

Why Facebook must adopt IHRA

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In Defense of the IHRA definition of antisemitism

Hebrew University Professor Amos Goldberg and 55 others sent Facebook a letter (published in *Forward* September 13, 2020) urging it not to use the IHRA definition of antisemitism, which they describe as "controversial," to guide it in determining what material on its platform is antisemitic. The main argument they offer is that some of its examples outlaw what they term "criticism directed at the State of Israel."

We find this argument entirely without force, for two reasons. The first reason is that the examples in question pose no obstacle whatsoever to a very extensive range of criticisms of Israel. For instance, nothing in the definition could possibly serve to dismiss, as "antisemitic", the widespread criticism by human rights NGOs and others of the use of white phosphorus by the IDF to create smokescreens in populated areas of the Gaza Strip during the First Gaza campaign of 2008-2009. And there are many other such examples.

The second, and more serious, reason is that the limited list of types of claim, hostile to Israel, that the Definition characterizes as antisemitic, do not belong to any intelligible project of political criticism of Israel. To *criticise* a state or a regime is to draw attention, with good reason, to some abuse on its part that in principle admits of political remedy. In the case of the white phosphorus example, such criticism elicited the remedy it sought when, in 2013, the IDF discontinued further use of the substance.

The types of hostile claim stigmatized as antisemitic by the IHRA definition belong to a very different project: not that of *criticising* Israel, but that of "*delegitimising*" it. It is not easy to see what might be meant in international law by the notion of a state's, as distinct from a regime's being "illegitimate". But sense of a sort might be made of the claim that a state "should never have come into existence," if it could be shown that the state in question had, since its inception, been the cause of so much human suffering that it would have been better had it never come into existence in the first place. And this is in fact the line that the majority of anti-Zionists take. The difficulty with this line of argument, of course, is that the record of Israel on human rights is vastly better than that of many states that anti-Zionists do not consider "illegitimate." Anti-Zionists therefore do not, on the whole, try to meet that difficulty by amassing specific, concrete instances of objectionable *conduct* on the part of Israel. Rather, they attempt to show that there is something objectionable in the *very nature, or essence, of Israel as a state*. This line of argument focuses on a small number of very general claims of this kind, notably that:

Israel is an essentially racist state.

Israel is an essentially settler-colonial society, occupying land "stolen" from the indigenous population.

Israel is an essentially Nazi society.

The existence of Israel is, by its nature, a permanent threat to peace, both the region and in the world

These are the kind of claims that the IHRA definition, through the agency of its short list of examples, stigmatizes as antisemitic. The claims in question work by associating Israel with a range of things that count, for large sections of the left and the "woke" community, as *definitive of the notion of evil*. If any one of these claims were simply and straightforwardly *true* -- for example, if Israel were in fact governed by a totalitarian party modeled on the

Nationalsozialistische Deutsche Arbeiterpartei -- then of course that claim would not be antisemitic.

But none of these claims are true. Considered as a candidate for any of these descriptions, Israel falls at the first hurdle. Israel is not a 'Nazi state,' because its government (unlike that of the late Saddam Hussein in Iraq, for instance, or for that matter that of Bashar al-Assad in Syria) is not in the hands of a single political party obedient to an inspired leader and committed to enforcing policies in broad alignment with those of the former Nazi Party. It is not an 'Apartheid state' because it altogether lacks the legal and social apparatus of racial separation that characterised the Apartheid regime in South Africa. It is not a 'racist state' because its Jewish population embraces Jews of all racial origins and colours, and for that matter because its citizens are only about 70 per cent Jewish, the remainder being Arab, including Muslim and Christian, Druze, Circassian and others. There are Arab Israeli Members of the Knesset and Arab Ministers of Government, as well as Arab Israeli Supreme Court Justices. Many Druze, some Christian Arabs and a few Muslims choose to serve in the IDF. It is not a 'colonial-settler state' because it did not come into being as a result of any European project of colonialism, but as the result of the Jewish population of Palestine establishing its right to political autonomy in the face of an attempt, from which the European powers stood aloof, to exterminate it or drive it from the land by military force. It has manifestly proved in practice a far lesser threat to peace, even in the region, than great-power rivalries between Iran, Turkey and Saudi Arabia, or for that matter than the so-called Arab Spring.

These are the facts on the ground. Unless those facts can somehow be shown not to obtain, "Nazism", "racism", "colonialism", and the rest remain mere epithets, that persuade, if they persuade, not by argument, but merely through the effect on impressionable minds of constantly hearing the name "Israel" associated with them. Contrary to the claims of Professor Goldberg and his friends, they make no contribution to serious political debate. Rather, they remain sonorous but empty phrases, good only for hurling during demonstrations or the rowdier kind of meeting. Such nebulous generalisations are advanced not with a view to articulating specific political criticisms requiring remedy, but rather with a view to persuading simple souls that Israel is guilty of vast but ill-defined evils for which no remedy is possible, short of its elimination.

Worse still, they serve another traditional function of antisemitism, in directing serious and often violent hostility towards Jews. If one sets out to persuade large numbers of young people, of generally left-wing or "woke" sentiments, that Jews, in creating the State of Israel, have shown themselves to be, collectively, Nazis, racists, warmongers and supporters not merely of settler-colonialism but of Apartheid, then it is surely to be expected that some of these young people will feel themselves morally licensed to commit the kinds of abuse and harassment of Jewish students and institutions on campus, and elsewhere, that have taken place across the Western world in recent decades, and that are as profoundly objectionable to non-Jews with any just sense of the recent political history of the region, as they are to Jews.

We, therefore, strongly urge the directors of Facebook not to be moved by the specious arguments advanced in Professor Goldberg's letter, but to be guided instead by the letter of August 7 from 127 organizations opposed to antisemitism, recommending, correctly, that the IHRA definition be adopted as a sound guide to the content of contemporary antisemitism.

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