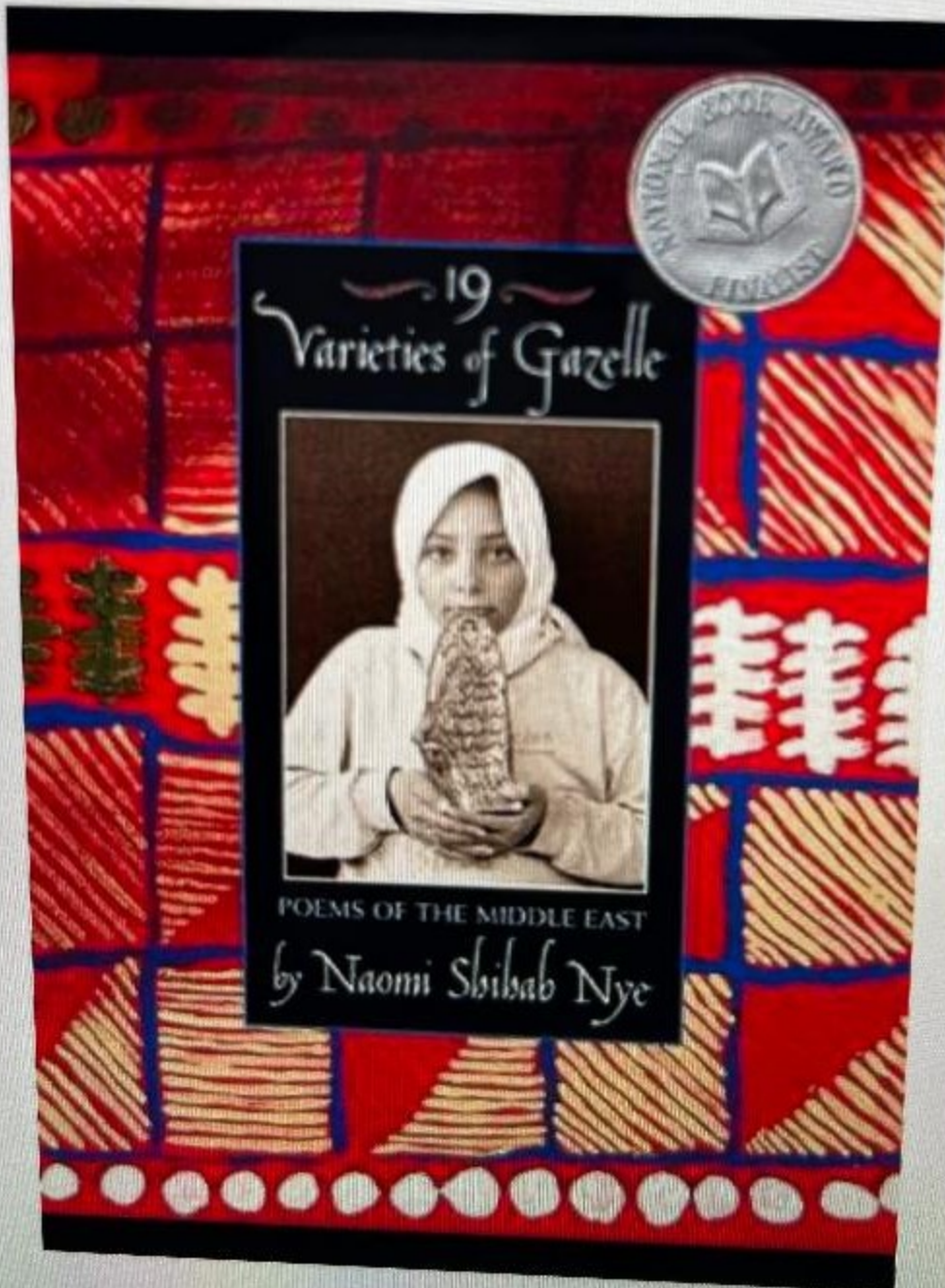
Antisemitism can present in different forms; people change it and adapt it to their own social, political, cultural, religious, and historical circumstances. It can be used to target Jews of all races, denominations, gender identities, levels of observance, and political ideologies.

Antisemitism fulfills a social function: It provides an explanation for social disorders. People use it to demonize and fuel the oppression of any minority and all minorities <sup>2</sup>, while fomenting division between Jews and other minorities.



The second section of the book focuses on Barakat's memories of life as a refugee and then under occupation from the age of 3 to 7. Presumably she drew on family members recollections to augment her own early childhood memories because the descriptions are very detailed. She describes how frightening the war is and what it was like to flee from her home and be separated from her family for a while. She describes her family's life in a refugee camp in Jordan and their return to their home on a hill near Ramallah in the West Bank. Because it is in the center of an Israeli training ground, they are not allowed to leave the house during the day. Afraid for her children's safety, Barakat's mother takes her children to live in an orphanage, where she finds work.

### Poetry





Nye edited *Flag of Childhood: Poems from the Middle East*. The poems in this volume, written by poets from 14 countries, including Palestinians and Jewish Israelis, explore and honor daily life in the Middle East, and life for Middle Eastern immigrants and their children in North America. The collection offers readers a beautifully worked window into what Nye refers to in the introduction as a complicated center of dramatic cultural and religious history.

The revered Palestinian writer and prolific poet Mahmoud Darwish wrote primarily for adults. However, his compelling poetry captures life for Palestinians, from their forced dislocation when the state of Israel was formed, through exile and occupation, and many of his poems can be shared with intermediate

grade readers. One example is Identity Card; the penultimate stanza captures the losses that Palestinians have experienced:

*Write down!*

*I am an Arab*

*You have stolen the orchards of my ancestors*

*And the land which I cultivated*

*Along with my children*

*And you left nothing for us*

*Except for these rocks.*

*So will the State take them*

*As it has been said?!*

### Some Final Thoughts

U.S. media coverage of the Middle East is frequently Israel-centric and does not explore the enormous financial support that the United States provides each year to Israel and its occupation of Palestine. When this is coupled with a sometimes virulent anti-Muslim and anti-Arab feeling in many parts of the country, it is incumbent on educators to take a role in unpeeling these biases and encouraging students to think critically about human rights in Palestine/Israel. There is no question that reading books about contemporary Palestine and the Israeli occupation may raise conflicting points of view, but that is part of supporting students to become critical readers, thinkers, and, hopefully, activists in support of justice and peace.

### Resources

#### Books

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#### Internet Resources





Protesters participate in the international campaign to boycott, divestment from, and sanction Israel in support of Palestinian human rights. Montreal, August 2014.

Photo: Scott Weinstein

"They are targeting our children. They know our children are the future of Palestine," a mother and community activist told Rethinking Schools editor Jody Sokolower. In this Palestinian woman's East Jerusalem neighborhood, dozens of children have been arrested from their beds at 4 in the morning, cuffed and blindfolded, and taken for lengthy interrogations. One 5-year-old was arrested and detained because he rushed to his mother's defense in their own house. After the children return home, they are often on house arrest for months. Many of these children show the effects of trauma: bedwetting, nightmares, depression. As a result of their incarceration and house arrest, they lose valuable time at school, and many drop out as a result.

This is just one example of the impact of Israel's occupation of Palestine, but it's one that moved us deeply. When the United States was about to invade Afghanistan and again in the lead-up to the war against Iraq, Rethinking Schools argued that these were situations of such magnitude that educators had a moral and an *educational* responsibility to speak out. We think that Palestine is just such a situation. We've had long discussions about what that means for us as educators. One important piece of that responsibility, we believe, is joining the movement to boycott, divest from, and sanction Israel (BDS) for its denial of human rights to Palestinians.

### What Is BDS?

The BDS movement was launched in 2005, with a call from 170 Palestinian civil organizations, including teacher and other unions, medical associations, and religious and humanitarian organizations. Appalled at the separation wall Israel was building through occupied Palestine and frustrated by the inability of the United Nations to hold Israel accountable for violating dozens of resolutions upholding Palestinian

human rights, they called for an international movement to boycott, divest from, and sanction Israel. They were influenced by South African leaders like Desmond Tutu and Nelson Mandela, who described the similarity of Palestinian life under Israeli occupation to their lives under South African apartheid, and by the positive impact of the international movement to expose and isolate that regime.

The Palestinian BDS movement demands that Israel:

1. End its occupation and colonization of all Arab lands and dismantle the separation wall.
2. Recognize the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
3. Respect, protect, and promote the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

In the beginning, the idea that individuals, organizations, and governments around the world would understand the role of Israel toward Palestinians as a colonial occupation seemed far-fetched. But just as the movement to isolate South Africa grew slowly from a small base, the BDS movement has gradually expanded and become part of an international sea change in understanding the role of Israel and the situation of the Palestinians. Israel's cyclical violent assaults on the besieged people of Gaza have horrified people around the world. So have images of the separation wall snaking through Palestinian lands, separating villagers from their olive fields and children from their schools. And, as the number of illegal Israeli settlers in occupied East Jerusalem and the West Bank has climbed to more than 500,000, the country's expansionist aims have become clearer.

Meanwhile, organizing by Jews who support Palestinian human rights, individually and through organizations like Jewish Voice for Peace and the International Jewish Anti-Zionist Network, rebuts claims that criticism of Israel is anti-Semitic. (Zionism, which began in the late 19th century as a movement for the establishment of a Jewish state in Palestine, today means the support of Israel as a Jewish state—and often its expansion to East Jerusalem, Gaza, and the West Bank as well.)

In the past few years, the movement to pressure Israel through boycotts, divestment, and sanctions has grown in the United States, particularly in church organizations and on college campuses. The Presbyterian Church U.S.A. voted to divest from Caterpillar, Hewlett-Packard, and Motorola because of their role in the occupation; the United Church of Christ and the Mennonites also voted for divestment. UAW 2865, representing thousands of teaching assistants and other workers for the entire University of California system, and the system's statewide Student Association voted to support BDS; divestment motions have passed at DePaul, Earlham, Loyola, Northwestern, Oglethorpe, Stanford, Wesleyan, and the University of New Mexico.

Last August, more than 1,000 African American scholars, activists, students, artists, and organizations signed a Black Solidarity Statement with Palestine in support of BDS and an end to U.S. diplomatic and economic aid to Israel until it complies with international law. Signers included scholar/activists Angela Davis and Cornel West, imprisoned journalist Mumia Abu-Jamal, rapper Talib Kweli, Black Lives Matter co-founder Patrisse Cullors, and the Dream Defenders.

### Education Under Occupation

Within Rethinking Schools, a growing sense of responsibility for Palestine has been reinforced by editors' personal experiences over many years. Bob Peterson, Linda Christensen, and Bill Bigelow were part of a delegation to Palestine/Israel back in 1989. They returned with stories about the impact of the occupation on children and young people—Israel had closed all K-12 schools and universities in retaliation for the first Palestinian *Intifada* (uprising). In Gaza, they spent time with children who were

terrorized by a dusk-to-dawn, shoot-to-kill curfew and regular Israeli armed attacks on Palestinian schools. A few years ago, Jesse Hagopian participated in an African heritage trip to Palestine sponsored by Interfaith Peace-Builders. Veterans of the Civil Rights Movement on that trip spoke about experiencing post-traumatic stress from the similarities to what they had lived through in the Jim Crow South. According to Jesse, "To hear from the older activists that life for Palestinians under Israeli control was more oppressive than Jim Crow—that was life-changing."

Jody Sokolower spent two weeks in East Jerusalem last year, interviewing Palestinian children, their parents, and community activists. "I wanted to focus on the impact on children and education," she says, "so I looked at the Silwan neighborhood, where residents experience daily house demolitions, evictions, more and more Israeli settlers (many from Brooklyn), constant arrests, and lack of basic services. Children suffer the worst. I didn't meet a boy over the age of 8 who hadn't been arrested at least once. And I met a teenage girl who didn't speak for a year after her family's home was demolished before her eyes."

There is a severe shortage of classrooms for Palestinian children in East Jerusalem; schools in Gaza suffer from the effects of Israel's 2014 attacks and the continuing siege. And then there's what Palestinian children are allowed to learn. Teachers in East Jerusalem and within Israel's 1948 borders are forbidden to mention Palestinian history or culture. Just as children in colonized Jamaica and Nigeria were taught only British history, Palestinian children are taught only Israeli history (see "[Education Under Occupation: East Jerusalem](#)").

### **Palestine Solidarity for K-12 Teachers?**

A few months ago, RS editor Adam Sanchez asked Palestinian American scholar/activist Ali Abunimah, author of *The Battle for Justice in Palestine*: "K-12 teachers have so much else to worry about. Why should we support the BDS movement?"

After describing the impact of the occupation on Palestinian children and their education, Abunimah explained: "I don't want to say what people should and shouldn't do, but the United States is directly implicated in what's happening in Palestine. It's directly complicit in the occupation. It arms and funds occupation, it arms and funds Israeli apartheid and settler colonialism. The impact on Palestinian society has been catastrophic. And there's no doubt that U.S. support for Israel has been driving much of the conflict and extremism we see in the region."

Abunimah published an article last March about American Federation of Teachers President Randi Weingarten's speeches and public statements in opposition to BDS. "So," he concluded, "I think teachers have to get involved because they already are. For teachers whose unions are part of the AFT, their name is being used to support unjust policies. They have to decide whether they're going to take that in silence or speak up for justice."

But what would solidarity with Palestine look like for K-12 teachers and schools? For us, education activism starts with content in the classroom. Samia Shoman's article on teaching the history of 1948 ("[Independence or Catastrophe? Teaching Palestine Through Multiple Perspectives](#)," summer 2014), Katharine Samway's [article on books about Palestinian lives appropriate for K-8 readers](#) (winter 2012-13), and Ken Gadbow's article on connecting U.S. and Palestinian students via videoconferencing ("[Portland to Palestine](#)," winter 09-10) are examples of places to start. But we need more teaching, more curriculum, more articles that delve into the history and politics of Israel-Palestine. And we need to build networks of teachers to defend those who may be attacked for teaching Palestinian perspectives.

But we also want to encourage K-12 teachers and education activists to participate directly in the BDS movement. As teachers and teacher educators, we have pension funds, many of which are invested in corporations that contribute to and/or profit from the repression of Palestinian people. Progressive unions around the world, including the British National Union of Teachers, the Connecticut branch of the AFL-CIO, and the Quebec Confederation of National Trade Unions, have endorsed BDS and made it part of an overall commitment to responsible investment. This seems like an important time for teacher unions in the United States to take a similar stance.

### **Divisive or Strengthening?**

Some people say that now, when public education is under such sharp attack, raising solidarity with Palestine will divide and weaken our movement. Martin Luther King Jr. faced similar criticisms when he spoke out against the war in Vietnam. He responded famously, "Injustice anywhere is a threat to justice everywhere." Like King, we believe that when we take principled stands and connect issues, we build a stronger movement.

An example of how international solidarity can strengthen movements emerged from Black Lives Matter during the demonstrations in Ferguson, Missouri, over the police killing of Michael Brown in August 2014. When news reports revealed that the tear gas canisters used by police to disband protests in Ferguson were the same as those used by Israeli soldiers in Palestine—and Palestinians tweeted advice to demonstrators in Missouri—it was an impetus to build bridges, exchange visits, and make commitments. As the Black Solidarity Statement with Palestine says:

*Out of the terror directed against us—from numerous attacks on Black life to Israel's brutal war on Gaza and chokehold on the West Bank—strengthened resilience and joint struggle have emerged between our movements. . . . We urge people of conscience to recognize the struggle for Palestinian liberation as a key matter of our time.*

## **6. On Truth and Neutrality (Article)**

SOURCE: [Learning For Justice](#)

### **On Truth and Neutrality**

A TT Advisory Board member encourages fellow educators to commit to tackling the tough topics.

[BARBIE GARAYÚA TUDRYN](#)



Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

The truth about the values upon which our democracy is said to stand—freedom, justice and equality—belongs in your classroom. It belongs to every one of your students. Everyone has the right to the real story of social justice, of this democracy, of the ways history continues to leave its mark at the individual and collective level.

*Garayúa-Tudryn is a school counselor at a dual-language elementary school in North Carolina. She is also a member of the Teaching Tolerance Advisory Board.*

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## 7. Checking Yourself for Bias in the Classroom (Article and Teaching Resource)

SOURCE: [Learning for Justice](#)

### Checking Yourself for Bias in the Classroom:

**Unconscious bias can shape the responses of even the most well-intentioned educators. But you can check yourself—one teacher shares how.**

By Ellen Fracassini

#### Bullying & Bias

If you had asked me in my first few years of teaching what a classroom should look like, I probably would have described something that included students sitting silently and working on assignments. Sure, I also would have mentioned something about discussion and group work, but a lot of what I envisioned in my mind was compliance. Why? Because that's what my own educational experience looked like.

I wouldn't have realized at the time that this was also a glaring example of the unconscious bias I carried with me into the classroom. I was in a classroom where I was the only person who was not of the culture my students shared. I took this as an opportunity to listen, learn, ask questions and accept responsibility when I got it wrong. In my eagerness and earnestness to learn and soak up as much as I could, students and their families trusted me with their stories. It has shaped my purpose as an educator and evolved my practice over the last decade.

This work is ongoing and ever-evolving.

While "doing the work" on yourself is intense and reflective, it is also a process. It will take time to unpack and time still to revisit, revise and reevaluate your practice. As you begin or continue this journey, it can be helpful to have a way to check yourself in class. We all know that impact matters more than intention—this is of utmost importance with young people who are shaping their views of

themselves and their place and space in the world—so having a reliable strategy to check your response to a student's behavior can be helpful in determining the most appropriate response in that moment.

I have relied on what I call Me/They/We. Using Me/They/We helps me to quickly determine whether my initial evaluation of a situation is a reflection of my own expectations rooted in bias, a judgment of the student's behavior or a response that is appropriate to the situation at hand.

In this sense, I'm able to more accurately understand my own intention in redirecting a student. I ask:

- **Me** – Am I the only person bothered or distracted by this behavior?
- **They** – Is the student's behavior distracting them from the task at hand?
- **We** – Is this student's behavior distracting to a larger group/the class as a whole?

Here's a more specific example: A student is constantly drumming his fingers on his desk and bobbing his head to his beats. This gets my attention and seems like a distraction. Consider:

- **Me** – Am I the only one bothered by his drumming and moving?
- **They** – Is his behavior distracting him from working? Is it a habit he does without realizing? Does this actually help him focus?
- **We** – Does the class notice? Are the people around him distracted?

If I'm the only one bothered/distracted, the student in question is working and others around him are unbothered, I move on.

This technique helps you weigh your purpose in calling attention to something otherwise innocuous against the potential effect of your calling a student out. While your intention may be to redirect the student to an ideal classroom behavior that appears more focused—or rather, meets your vision of what focus looks like—the impact varies. You may be passing a judgment that erodes trust or creating a larger distraction to students who were otherwise working diligently. Or, at the very least, you may be interrupting the learning process for your student.

This is one example, of course. There are times in class when I've run through this in my mind and determined that the behavior is, in fact, disruptive to the student in question or to others and that I needed to redirect. There are many ways to validate and redirect with low intervention.

Does this seem like a lot to consider before telling a student to stop drumming or stop drawing or lettering all over their notebook? Maybe.

But we already do this every day.

As educators, we make judgments and evaluations constantly throughout the day. It's worth being more deliberate and slowing down the process to further peel back any layers of unconscious bias we have and, most importantly, to always keep the care and connection with our students at the forefront of our decision-making.

If we aren't diving into *this* work as deeply as we dive into curriculum, then what exactly is the purpose?

Palestine 101

## Myths database

Tired of all the propaganda and disinformation on Palestine?

Explore our myths database, where you will find a continuously updated list of some of the most prominent myths and talking-points related to the Palestinian question, as well as their debunking.



Myths database

VISIT WEBSITE: <https://decolonizepalestine.com/>



### Rainbow washing

From appeals to environmentalism to claims of women empowerment, learn about the myriad ways in which Israel seeks to improve its dismal world image.



### Palestine reading list

Expand your knowledge on all things Palestine with the Decolonize Palestine reading list.



### Palestine FAQ

Need a quick answer?

Our Palestine FAQ contains answers to the most commonly asked questions regarding the Palestinian question.

VISIT WEBSITE: <https://decolonizepalestine.com/>

9. Teaching Palestine/Israel: A Multiple Narratives Approach (Online Curriculum Resource)  
SOURCE : [TeachPalestine.org](https://teachpalestine.org)

Recommended by [Harsha Walia](#) @HarshaWalia

A Multiple Narratives Approach

By Samia Shoman

**NOTE:** See ["Independence or Catastrophe? Teaching Palestine Through Multiple Perspectives"](#) for Dr. Shoman's description of how this curriculum looks in the classroom.

### **Introduction**

A few years ago, one of my former students shared an essay she wrote for her college applications with me. Here is part of what she wrote:

I was assigned a Palestinian history teacher when I entered high school, and I quickly came to realize that there was more to being Jewish than I knew. Through our Palestine-Israel unit, I was exposed to perspectives that made clear that Jews share responsibility for the conflict in the Middle East. This epiphany not only challenged my perception of Jews as perfect, it also made me curious to learn more. Instead of assuming my tolerance of other religions, I became motivated to understand the diversity around me. I decided to make high school the grounds for my investigations. I sought out people with different backgrounds and cultures from my own. My closest friend is Iraqi. By asking questions, thinking twice, and listening attentively to other people's opinions, I have been able to shed some of my ignorance. The experience has been liberating.

As a social studies teacher in the San Francisco Bay Area, it has been a challenge to teach the Palestinian-Israeli conflict—not because I am Palestinian, but because this is not a conflict or war of equal powers, yet as educators we are asked to ensure a "balanced" curriculum that is equal to both sides. No matter what I have done to ensure that all sides are represented, there are some people who can never get past the fact that I am a Palestinian. I have been accused of using biased materials. The accusations did not come from my students or their families, but from an outside organization. Because of these accusations, my curriculum has been vetted by numerous outside sources at the request of our district and county office of education. Although I was confident in the curriculum and am a veteran teacher, this scrutiny caused me a great deal of stress, anxiety, and frustration. There were times when I sat in a bathroom stall at work and cried, times when I understood that what was happening was a microcosm of the greater conflict, and times when I was so inspired by the thoughtfulness of my students as they wrestled with the history and reality of the conflict that I forgot about everything that was happening to me.

### **Why a Multiple Narratives Approach?**

I teach Palestinian-Israeli history from a multiple narratives approach. Because this approach relies on students' critical analysis of original sources representing many points of view, I have been successful in building my students' content knowledge about the area and their ability to think critically at the same time that I have successfully defended my curriculum from concerted Zionist attacks.

I recommend this approach to other teachers who are in situations where they are vulnerable to similar politically motivated scrutiny. It challenges students to learn historical content, synthesize content, and develop critical analysis skills. In addition, it invites students to come to their own conclusions given the content they have learned, which helps avoid controversy and criticism. It allows educators opportunities to teach students both historical content and important historical thinking skills.

The rationale behind multiple narratives is the attempt to balance the idea of history as a discipline based on facts with the idea of history as a collection of human experiences and memories based on a person's own perspective. Students are presented with historical facts and also exposed to various Palestinian and Israeli perspectives and narratives about those events. The idea is to keep students open to outcomes. Although there are definitely historical facts I expect students to learn, I don't dictate conclusions. The multiple narratives approach creates opportunities for students to synthesize the facts with different perspectives and narratives, and come to a truth or multiple truths about the conflict.

Although this often challenges students with close ties to the region or strong opinions, my experience is that they grow as much or more than other students. For example, here's an excerpt from a thank you letter one of my 10th graders wrote several years ago:

You have inspired me in so many ways and broadened my perspective immensely, especially when learning about the Palestinian-Israeli conflict. Going to a Jewish school for nine years, I didn't even know Palestinians refer to Israel's independence as the catastrophe and I was shocked to hear this. I really am glad, though, that I learned a lot more about the conflict from multiple perspectives. This unit taught me about the other side I had never learned about and showed me how no one is innocent and both sides need to make sacrifices to move forward. I will not stand by as either side abuses people's basic rights. One of the most important things I will take away from your class is that in the end we are all human and despite our differences we all deserve our natural rights and be treated with dignity.

Teaching about this conflict can be done. And more importantly, a justice-based approach can be used. As challenging as this can be, the reward is seeing students flourish as they think, question, and engage. They will come in to talk between classes and during your off periods because they are so perplexed by the situation, and you will feel validated that you have instilled a sense of urgency and humanity in them. The potential for high levels of student engagement, processing, and ability to draw their own conclusions about one of the most critical and controversial situations in the world should inspire and motivate educators to teach about the Palestinian-Israeli conflict.

### **Introduction to the Unit Outline**

Before beginning the Palestine/Israel unit, I dedicate 1-2 days to reviewing the geography and political landscape of the MENA region. The first day consists of completing and reviewing a survey on the Middle East. Then the students generate questions on the Middle East and people from the region. Throughout the unit, I address the questions (usually 2-3 a day).

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## Understanding Antisemitism at its Nexus with Israel and Zionism <sup>1</sup>

### Antisemitism

*Antisemitism consists of anti-Jewish attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews, and conditions that discriminate against Jews and impede their ability to participate as equals in political, religious, cultural, economic, or social life.*

Uniting all of antisemitism's strands is a persistent demonization that casts Jews not only as "others" (i.e., as intrinsically different or alien) but also as irredeemably threatening and dangerously powerful. There are multiple reasons that people may have for opposing Zionism and/or Israel. Such opposition does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions. For example, someone might oppose the principle of nationalism or ethnonationalist ideology, of which Zionism is an example. Someone's personal or national experience may have been adversely affected by the creation of the State of Israel (e.g., Palestinians for whom Zionism/Israel has created inequality and/or led to exile). Indeed, there are Jewish anti-Zionists who hold ethical and religious convictions that oppose a Jewish state. None of these motivations or attitudes toward Israel and/or Zionism necessarily constitute antisemitic behavior as troublemakers, shysters, capitalists, anarchists, communists, sexual degenerates, etc. The elements that make up antisemitism derive from various historical conditions, and in our current time combine to form pejorative claims that include religion, race, culture and politics. They portray Jews as secretive, manipulative, untrustworthy, controlling, and dangerous — as well as responsible for other people's suffering.

Understanding and addressing antisemitism is important in its own right, and it is a critical part of the broader struggle against all forms of oppression.

Antisemitic behaviors and conditions may emerge from indifference, stereotyping, or the rejection of Jewish perspectives and interests because they are held by Jews. It is even possible to engage in antisemitic behavior, or to promote antisemitic conditions, without holding expressly prejudicial attitudes toward Jews. In some cases, antisemitic behaviors and conditions may coexist with positive attitudes toward certain Jews or Jewish institutions.

Antisemitism can present in different forms; people change it and adapt it to their own social, political, cultural, religious, and historical circumstances. It can be used to target Jews of all races, denominations, gender identities, levels of observance, and political ideologies.

Antisemitism fulfills a social function: It provides an explanation for social disorders. People use it to demonize and fuel the oppression of any minority and all minorities <sup>2</sup>, while fomenting division between Jews and other minorities.

As the embodiment/realization of collective Jewish organization and action, Israel is a magnet for and a target of antisemitic behavior. Thus, it is important for Jews and their allies to understand what is and what is not antisemitic in relation to Israel.

## Antisemitism, Israel, and Zionism

### Israel and Zionism:

Historically, and especially since its establishment as a state in 1948, Israel has served as one expression of Jewish national identity. Zionism is a political ideology that says the Jewish people constitute a modern national collective. During the 20<sup>th</sup> century, Jews in many European and Middle Eastern countries were assaulted, oppressed, and economically deprived, culminating in the murder of 6,000,000 Jews in the Holocaust. This led most Jews worldwide to embrace Israel and Zionism.

As a sovereign state and a member of the United Nations, Israel has the rights and responsibilities of other sovereign states. It is subject to praise and condemnation, support and opposition, according to the expectations and provisions of its international and domestic relationships and obligations. Zionism asserts that the Jewish people should be able to exercise self-determination in their ancestral homeland. Beyond this core affirmation, the word Zionism often means different things to different people, and should therefore be used with precision. There are numerous varieties of Zionism and many attempts to appropriate the term in service of a particular political perspective.

Zionism makes no judgment regarding the justice or wisdom of particular Israeli governmental policies (e.g., Israel's precise borders or the character of its democracy).

If a person identifies as a "Zionist," such association does not entail *carte blanche* approval of all or even any policies or politics of a specific Israeli government. Similarly, "anti-Zionist" is not an appropriate label for a speaker merely because he or she opposes specific Israeli policies.

### Criticism of Israel and Zionism:

Criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic.

Using accusations of antisemitism as a tool to suppress criticism of Israel is dangerous on many levels. It distracts attention from *bona fide* antisemitism, infringes on the principle of freedom of expression, and militates against constructive dialogue and debate among people with differing opinions.

Even contentious, strident, or harsh criticism of Israel for its policies and actions, including those that led to the creation of Israel, is not *per se* antisemitic. This includes critiques of specific forms of Zionism that are incompatible with the equal dignity or self-determination of others (e.g., forms of Zionism which are opposed in concept to the existence of a Palestinian state or to any other credible mechanism for upholding Palestinian democratic rights).

Generally speaking, judging Israel using the same standards applied to other countries is not antisemitism. Paying disproportionate attention to Israel and/or treating it differently than other countries is not *prima facie* evidence of antisemitism. There are numerous reasons for treating Israel differently or devoting special attention to Israel, among them that Israel receives more military aid than

any other country or that someone has a special religious connection with Israel. Singling out Israel because it is a Jewish state, using standards different than those applied to other countries, is antisemitism.

### Opposition to Zionism and/or Israel:

There are multiple reasons that people may have for opposing Zionism and/or Israel. Such opposition does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions. For example, someone might oppose the principle of nationalism or ethnonationalist ideology, of which Zionism is an example.<sup>2</sup> Someone's personal or national experience may have been adversely affected by the creation of the State of Israel (e.g., Palestinians for whom Zionism/Israel has created inequality and/or led to exile). Indeed, there are Jewish anti-Zionists who hold ethical and religious convictions that oppose a Jewish state. None of these motivations or attitudes toward Israel and/or Zionism necessarily constitute antisemitic behavior.

### When is criticism or opposition to Zionism and/or Israel antisemitic?

All claims of antisemitism, like all claims of discrimination and oppression in general, should be given serious attention. Arguments that claims of antisemitism are *always* or *primarily* tools to suppress criticism of Israel or opposition to its policies often justify the dismissal of Jewish concerns, allowing even serious cases of antisemitism to go unchallenged. In particular, antisemitic speech or conduct is not insulated simply because it styles itself as "criticism of Israel."

Whether or not speech or conduct about Zionism and Israel is antisemitic should be based on the standards for speech or conduct that apply to antisemitic behavior in general. Thus, it is antisemitic to promote myths, stereotypes or attitudes about Zionism and/or Israel that derive from and/or reinforce antisemitic accusations and tropes. These include:

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- Characterizing Israel as being part of a sinister world conspiracy of Jewish control of the media, economy, government or other financial, cultural or societal institutions;<sup>4</sup>
  - Indiscriminately blaming suffering and injustices around the world on a Jewish conspiracy or as the maligning hand of Israel or Zionism.<sup>5</sup>
  - Holding individuals or institutions, because they are Jewish, *a priori* culpable of real or imagined wrongdoing committed by Israel.<sup>6</sup>
  - Considering Jews to be *a priori* incapable of setting aside their affinity/loyalty to the Jewish people and/or Israel.<sup>7</sup>
  - Denigrating or denying the Jewish identity of certain Jews because they are perceived as holding the "wrong" position (whether too critical or too favorable) on Israel.<sup>8</sup>
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Other cases in which criticism of Zionism and Israel or opposition to Israel's policies might be deemed antisemitic include:

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- Including symbols and images that present Jews worldwide as collectively guilty for the actions of the State of Israel.
  - Attacking a Jew because of her/his relationship to Israel. Conveying intense hostility toward Jews who are connected to Israel in a way that intentionally or irresponsibly (acting with disregard to potential violent consequences) provokes antisemitic violence.



- Treating Israel in a negative manner based on a claim that Jews in particular should be denied the right to define themselves as a people and to exercise self-determination.
  - Advocating a political solution that denies Jews the right to define themselves as a people, thereby denying them because they are Jews the right to self-determination, and/or denying Jews the right to physical safety and full human, civil, and religious rights.
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Overall, the criterion for judging whether instances are antisemitic is the same criterion for judging antisemitic behavior in any of its forms. It is antisemitic if it includes harmful hostile, degrading, or discriminatory behaviors directed toward Jews — in word and/or in action, that harm Jews — and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life.

<sup>1</sup> This paper was drafted by the Nexus Task Force, which was a project of the Knight Program on Media and Religion at the Annenberg School of Communication and Journalism at USC, examining the issues at the nexus of antisemitism and Israel in American politics.

<sup>2</sup> For the purposes of this paper we are using the term "antisemitic" and "antisemitism" to refer to all forms of anti-Jewish behavior. We also use "antisemitism" (without a hyphen) to emphasize that there is no ideology of "Semitism" that antisemites oppose — antisemitism is not, for example, hostility towards speakers of Semitic language groups. For the purposes of this paper we are using the term "antisemitic" and "antisemitism" to refer to all forms of anti-Jewish behavior. We also use "antisemitism" (without a hyphen) to emphasize that there is no ideology of "Semitism" that antisemites oppose — antisemitism is not, for example, hostility towards speakers of Semitic language groups.

<sup>3</sup> See "[Skin in the Game](#)" by Eric Ward for an articulation of the ways in which antisemitism animates white nationalism.

<sup>4</sup> From the Iranian run Press TV broadcasting in North America and Europe: "Netanyahu still has his hands on the strings that control puppets around the world, the press, entertainment industry, key world leaders."

<sup>5</sup> An Algerian news site blamed the "Zionist Entity" (Israel) for the Coronavirus and a collaboration between a "Zionist Institute" and a French Jewish billionaire. <https://almasdar-dz.com/?p=103657>

<sup>6</sup> A study by the UK based Institute for Jewish Policy Research showed "almost eighty percent of respondents, indicated that "they have felt blamed by non-Jews, at least occasionally, for the actions of the Israeli government, purely on the basis of their Jewishness."

<sup>7</sup> In August 2019, President Trump, while praising the loyalty of Israeli Jews to Prime Minister Benjamin Netanyahu accused American Jewish Democrats of disloyalty. The New York Times wrote of the incident: "It was the second day in a row that Mr. Trump addressed Jews and loyalty, a theme evoking an anti-Semitic trope that Jews have a "dual loyalty" and are often more loyal to Israel than to their own countries." "If you want to vote Democrat, you are being very disloyal to Jewish people and very disloyal to Israel," Mr. Trump said Wednesday at the White House."

<sup>8</sup> David Friedman, prior to becoming U.S. Ambassador to Israel called, J St supporters "worse than Kapos." <https://www.israelnationalnews.com/Articles/Article.aspx/18828>

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