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Title: **“Are the new forms of Antisemitism recognized in European countries' legal systems?”**

Panel: Jurisprudence

During the past decades, we have witnessed new manifestations of antisemitism, a phenomenon known as the “new Antisemitism”. Have the European legal systems made the necessary changes to outlaw this new Antisemitism?

In my presentation, I will discuss the current legal framework in E.U. member states relevant to combating Antisemitism, and show the criminal law categories relevant for this (e.g., prohibiting Holocaust denial, incitement to hatred, hate crimes, Nazi propaganda and symbols). Further, the newer manifestations of antisemitism will be analysed from a legal perspective, including the BDS movement against Israel, extreme anti-Israeli rhetoric and online Antisemitic hate speech.

To gain a comparative understanding, I will analyse some landmark court cases and newly enacted laws from South Africa, the U.S., Israel, France, Spain and Germany on the connection between anti-Zionist or anti-Israeli rhetoric, BDS activities and discrimination. While some countries, like France and Spain have prohibited BDS activities on the grounds of discrimination, other countries, such as the U.S., have chosen the economic route of “boycotting the boycotters”. The differences between the European approach to that of the U.S. stem from various reasons, chief among them First Amendment protections.

Some national courts, in South Africa and in Germany for example, have made rulings that correlate between speech ostensibly targeting “Zionists”, or the State of Israel but is, in fact, laced with anti-Semitic tropes and thus deemed as an incitement to hatred. In this context, I will compare between speech against a person or a group of persons versus rhetoric targeting a state. Under what circumstances may extreme rhetoric levelled against a state be considered hate speech, and thus be deemed prohibited? Moreover, when do BDS activities constitute an incitement to discrimination? The Working Definition of Antisemitism will be discussed in this context as well, and its role in educating law enforcement and the judiciary on how to duly identify antisemitic motives and offenses, and in offering an updated interpretation of what constitutes “incitement to hatred” or a “hate crime”.