

IHRA talking points 1/2025

- 1) IHRA has been found unconstitutional in Texas. In New Jersey it has already been used to harm free speech rights.
 - a) IHRA was found unconstitutional in TX where Gov. Abbot tried to implement: <https://www.middleeastmonitor.com/20241031-texas-judge-enforcing-the-ihra-definition-of-anti-semitism-limits-speech/>
 - b) Camden County curtailed student protected speech by referring to IHRA. It is used as a tool to chill speech. Read the ACLU response: <https://www.aclu-nj.org/en/press-releases/aclu-nj-sends-letter-camden-county-commissioners-defending-students-right-free-speech>
 - c) This is not an issue of taking sides, this is an issue of principle and protecting all of our free speech.
 - d) According to the American Civil Liberties Union (ACLU), "This definition of antisemitism conflates protected political speech with unprotected discrimination, and enshrining it into regulation will chill the exercise of First Amendment rights... The IHRA working definition of antisemitism includes protected criticism of Israel and its policies" (<https://www.aclu.org/documents/reject-definitions-of-anti-semitism-that-encourage-protected-speech>)
- 2) IHRA is harmful to Jewish people. Even those who drafted it object to it being codified into law.
 - a) Raz Segal article in Time: "Weaponizing Antisemitism Puts Jews at Risk" <https://time.com/6977457/weaponizing-antisemitism/>
 - b) Ken Stern, author of IHRA, opposed to codification into law: <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>
 - c) IHRA document says it should not be legally binding
 - d) If a definition is required, we recommend the NJ Statement on Antisemitism and Islamophobia. Drafted and endorsed by a coalition of Jewish, Muslim, Israeli, Palestinian, and allied scholars and advocates: bit.ly/njstatement
- 3) Anti-Palestinian racism must be addressed. IHRA will exacerbate it while NJ families are mourning loved ones killed in Gaza and beyond.
 - a) NJ constituents have lost 1,000s of family members in Gaza. Don't exacerbate their pain: <https://www.northjersey.com/story/news/world/2023/12/19/israel-hamas-gaza-war-nj-palestinian-families-killed-calls-ceasefire/71960593007/>
 - b) <https://www.nytimes.com/2024/04/24/us/palestinian-family-gaza-war-death.html>
 - c) IHRA discriminates against a population that is already suffering.
- 4) Codification of IHRA is opposed by many scholars, advocates, and experts.
 - a) 1,300+ Jewish scholars oppose the codification of the IHRA definition: (<https://concernedjewishfaculty.org/signatories/>)

- b) American Association of University Professors:
(<https://www.aaup.org/report/legislative-threats-academic-freedom-redefinition-s-antisemitism-and-racism>)
 - c) Progressive Israel Network Groups Oppose Codification of IHRA Working Definition of Antisemitism, Citing Strong Potential for Misuse:
<https://www.reconstructingjudaism.org/news/progressive-israel-network-group-s-oppose-codification-ihra-working-definition-antisemitism/>
 - d) ACLU NJ:
(<https://www.aclu-nj.org/en/press-releases/aclu-nj-statement-senate-bills-s1292-and-s2937>)
 - e) ACLU National:
(<https://www.aclu.org/wp-content/uploads/2024/02/Reject-Definitions-of-Anti-Semitism-that-Encompass-Protected-Speech.pdf>)
 - f) 60 Israeli, Palestinian, and international human rights organizations:
(<https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>)
 - g) FIRE: [The Foundation for Individual Rights and Expression] <<In its examples of anti-Semitism, it lists specific criticisms of the state of Israel and its policies, such as “applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation.” This is a subjective standard: Who decides which behaviors are expected of democratic nations? In any event, the First Amendment protects the right of individuals to apply “double standards”—however that term is interpreted—to whichever countries they see fit.>> From:
<https://www.thefire.org/get-involved/take-action/protect-first-amendment-oppose-antisemitism-awareness-act>
 - h) More from FIRE here:
<https://www.thefire.org/news/groups-across-ideological-spectrum-unite-opposing-antisemitism-awareness-act>
 - i) Research paper published by Professor Dr. Susan S. Lanser of Brandeis University where she discusses the potential pitfalls in and the dangerous outcome of adopting the IHRA definition of antisemitism:
<https://www.reconstructingjudaism.org/wp-content/uploads/2022/06/Lanser-on-IHRA-updated.pdf>
- 5) Cases of discrimination using IHRA as justification
- a) German Journalists Lose Jobs for allegedly violating IHRA definition by critiquing Israeli policy:
<https://www.aljazeera.com/news/2022/9/5/german-court-rules-palestinian-ex-dw-journalist-sacking-unlawful>
 - b) This letter from the Center for Constitutional Rights and Palestine Legal lists a number of cases where IHRA was used to silence free speech, starting on page 9:
https://vtjp.org/2023.01.20_Pal+Legal+++CCR+Letter+to+ABA_final.pdf
 - c) This report highlights 53 cases in Europe where the IHRA definition was used to silence free speech. The case studies start on page 56.

https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?_i=AA

- d) This website shows how already by 2020, IHRA had been used to silence free speech in the US and internationally:
<https://www.ijvcanada.org/ihra-definition-at-work/#ib-toc-anchor-0>
- e) Jewish teacher fired over anti-Israel comments in US, as concern grows over 'weaponizing anti-Semitism':
<https://www.middleeastmonitor.com/20200113-jewish-teacher-fired-over-anti-israel-comments-in-us-as-concern-grows-over-weaponizing-anti-semitism/>
- f) Prominent journal editor fired for endorsing satirical article about Israel-Hamas conflict:
<https://www.science.org/content/article/prominent-journal-editor-fired-endorsing-satirical-article-israel-hamas>
- g) Artforum Fires Top Editor After Its Open Letter on Israel-Hamas War:
<https://www.nytimes.com/2023/10/26/arts/artforum-editor-fired-david-velasco-palestine-gaza.html?smid=nytcore-ios-share&referringSource=articleShare>
- h) Maha Dakhil, a top agent at CAA, steps aside from leadership roles after Israel-Hamas post:
<https://www.latimes.com/entertainment-arts/business/story/2023-10-22/maha-dakhil-agent-caa-resigns-leadership-role-israel-hamas-social-media-post>
- i) Bosses Are Retaliating Against Workers for Showing Solidarity With Palestinians:
<https://workdaymagazine.org/bosses-are-retaliating-against-workers-for-showing-solidarity-with-palestinians/>
- j) <https://www.theguardian.com/education/2021/oct/01/bristol-university-sacks-professor-accused-of-antisemitic-comments>
- k) Report by the Carnegie Endowment:
<https://carnegieendowment.org/middle-east/diwan/2023/06/weaponizing-the-antisemitism-accusation?lang=en>
- l) UC Berkeley Suspended Course on Palestine, October 17, 2017:
<https://palestinelegal.org/case-studies/2017/10/13/uc-berkeley-suspended-course-on-palestine>
- m) Lawsuit Against SFSU is Culmination of Years-Long Suppression Campaign Targeting Palestine Advocacy
<https://palestinelegal.org/news/lawsuit-against-sfsu-culmination-years-long-suppression-campaign>
- n) The Israel Lobby Wants You Suspended, Fired Or In Prison
A new 'seven-point plan' from B'nai Brith outlines a disturbing co-ordinated effort to punish advocacy for Palestine.
<https://www.readthemapple.com/the-israel-lobby-wants-you-suspended-fired-or-in-prison/#:~:text=This%20definition%20has%20already%20been%20or%20drug'%20busts.>
- o) Waging Lawfare: Trump's executive order on antisemitism caps a decades-long fight to make Palestine solidarity activism all but illegal
[\[https://jewishcurrents.org/waging-lawfare\]](https://jewishcurrents.org/waging-lawfare)