

WITNESS INFORMATION FORM

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Will you have a written statement, visual aids, or other material to distribute? Yes No

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How much time will your testimony require? _____

Please provide a brief statement on your position:

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

Thank you for this opportunity to provide written testimony on Senate Bill 297. I wish to provide this testimony to emphasize an alternative option to the IHRA's working definition of antisemitism.

In 2020, a group of scholars in Antisemitism studies and related fields came together with the help of the Van Leer Jerusalem Institute and created the Jerusalem Declaration on Antisemitism (JDA). This declaration was created in direct response to the IHRA's 2016 working definition because these scholars, and many of the people testifying here today, believe it is dangerously misleading. They state that, "because the IHRA Definition is unclear in key respects and widely open to different interpretations, it has caused confusion and generated controversy, hence weakening the fight against antisemitism" (JDA Preamble). Furthermore, the IHRA definition "blurs the difference between antisemitic speech and legitimate criticism of Israel and Zionism. This causes confusion, while delegitimizing the voices of Palestinians and others, including Jews, who hold views that are sharply critical of Israel and Zionism. None of this helps combat antisemitism" (<https://jerusalemdeclaration.org/#jda>).

The JDA contains 15 guidelines that clearly illustrate the difference between antisemitic rhetoric and antizionist rhetoric. Section C provides five examples in which criticism against the state of Israel is not antisemitic, which are as follows:

- "1. Supporting the Palestinian demand for justice and the full grant of their political, national, civil and human rights, as encapsulated in international law.
2. Criticizing or opposing Zionism as a form of nationalism, or arguing for a variety of constitutional arrangements for Jews and Palestinians in the area between the Jordan River and the Mediterranean. It is not antisemitic to support arrangements that accord full equality to all inhabitants "between the river and the sea," whether in two states, a binational state, unitary democratic state, federal state, or in whatever form.
3. Evidence-based criticism of Israel as a state. This includes its institutions and founding principles. It also includes its policies and practices, domestic and abroad, such as the conduct of Israel in the West Bank and Gaza, the role Israel plays in the region, or any other way in which, as a state, it influences events in the world. It is not antisemitic to point out systematic racial discrimination. In general, the same norms of debate that apply to other states and to other conflicts over national self-determination apply in the case of Israel and Palestine. Thus, even if

contentious, it is not antisemitic, in and of itself, to compare Israel with other historical cases, including settler-colonialism or apartheid.

4. Boycott, divestment and sanctions are commonplace, non-violent forms of political protest against states. In the Israeli case they are not, in and of themselves, antisemitic.

5. Political speech does not have to be measured, proportional, tempered, or reasonable to be protected under Article 19 of the Universal Declaration of Human Rights or Article 10 of the European Convention on Human Rights and other human rights instruments. Criticism that some may see as excessive or contentious, or as reflecting a “double standard,” is not, in and of itself, antisemitic. In general, the line between antisemitic and non-antisemitic speech is different from the line between unreasonable and reasonable speech.”

The Jerusalem Declaration on Antisemitism (JDA) offers a valuable alternative to the IHRA definition, providing clear guidelines that distinguish antisemitism from legitimate criticism of Israel. Adopting the JDA will help ensure that efforts to combat antisemitism do not come at the expense of free speech and the rights of Palestinians.