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Title: **“Civil law measures against anti-Semitism”**

Panel: Jurisprudence

Fighting anti-Semitism with the tools of law belongs to the arsenal of possible reactions toward “the longest hatred”. However, while most interest and efforts concentrate on criminal law sanctions, the potential of civil law measures against anti-Semitic utterances or behavior still remain underestimated. At the same time, criminal law, even if applied properly, most often proves to be ineffective and cannot be regarded as a proper remedy for the victims of anti-Semitic hatred. Civil law seems to offer a much broader spectrum of remedies, including those of financial character. The spectrum mentioned differs depending on the jurisdiction of particular states but the basis for civil legal actions in case of anti-Semitism remain the same. Civil lawsuits can be more effort and time-consuming but their outcome may offer real redress and justice, especially in the context of the growing BDS movement and anti-Semitic actions orchestrated by powerful private entities. At the same time, civil law actions can be the best legal response towards defamatory claims and infringements of personal rights.

This presentation will address the issue of available legal instruments of civil law, in the comparative European perspective. In particular, the question of effectiveness and availability of such instruments will be considered, followed by examples of successful civil law actions undertaken against anti-Semites. The presentation will also focus on the practical dimensions on civil vs. criminal law actions against anti-Semitism, taking Poland and most prominent Polish courts’ rulings concerning anti-Semitism as a case-study.