

TESTIMONY of Jane Hathaway, Ph.D.
on Senate Bill 297, “Define antisemitism; expand offense of ethnic intimidation”
Ohio Senate Judiciary Committee
December 9, 2024

I write to register my unequivocal opposition to Senate Bill 297. I am Arts and Sciences Distinguished Professor Emerita in the Department of History at Ohio State University, where I served on the faculty from 1992-2022. However, my testimony reflects only my own views, not those of Ohio State or any other member of its faculty or administration, current or former. My academic specialty is the history of the Middle East, and in that context, I am well aware of the history of the state of Israel and its relationship to historical antisemitism. I also happen to have converted to Judaism in 2000.

Like many opponents of this bill, I condemn antisemitism as defined by the *Merriam-Webster Dictionary*: “feeling or showing hostility toward or discrimination against Jews as a cultural, racial, or ethnic group.”¹ S.B. 297, however, seeks to impose the International Holocaust Remembrance Alliance’s 2016 definition of antisemitism, which goes far beyond the *Merriam-Webster Dictionary*.

The most troubling part of the bill, in my opinion, is its commitment to adopting not only the IHRA’s core definition of antisemitism (which, incidentally, the IHRA’s website describes as a “non-legally binding working definition”)² but also the “contemporary examples of antisemitism identified by the International Holocaust Remembrance Alliance.” These examples are not specified in the text of the bill. On the IHRA’s website, a preamble to the lengthy bulleted list of these examples begins, “Manifestations [of antisemitism] might include the targeting of the state of Israel, conceived as a Jewish collectivity.” The following sentence reads, “However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic,” yet this caveat is negated by the seventh bulleted example, which asserts that antisemitism includes “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.”

Like many Jews, including a not insignificant number of Jewish citizens of Israel, I believe that the state of Israel was indeed founded on racist principles: specifically, a commitment to and glorification of Jewish self-determination to the exclusion of Palestinian self-determination. We further believe that the policies that the government of Israel has pursued since the state’s inception in 1948 have embodied racial discrimination against Palestinians, regardless of their religions, and have resulted in a *de facto* system of apartheid in Israel and the territories that it occupies in violation of international law. In opposing this *de facto* system of apartheid, we most certainly do not call for the obliteration of the state of Israel. Rather, we seek to bring about a peaceful rejection

¹ <https://www.merriam-webster.com/dictionary/anti-Semitism>.

² International Holocaust Remembrance Alliance, “Working Definition of Antisemitism,” <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

of this system by the citizens of Israel, similar to the Republic of South Africa's formal rejection of apartheid in the early 1990s.

We believe that opposing what we regard as racist policies by Israel's government throughout its history constitutes "criticism of Israel similar to that leveled against any other country," which, by the IHRA's own standards, "cannot be regarded as antisemitic." Certainly charges of systemic, inherent racism have been leveled against many other countries, including the U.S. and apartheid-era South Africa. Such criticisms are not illegal in this country; thus, logically, similar criticisms of Israel should not be illegal. This logical assertion speaks to the chief danger of adopting the IHRA's "contemporary examples of antisemitism": the difference between "criticism similar to that leveled against any other country" and "claiming that the existence of a State of Israel is a racist endeavor" is far from obvious and is open to subjective interpretation by legislators and law enforcement officials. The law should, by all rights, protect citizens of Ohio from having their First Amendment rights curtailed by such subjective interpretations. Instead, S.B. 297 invites subjective interpretation of the kind just described and thus enables the curtailment of First Amendment rights.

Clearly, S.B. 297 constitutes a threat to the freedom of Ohio residents, and all those visiting Ohio, to express opinions critical of the Israeli government's policies. As such, it also sets a very dangerous precedent for curtailing freedom of speech – in particular, criticism of government policy -- more generally. I therefore urge members of the Ohio legislature to vote against it.

Sincerely,

A handwritten signature in cursive script that reads "Jane Hathaway".

Jane Hathaway