

# From 'Freedom After Speech' to 'Freedom of Speech': How Does a Spoiled Child Undermine Democracy on a Global Scale

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*'If you're not careful, the newspapers will have you hating the people who are being oppressed and loving the people who are doing the oppressing.'*"

- Malcolm X

## A. ABSTRACT

In the aftermath of October 7, the world has intensified its focus on Israel's genocidal policies in Palestine. With this issue gaining urgency, legal experts, scholars, and academics are rightly scrutinising whether Israel can be held accountable for war crimes, crimes against humanity, and genocide in international courts. However, the implications of this matter are far more overarching. In this paper, I will examine the impact of the unconditional support that Israel receives—particularly from Western countries, led by the United States—on democracy and the fundamental principle of freedom of speech. In this context, I will argue that the IHRA's definition of anti-Semitism and its so-called illustrative examples are wielded like a Sword of Damocles over those who criticise Israeli governments, demonstrating how this corrupted version of anti-Semitism poses a threat as dangerous as bullets. By analysing real-world cases, I will explore how the concept of Chosen Trauma, introduced by political psychologist Vamik Volkan, is manipulated by Israeli government officials to exploit the Holocaust—one of the greatest tragedies in history—for political purposes. Finally, using real-world examples, I will reveal how specific forms of freedom of speech, such as media and academic freedom, are undermined through censorship, self-censorship, intimidation, and coercion. In an environment where even writing about such a topic is challenging, the aim of this study remains modest: to stand against pressures and threats with the most valuable weapon we possess in the 21st century—freedom of speech—and to encourage colleagues who share similar concerns to do the same.

**Keywords:** Freedom of Speech, Freedom after Speech, Media Influence, Academic Freedom, Anti-Semitism, IHRA Definition of Anti-Semitism, Chosen Trauma.

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## B. INTRODUCTION

According to an old Soviet joke, the difference between the US and Soviet Constitution is questioned. The response follows: The Soviet Constitution guarantees “freedom of speech,” while the American Constitution guarantees “freedom after speech.” This joke might have been much more amusing and meaningful in the past. However, today, the extent to which “freedom after speech” is protected in liberal democracies has become a highly controversial issue. Students and professors protesting Israel's atrocities, war crimes, and genocide in Palestine through peaceful demonstrations are being forcibly detained and harassed by the police on university campuses.<sup>2</sup> In the media, the slightest criticism of the Israeli government's ruthless policies in Palestine is dismissed by invoking the “anti-Semitism card.”

The highly abstract and vague definition of anti-Semitism proposed by the International Holocaust Remembrance Alliance (IHRA), along with the so-called “antisemitic examples” adopted in addition to this definition, foster censorship and self-censorship in both media and academia. In this paper, I aim to illustrate how the “unconditional” support given to Israel by the West threatens the most indispensable principle of democracy—freedom of speech—exacerbates the global erosion of democracy, and normalises the West's double standards, particularly when it comes to Russia and Israel. Furthermore, I will examine how these inconsistent and hypocritical approaches tend to be easily exploited by despotic regimes and how the hard-won achievements of liberal democratic values are rapidly lost due to the unconditional support given to Israel, which acts like a spoiled child.

New York Times columnist Friedman once stated that “Israel today really is behaving like a spoiled child.”<sup>3</sup> Despite its human rights violations, the continuous cash and arms aid from the United States and the constant vetoing of sanctions proposals against Israel in the UN Security Council by the U.S. demonstrate that Israel is acting like a spoiled child whose every desire is unconditionally fulfilled and supported.<sup>4</sup> However, a spoiled child never shows signs of satisfaction and gratitude just because all their demands are met unconditionally. They do not hesitate to embarrass their parents at every opportunity. Ultimately, this spoiled child exhibits symptoms of Narcissistic Personality Disorder. Spoiled narcissists, who think of no one but themselves, place their

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<sup>2</sup> Joseph Stepansky, ‘US Campus Protests Updates: Police Clear pro-Palestine UCLA Camp’ (02 May 2024) <<https://www.aljazeera.com/news/liveblog/2024/5/2/us-university-protests-live-police-ucla-pro-palestine-encampment>> accessed 21 June 2024.

<sup>3</sup> *The Jerusalem Post*, ‘Israel today really is behaving like a spoiled child’ (20 October 2010), <<https://www.jpost.com/international/israel-today-really-is-behaving-like-a-spoiled-child>> accessed 01 July 2024.

<sup>4</sup> When this article was written, U.S. Secretary of State Antony Blinken was busy making a statement filled with irony: “Today we commemorate the 75th Anniversary of the Geneva Conventions of 1949. The United States reaffirms our steadfast commitment to respecting international humanitarian law and mitigating suffering in armed conflict. We call on others to do the same.” Perhaps if he had included details about the \$20 billion in military aid to Israel, the statement would have been even more meaningful. See, Antony Blinken, <<https://x.com/SecBlinken/status/1823122800095457535>> accessed 14 August 2024.

own interests above everyone and everything, deluding themselves into believing that everyone around them exists to serve them and support them in whatever they do and say. In the long term, they pose a significant threat to themselves, their indulgent families and surroundings, the society in which they live, and the liberal democratic principles that the entire world has gained through centuries of struggle.

The paper proceeds as follows. In the first section, I will evaluate the IHRA definition of anti-Semitism. Despite lacking legal status, I will explain how this definition, along with the so-called “illustrating examples” accompanying it, has been effectively used to silence and intimidate dissenting views, providing concrete examples. In the next section, I will explore how Israel uses the historical trauma of the Holocaust to downplay the impact of the genocide it currently commits and to shield the Israeli government's brutal and lawless policies. I will also examine how this aligns with Vamik Volkan's concept of “chosen trauma.” In the final section, I will analyse how freedom of speech, particularly in media and academic freedom, has been undermined with regard to Israel, especially in Western countries, with a focus on the United States. I will provide concrete examples to show how critiques of Israel are suppressed, leading to the erosion of hard-won freedoms in a bid to appease a spoiled child.

### **C. NO DEMOCRACY WITHOUT FREE SPEECH**

Freedom of speech is a *sine qua non* for democracy. All other fundamental rights and freedoms are directly or indirectly linked to this right, and the protection (or lack thereof) of this right inevitably impacts the exercise of other rights. Without the right to free speech, it is impossible to speak of freedom of the press, academic freedom, artistic freedom, the freedom to develop one's material and moral existence, or the freedom of assembly and protest. Therefore, any blow to this right threatens all fundamental rights and freedoms. No matter how free, fair, and competitive elections may be, regimes where freedom of speech is not safeguarded by effective mechanisms cannot be classified as full democracies. Such regimes can, at best, be termed flawed democracies or, more systematically, ‘democracy with adjectives.’<sup>5</sup> International organisations that evaluate the democratic standards of countries, notably Freedom House, speak of a global erosion of democracy.<sup>6</sup> According to these evaluations, the number of full/flawless democracies is regrettably decreasing, while the number of semi-democracies/ hybrid regimes and authoritarian regimes is rising. The failure to acknowledge the impact on one of democracy's most fundamental components, freedom of speech, in the name of

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<sup>5</sup> To better understand what flawed democracy means, see: David Collier and Steven Levitsky, ‘Democracy with Adjectives: Conceptual Innovation in Comparative Research’ (1996) 49(3) *World Politics*.

<sup>6</sup> Sarah Repucci and Amy Slipowitz, ‘Freedom in the World 2021: Democracy Under Siege’, *Freedom House* <<https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>> accessed 29 July 2024.

protecting Israel and its interests, is an important indicator that democratic erosion will intensify in the coming years.

Since October 7th, the death toll in Palestine has approached 40,000.<sup>7</sup> International law debates whether these actions meet the criteria for war crimes, crimes against humanity, and genocide.<sup>8</sup> However, Israel's aggressive behaviour, with impunity, the unconditional support given to this country by the West, and the suppression of even the faintest criticisms of Israeli government policies have far-reaching implications and will continue to do so. In this section, I will elucidate why and how freedom of speech is threatened and why it is in great danger. To that end, in the following subsections, I will first explain how Israel frequently resorts to *anti-Semitism cards* to silence critics and cover up its atrocities and how this concept defined by the IHRA, along with the so-called anti-Semitic examples adopts, further exacerbates this misuse.

Subsequently, I will delve into the concept of “chosen trauma,” coined by Vamik Volkan, explaining how the historical trauma of a specific group is deliberately exploited and repeatedly invoked by political elites to manipulate public perception, allowing authorities to justify or conceal their unlawful acts. In his work, Volkan does not, of course, fall into the mistake of denying the traumas. On the contrary, he acknowledges how severe and brutal the traumas are, but on the other hand, he observes how political figures have consciously and systematically used these tragedies to cover up their wrongdoings and prevent survivors from recovering.<sup>9</sup> After explaining the abuse of traumas in the context of one of the most brutal tragedies of history, the Holocaust, I will finally demonstrate in the last subsections, through concrete examples and case studies, how specific forms of freedom of speech, particularly media and academic freedom, are under threat in Western countries in particular.

#### **D. ANTI-SEMITISM: A MUCH MORE POWERFUL WEAPON THAN BULLETS**

Perhaps I should begin with what I intended to say at the end: the term anti-Semitism is an incorrect choice. That is why I believe that before addressing the issue of anti-Semitism, a conceptual clarification is required. The term “anti-Semitism” is a misnomer

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<sup>7</sup> Rob Picheta, ‘More Than 40,000 Palestinians Have Been Killed in 10 Months Of War In Gaza, Health Ministry Says’ (16 August 2024) <<https://edition.cnn.com/2024/08/15/middleeast/gaza-death-toll-40000-israel-war-intl/index.html#:~:text=More%20than%2040%2C000%20Palestinians%20have%20been%20killed%20in%20Gaza%20since,10%2Dmonth%2Dold%20conflict>> accessed 17 August 2024.

<sup>8</sup> In January 2024, the International Court of Justice found a “plausible” risk that Israel is committing genocide in Gaza. Israeli historian Amos Goldberg believes that “This is exactly what genocide looks like” and adds that what is happening in Gaza does not need to resemble the Holocaust in order to qualify as a genocide. For a comprehensive analysis, see: Middle East Eye, ‘Israel “undoubtedly” committing genocide says Holocaust scholar Amos Goldberg’ (29 April 2024) <<https://www.middleeasteye.net/news/israel-undoubtedly-committing-genocide-holocaust-scholar-amos-goldberg>> accessed 27 June 2024.

<sup>9</sup> Vamik Volkan, ‘Transgenerational Transmissions and Chosen Traumas: An Aspect of Large-Group Identity’ (2001) 34(1) *Group Analysis* <https://doi.org/10.1177/05333160122077730> 79–97.

because the term “Semite” includes not only Jews but also Arabs. Just as Islamophobia aims to prevent negative stereotyping of Muslims, a more precise term should be used to protect Jews from discrimination and prejudice. Since the concept is misused, it is like fastening the first button incorrectly from the start. Anderson highlights this point, noting that the concept of anti-Semitism is Eurocentric and excludes other Semitic groups, not just Arabs. He observes that this incorrect conceptualisation, introduced by Europeans, stems from: (i) the historical discrimination against Jews by Europeans and (ii) the ‘mistaken conflation of Israel with the Jewish people.’<sup>10</sup> If anti-Semitism is intended to protect the Semitic groups in a broad and accurate sense, it would be challenging to find someone more anti-Semitic than the Israeli minister who insulted Palestinians by calling them “human animals.”<sup>11</sup> Therefore, I propose to embrace much more accurate concepts, such as “anti-Judaism” or “jewphobia.”

As if the incorrect choice of the term were not enough, the definition of anti-Semitism adopted by the IHRA, along with the so-called ‘antisemitic examples’ it includes, are also misleading. In 2016, the IHRA, a group dedicated to combating Holocaust denial, declared that it had adopted a document called the *Working Definition of Anti-Semitism*.<sup>12</sup> As soon as this document was introduced, it was accepted by Israel, the USA, and some European countries without proper scrutiny. Due to the lack of scrutiny, its adoption by a few European countries has amplified the pressure on government agencies and public bodies to treat criticism of Israel as presumptively anti-Semitic.<sup>13</sup> Although IHRA describes it as a “non-legally binding working definition,” due to its ambiguous relationship with the law, it has been given quasi-legal status.<sup>14</sup> It is important to note that no act of Parliament or legislation has specified this document's exact legal authority. The IHRA document was “adopted” via a governmental press release, bypassing a process of democratic deliberation. Despite not being legally ratified, the document has allowed interest groups to prompt action by citing legal precedents.<sup>15</sup> I will refer to specific examples to demonstrate how the adoption of the corrupted definition has caused a chilling effect on critiques of Israel.

First, I will provide the IHRA’s, ‘working definition of anti-Semitism’ along with illustrative examples:

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<sup>10</sup> Tim Anderson, ‘What’s wrong with the IHRA “working definition” of Anti-Semitism?’ (2020) *The AltWorld* <[https://thealtworld.com/tim\\_anderson/whats-wrong-with-the-ihra-working-definition-of-anti-semitism](https://thealtworld.com/tim_anderson/whats-wrong-with-the-ihra-working-definition-of-anti-semitism)> accessed 11 June 2024.

<sup>11</sup> Safaa Kasraoui, ‘Israel Defense Minister Calls Palestinians ‘Human Animals’ Amid Israeli Aggression’ (09 October 2023) *Morocco World News* <<https://www.morocoworldnews.com/2023/10/358170/israel-defense-minister-calls-palestinians-human-animals-amid-israeli-aggression>> accessed 24 May 2024.

<sup>12</sup> IHRA, ‘Working Definition of Antisemitism’ (2016) <<https://www.holocaustremembrance.com/working-definition-antisem>> accessed 27 May 2024.

<sup>13</sup> Rebecca Ruth Gould, ‘Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech’ (2022) 18(1) *Law, Culture and the Humanities* 155.

<sup>14</sup> *Ibid* 160-61.

<sup>15</sup> *Ibid* 161.

*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.*

*To guide IHRA in its work, the following examples may serve as illustrations:*

*Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms, and action, and employs sinister stereotypes and negative character traits.*

*Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:*

- 1. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.*
- 2. Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
- 3. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
- 4. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).*
- 5. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.*
- 6. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.*
- 7. 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.*
- 8. Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.*

9. *Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.*
10. *Drawing comparisons of contemporary Israeli policy to that of the Nazis.*
11. *Holding Jews collectively responsible for actions of the state of Israel.*<sup>16</sup>

It should be noted that some of these examples are beyond dispute. In other words, actions such as killing someone or supporting their killing solely because they are Jewish (*Example 1*) or applying double standards against someone solely because they are Jewish (*Example 8*), clearly constitute crimes, discrimination, and hate speech. Therefore, it is evident that these actions contain anti-Semitic elements, which are a specific form of discrimination and hate speech, making it pointless to debate them. However, many of the examples put forth by the IHRA are highly problematic and have extraordinarily broadened the scope of anti-Semitism.

To define something is to limit it. With the definition adopted by the IHRA and the subsequent so-called illustrating examples it provided; it aims to completely remove the boundaries drawn by the definition itself.

Another problematic aspect of the IHRA's so-called illustrating examples is that they are contradictory. By emphasising that criticisms of Israel, when compared to criticisms of other countries, are not anti-Semitic, it gives the impression that a clear distinction is being drawn between criticism of Israel and criticism of Judaism. However, most examples are directly related to Israel rather than Judaism. The terminology shifts in the given examples, and at some point, the term Judaism is replaced by the country name. Indeed, more than half of the IHRA examples focus on the state of Israel, revealing the IHRA's priorities and shifting the document away from its intended goal of identifying anti-Jewish racism.<sup>17</sup> This deliberate conflation can easily be seen in the fifth example: "Accusing the Jews as a people, or Israel as a state [...]." Anderson clarifies that discrimination targets individuals, not nations. Rights are inherently tied to human beings. Consequently, criticism directed at a state should never be mistaken for prejudice or discrimination against its citizens.<sup>18</sup>

In example seven above, while criticising Israel as a *racist endeavour* is considered anti-Semitic and uniquely presents the right to self-determination as a privilege granted only to Israel, it paradoxically states in the following example (*Example 6*) that applying double standards is also anti-Semitic. This contradiction highlights the double standards within the IHRA's own document. The notion that Israel cannot be criticised as a "racist endeavor" is absurd and contradicts the principle of equality before the law cited by the IHRA.<sup>19</sup> Any state engaging in ethnic cleansing and civilian massacres based on racial ideology should be criticised for these crimes, as no state should be immune from

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<sup>16</sup> IHRA 'Working Definition of Antisemitism' (n 12)

<sup>17</sup> Anderson, 'What's wrong with the IHRA "working definition" of Anti-Semitism?' (n 10)

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

criticism.<sup>20</sup> The establishment of Israel through ethnic cleansing is well-documented, and an Israeli civil rights group has identified numerous racist laws.<sup>21</sup>

Another highly controversial example of the IHRA (*Example 10*) does not mention Judaism at all. However, the example, acts as an advocate for Israel, stating that comparing Israeli policies to those of the Nazis is anti-Semitic. Therefore, according to this highly peculiar reference, criticising the policies of the Israeli government—which has killed more than 40,000 civilians since the 7<sup>th</sup> of October, the majority of whom are women and children, bombed hospitals, attacked UN shelters, turned one of the world's most densely populated areas into an *open-air prison*<sup>22</sup>, and systematically subjected Palestinian civilians to hunger and thirst—would be considered anti-Semitic.

Even if the IHRA lowers the threshold for anti-Semitism by claiming that *drawing comparisons between contemporary Israeli policy and that of the Nazis* is anti-Semitic, we should maintain the position that when a state: (i) exhibits racial ideology that dehumanises a distinct race, (ii) conducts massacres based on this ideology, and (iii) engages in systematic ethnic cleansing, comparisons with past fascist regimes, including Nazi Germany, may be justified, as such comparisons can highlight serious crimes and induce shame in their defenders.<sup>23</sup>

I have already mentioned that the examples given in the document contradict each other. Holocaust denial is explicitly defined as anti-Semitic in Example 4 of the IHRA's document, which is not problematic by itself. No sane or minimally conscientious person would deny the Holocaust, one of the greatest atrocities in history. However, when Holocaust denial (*Example 4*) is considered together with Example 10, which states that comparing Israeli policies to Nazi practices is anti-Semitic, a very interesting picture emerges. The crimes committed by Israel, as mentioned above, are apparent to the entire world. Since we are not allowed to compare these crimes to those of the Nazi regime according to the IHRA definition, the only conclusion left is that the Nazis did not commit the crimes that Israel is currently committing. The IHRA either ignores the war crimes

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> In 2015, a famous British street artist, Banksy, visited the Gaza Strip to highlight the struggles of Palestinians following the destructive Israeli assault the previous summer. Commenting on the murals he painted around the area, he remarked that “while Gaza is frequently called ‘the world’s largest open-air prison’ due to the severe restrictions on entry and exit, this comparison is unfair to prisons, which don’t experience random daily cuts to their electricity and drinking water.” See Ilana Feldman, “Gaza as an Open-Air Prison,” Middle East Report 275 (Summer 2015). Also See Daisy Wyatt, ‘Banksy creates street art in Gaza criticising ‘world's largest open-air prison’ (26 February 2015) <<https://www.independent.co.uk/arts-entertainment/art/news/banksy-creates-street-art-in-gaza-criticising-world-s-largest-openair-prison-10072446.html>> accessed 01 July 2024.

<sup>23</sup> Anderson, ‘What’s wrong with the IHRA “working definition” of Anti-Semitism?’ (n 10). Anderson argues that “None of this is unique to Israel, but all elements apply to contemporary Israel, a largely European Jewish colony which, by blocking all possibilities of a contiguous Arab state, has become an apartheid state.”



committed by Israel or inadvertently endorses Holocaust denial by refusing to accept the atrocities committed by the Nazis. Either scenario is unacceptable.

Of course, I am aware, as is everyone else, that these crimes were committed by National Socialists. Therefore, I criticise Israel's current human rights violations because they resemble the genocide policies of the Nazis. Those who deny the genocide in Palestine by focusing solely on the number of people killed cannot ignore that committing this crime does not require the murder of six million civilians, as the Nazis did. In the recent Bosnian genocide, fewer than one-third of the civilians killed by Israel in ten months were killed by the Serbs, but this does not change the fact that what happened in Bosnia was still a genocide.

It is no secret that Israel strives to ensure that the Holocaust is the only genocide that comes to mind in international discourse, developing policies that overlook the sufferings of other communities.<sup>24</sup> In other words, Israel is making extraordinary efforts to monopolise genocide claims. Finkelstein, whose family survived the Holocaust and who has been banned from entering Israel due to his criticism of Israeli government policies and advocacy for Palestinian rights, argues that the primary threat to preserving the memory of the victims of Nazism does not arise from Holocaust deniers' distortions, but from prominent individuals who claim to be the protectors of Holocaust memory.<sup>25</sup> Israel's monopoly policy, which involves disregarding the suffering of other societies, might explain why Israel reacts hysterically to accusations that it is committing genocide.

This hysterical approach is also evident in the IHRA document, which deems any comparison of Israel's actions, no matter how grave, to other genocidal regimes as anti-Semitic. This issue is closely related to Example 5 in the IHRA document, which states, "Accusing the Jews as a people, or Israel as a state, of [...] exaggerating the Holocaust" is anti-Semitic. By this declaration, the IHRA implicitly acknowledges the crimes committed by Israel but argues that these crimes have not reached the level of the Nazis' atrocities. This is why they deem comparing these crimes to be anti-Semitic. No reasonable person today denies that the Holocaust was a catastrophe of such magnitude that it needs no exaggeration. On the contrary, critics question how a community subjected to such immense suffering is now perpetuating or supporting similar genocidal policies in Palestine.

In authoritarian regimes, autocrats create a climate of fear and censorship to suppress dissenting views. The next step is self-censorship, which emerges as a by-

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<sup>24</sup> See Manfred Gerstenfeld, *The Abuse of Holocaust Memory: Distortions and Responses* (m: The Jerusalem Center for Public Affairs/Anti-Defamation League, 2009); Norman G. Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (Verso Books, 2015); Yossi Sarid, 'Israel Does Not Have a Monopoly on Suffering' (22 April 2011) Haaretz <<https://www.haaretz.com/2011-04-22/ty-article/israel-does-not-have-a-monopoly-on-suffering/0000017f-f59b-d044-adff-f7fbb6630000>> accessed 27 May 2024; Associated Press, 'Polish adviser says Israel wants 'monopoly on the Holocaust' (10 February 2018) <<https://apnews.com/general-news-d17f8ca8a3af46cca72472e796d43510>> accessed 27 May 2024.

<sup>25</sup> Norman G. Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (Verso Books, 2015).

product of this fear-driven system, with individuals imposing censorship on themselves without needing further enforcement by authoritarian forces. Today, a similar climate of fear is being fostered by so-called Western liberal democracies employing similar methods. Dissenting opinions are being suppressed through: (i) the distortion of concepts, (ii) the abuse of these concepts, and (iii) the use of past traumas as justification. The latter element will be examined in the following section.

Netanyahu, aware of how powerful an accusation of anti-Semitism can be, attempts to deflect criticism by labelling any negative comments, whether relevant or not, as anti-Semitic if they target his government or threaten his position. For instance, he has labelled groups involved in campus demonstrations in the U.S., including Jewish students and professors, as “anti-Semitic mobs.”<sup>26</sup> Netanyahu, pushing the limits of absurdity, compared the accusation that he left the people of Gaza starving to blood libel, referencing IHRA's 9th example— using symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis— to label his critics as anti-Semitic. He adds, “These false accusations are not levelled against us because of the things we do, but because of the simple fact that we exist.”<sup>27</sup>

Political scientist Reuven Hazan from Jerusalem's Hebrew University argues that Netanyahu's rhetoric is a deliberately executed strategy aimed at deflecting criticism of his foreign policy and creating a victim narrative around anti-Semitism. Hazan adds, “This narrative benefits him greatly, absolving him of responsibility.”<sup>28</sup> Similar critics underline the salience of this point, arguing that the Prime Minister is exploiting the term excessively to advance his own political goals and to suppress even valid criticism, which could undermine the term's significance as anti-Semitism rises globally. Tom Segev, an Israeli historian, adds a significant caveat, noting that “Not all criticism of Israel is anti-Semitic. When you label it as anti-Semitic hate, you invalidate the criticism and attempt to stifle the discussion.”<sup>29</sup>

Given that a prime minister is willing to dilute such a significant issue for the sake of his political career, it would be naïve to expect any sensitivity or prudence from his cabinet on this matter. Yoav Gallant, Israel's defence minister, whom the Court president cited for referring to Palestinians as “human animals” at the beginning of the Israeli offensive, stated, “The International Court of Justice went above and beyond when it granted South Africa's antisemitic request to discuss the claim of genocide in Gaza, and

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<sup>26</sup> Tia Goldenberg, ‘Netanyahu Frequently Makes Claims of Antisemitism. Critics Say He's Deflecting from His Own Problems’ (29 May 2024) *The Associated Press* <<https://apnews.com/article/israel-netanyahu-antisemitism-campus-05ebd71bec931a62f58e7d5f9e93fa19>> accessed 21 July 2024.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

now refuses to reject the petition outright.”<sup>30</sup> Similarly, Itamar Ben-Gvir, Israel's far-right national security minister, tweeted, “This court does not seek justice but rather the persecution of the Jewish people [...]”.<sup>31</sup> Then, the European Union's foreign policy chief, Josep Borrell, responded to the peculiar approach of the Israeli Prime Minister and his ministers—as well as the Israeli cabinet's declaration of the ICC prosecutor as anti-Semitic—by noting that whenever Netanyahu's government encounters something they dislike, they resort to the anti-Semitism card. However, anti-Semitism is not an accusation to be made lightly. “It is too heavy. It is too important.”<sup>32</sup>

## (1) Holocaust: A Chosen Trauma

It is highly unlikely to find a single society on earth without trauma. For example, Japan's exposure to atomic bombs remains a significant national trauma, with lasting effects to this day. Similarly, in the 1940s, Jews subjected to genocide under Hitler's regime endured one of the greatest traumas in history. More recently, the genocide of Bosnian Muslims in the heart of Europe—under the supervision of UN forces—stands as one of the most shameful episodes of the 20th century and an unforgettable trauma. At the same time, in Rwanda, approximately 800,000 Tutsis were massacred by Hutus within 100 days, marking another profound disgrace of the century.<sup>33</sup>

More recently, the events of 9/11 were a major trauma for the United States. In response, the invasion of Iraq by the United States under the leadership of George Bush, ostensibly due to the possession of mass destruction weapons, resulted in the deaths of approximately half and one million people.<sup>34</sup> This invasion, undoubtedly, inflicted a deep and lasting trauma on the Iraqi people, the effects of which will endure for decades.

While efforts are made to treat trauma, it is equally important to remember the suffering caused by those responsible and, more importantly, to prevent the recurrence of such traumas. A common method is incorporating these traumas into educational curricula, sometimes using indoctrination tools to ensure they are taught and passed down to future generations. Numerous valuable studies in the literature explore this subject; however, I will limit my discussion to freedom of speech.

Unfortunately, these traumas are sometimes exploited in the following ways: (i) as a means for the victims who suffered trauma in the past to cause similar traumas to others in the present; (ii) to justify new victimisations they have caused; or (iii) to minimise reactions to the new traumas they have inflicted. One of the most blatant examples of this

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<sup>30</sup> Bethan McKernan, 'Israeli Officials Accuse International Court of Justice of Antisemitic Bias' (26 January 2024) *The Guardian* <<https://www.theguardian.com/world/2024/jan/26/israeli-officials-accuse-international-court-of-justice-of-antisemitic-bias>> accessed 01 June 2024.

<sup>31</sup> *Ibid.*

<sup>32</sup> Raf Casert, 'EU-Israel Relations Take Nosedive As Spain, Ireland Set to Formally Recognise a Palestinian State' (27 May 2024) *The Globe and Mail* <<https://www.theglobeandmail.com/world/article-eu-israel-relations-take-nosedive-as-spain-ireland-set-to-formally/>> accessed 11 June 2024.

<sup>33</sup> Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Cornell University Press, 2008).

<sup>34</sup> Jonathan Steele and Suzanne Goldenberg, 'What is the Real Death Toll in Iraq?' (19 March 2008) *The Guardian* <<https://www.theguardian.com/world/2008/mar/19/iraq>> accessed 23 July 2024.

is the ongoing massacres carried about by the Israeli government in Palestinian territories, where civilians and combatants are indiscriminately targeted.

The Israeli government, continuing its attacks through methods such as carpet bombing, the use of white phosphorus, and other tactics prohibited by international law, does not hesitate to invoke the Holocaust as a pretext to deflect or at least diminish the impact of criticisms directed at them. They consistently seek to silence their critics by accusing them of being Holocaust deniers.

According to political psychologist Volkan:

A chosen trauma is one component of identity. The term “chosen trauma” refers to the shared mental representation of a massive trauma that the group's ancestors suffered at the hands of an enemy. When a large group regresses, its chosen trauma is reactivated in order to support the group's threatened identity. This reactivation may have dramatic and destructive consequences. This term refers to the shared mental image of an event in a large group's history in which the group suffered a catastrophic loss, humiliation, and helplessness at the hands of enemies or opponents. The chosen trauma is transmitted from one generation to the next throughout many decades, even centuries. Some political and social leaders may inflame a chosen trauma in order to fuel an entitlement ideology, a shared sense of entitlement to recover what was lost in reality and fantasy during the ancestors' collective trauma and during other shared traumas. Such inflammations create problems in world diplomacy as well as in peaceful co-existence between divided sections within the same country.<sup>35</sup>

The distinguishing feature of *chosen traumas*, as opposed to other traumas, is that political elites selectively use them as powerful tools in policymaking. The resentment and hatred of the community that has experienced these traumas are constantly kept alive. These governments oppose the 3 R's: Rehabilitation, Reconciliation, and Rapprochement. Even when these possibilities are feasible, political elites go to great lengths to thwart such solutions, as they thrive on resentment, hatred, division, and polarisation. Their political careers depend entirely on the success of this ugly political strategy.

Two important features distinguish the *chosen trauma* of the Jews from others. In other cases, traumatised communities rightly use their trauma to make claims against the societies or groups that inflicted it upon them. The political elites who thrive on these traumas often advocate for the community to remain vigilant against the perpetrators and fight to achieve their legitimate demands.

In the case of Israel, however, Israel does not demand a homeland from Germany as a result of the genocide committed by Hitler's regime. Although there have been demands for reparations and compensation from Germany, the lands Israel currently

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<sup>35</sup> Volkan, 'Transgenerational Transmissions and Chosen Traumas' (n 9), 79.

occupies—Palestine—have no connection to Germany. This is the first distinguishing feature of the chosen trauma in the context of the Holocaust. The second aspect is that Israel is inflicting similar traumas on another group that had no responsibility for the suffering it once endured.

Hundreds of thousands of Israeli dissidents have been taking to the streets to call for the resignation of the Netanyahu government, not only since October 7 but also well before the Hamas attacks began. However, the Netanyahu government is attempting to alleviate its internal political pressure by continuing to invoke accusations of anti-Semitism and Holocaust denial.

It is indeed surprising that Netanyahu has not yet accused Israeli citizens participating in these protests of being anti-Semitic, as Israeli officials believe that having a Jewish identity does not preclude someone from being anti-Semitic. In fact, Jews known for their anti-Zionist stance—even those from Holocaust survivor families—are accused of being anti-Semitic by Israeli governments.

As Gould has pointed out, the IHRA document, which is claimed to have been adopted to protect Jews, is simultaneously used as a tool for persecuting anti-Zionist Jews.<sup>36</sup> Due to the peculiar definition of anti-Semitism embraced by this document, the number of Jewish scholars and activists who experience persecution and victimisation continues to rise.

One of the most glaring and immediate examples of this danger is the expulsion of Moshe Machover from the Labour Party. The Labour Party has significantly expanded the already problematic IHRA definition and determined that even *pejorative speech* constitutes anti-Semitism.<sup>37</sup> Based on the so-called pejorative speech, the Party expelled Machover without specifying which parts of his article, *Anti-Zionism Does Not Equal Anti-Semitism*, published in the *Labour Party Marxists* (LPM) journal, contained anti-Semitic elements.

Mike Cushman, author of *Free Speech on Israel*, describes the paradoxical and tragicomic situation in which the Labour Party finds itself as follows:

According to the letter, “pejorative language which may cause offence to Jewish people” is antisemitic. Well I find the pejorative language that the Party has used about Professor Machover to be deeply offensive to me as human being but also as a Jew and consequently I demand that all those involved in drawing up and agreeing this letter to expel themselves from the Labour Party forthwith. This

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<sup>36</sup> Gould, ‘Legal Form and Legal Legitimacy’ (n 13) 185.

<sup>37</sup> Labour’s Antisemitism Policy <<https://labour.org.uk/resources/labours-antisemitism-policy/>> accessed 13 July 2024.

demand may have little evidential basis but it has no more and no less than their letter of excommunication.<sup>38</sup>

Although I will address the negative repercussions of these accusations in academia and the media in the next section, I would like to provide an example from academia here to illustrate how the Israeli government effectively uses the anti-Semitism card and Holocaust denial arguments to silence dissidents.

In 2017, Rebecca Ruth Gould faced an investigation initiated by the University of Bristol following complaints that her 2011 article, *Beyond Antisemitism*, contained anti-Semitic and Holocaust denial elements.<sup>39</sup> Sir Eric Pickles MP, the UK's special envoy on post-Holocaust issues and a former Conservative Party chairman, became involved, telling a journalist that the article was "one of the worst cases of Holocaust denial" he had encountered in recent years. He further suggested that its author should "reconsider her position" at the university.<sup>40</sup>

As a result of the investigation, University of Bristol academics who reviewed the text clarified that the manuscript in question did not contain any anti-Semitic elements and that the claims of Holocaust denial were unfounded. On the contrary, these academics noted that the author argued against the political exploitation of the Holocaust, specifically stating that such a significant trauma should not be invoked to legitimise the occupation of Palestine and the mistreatment of Palestinians.<sup>41</sup>

Although those who filed complaints against the author of the aforementioned article failed in their immediate objective, Gould argues that such practices have had a chilling effect not only at the University of Bristol but across the UK. Gould also believes that this example:

illustrates the layers of indirect legal coercion that interest groups can bring to bear on institutions by strategically deploying quasi-legal documents and by imputing to such documents the coercive force of the law even in the absence of legal legitimacy (due process, transparency, and equitable application, all of which are entailed in the rule of law).<sup>42</sup>

The fact that the author was investigated for being anti-Semitic ironically serves to convey the very message they intended to communicate throughout the article. In fact, the only way to support the argument put forth in the author's work was to accuse them of anti-Semitism simply for criticising the IHRA's definition. This situation is akin to being imprisoned for claiming that there is no freedom of speech under an authoritarian regime.

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<sup>38</sup> Mike Cushman, 'Guilt by Association is now Labour Party Practice' (5 October 2017) <<https://freespeechonisrael.org.uk/machover/#sthash.un7T2VJS.dpbs>> accessed by 27 July 2024.

<sup>39</sup> Gould, 'Legal Form and Legal Legitimacy' (n 13) 167.

<sup>40</sup> Ibid 168.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

The only way to counter such criticisms is to ignore them. Efforts to prosecute, intimidate, and silence those who raise criticisms only serve to prove the validity of those critiques.

So, are those who fail to tolerate critiques unaware of this paradox? Of course not—they are fully aware. However, they consciously choose the former option—suppressing these criticisms through pressure tactics—because they see silencing opponents through censorship and self-censorship as more effective than allowing these critiques to spread or risk legitimising them by remaining passive.

Regrettably, accusations of anti-Semitism and Holocaust denial carry significant and undeniable consequences. On one hand, Russia, in its attempt to invade Ukraine, has been subjected to substantial global sanctions. These measures include freezing Russian accounts in European banks and transferring these funds to Ukraine, banning Russian athletes from the Olympics and all sports organisations, excluding Russia from competitions like Eurovision, and imposing many other concrete punitive actions.

On the other hand, in response to global campaigns—led by millions of people, including civil society organisations and world leaders—to criticise Israel's genocidal and occupation policies, the same organisations remain silent and unresponsive. Undoubtedly, the Israeli government's frequent use of anti-Semitism and Holocaust denial allegations as a trump card plays a significant role in this hypocritical stance.

As the author of this article, I must mention that, before submitting this manuscript for publication, I meticulously reviewed every word to ensure objectivity and sought external evaluation from legal experts to confirm that my manuscript contained no anti-Semitic elements. This process made me acutely aware of how allegations of anti-Semitism and Holocaust denial can lead to self-censorship. This paranoia is precisely the poison that Israel seeks to instil in the hearts and minds of those few who dare to criticise it. Regrettably, Israel's insidious agenda to foster a culture of self-censorship appears to have largely succeeded, aided by the unconditional support of Western countries—supposedly the birthplace of liberal democratic values, including *freedom after speech*.

It should be emphasised that these democratic values were not achieved overnight. The struggle to attain them was a bloody battle that lasted for centuries. The United States' First Amendment, which guarantees free speech, is not coincidental in this context. However, at the point we have reached today, the historical struggle for free speech is beginning to lose its meaning. Just a few years ago, the U.S. Congress, in a moment of extreme irrationality, considered passing a bill—supported by both Republicans and the so-called Democratic Party—that would impose heavy sanctions to prevent initiatives criticising Israel's occupation policies and calling for boycotts of companies operating in occupied territories.<sup>43</sup> This bill, known as the Israel Anti-Boycott Act S.720, proposed severe penalties, including up to 20 years of imprisonment and fines of up to one million dollars for those violating the law. Fortunately, a few reasonable

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<sup>43</sup> S.720—Israel Anti-Boycott Act— 115th Congress (2017-2018) <<https://www.congress.gov/bill/115th-congress/senate-bill/720>> accessed 21 June 2024.

politicians, though few in number, openly declared their opposition to the bill, arguing that passing such a law would be equivalent to undermining the right to free speech.<sup>44</sup>

At this juncture, I should clarify that although Israel's efforts at intimidation and suppression have been largely successful, they have also provoked significant backlash, leading to a serious counter-reaction. As a result, the works of those targeted, as well as the victims themselves, are gaining more attention and readership. Indeed, the article you are currently reading was written in response to the anti-Semitism investigation that Gould underwent, which illustrates how such orchestrated smear campaign tactics can ultimately backfire and highlight the counterproductive aspects of the methods that Israel resorts to.

## **(2) Academia and Media in a Struggle for Survival**

The Israel-Palestine issue stands as perhaps the most glaring example of the media's biased and one-sided coverage. Western media outlets, in particular, seem to speak in unison, focusing exclusively on Israel's "right to exist" and "right to self-defence" while completely disregarding the Palestinian people's right to live with dignity and ignoring their right to self-defence and self-determination. As a result of this deliberate, one-sided media campaign, Israel, despite being an occupier and oppressor, continues to pursue its dehumanising policies under the guise of a so-called "right to self-defence" and attempts to legitimise these flagrant human rights violations and atrocities on international platforms. The resulting narrative prioritises the rights of the occupier, while the rights of those whose lives, dignity, and lands are under threat are marginalised. Mainstream media outlets ignore the fact that a legitimate state is expected to act more cautiously than terrorists and to adhere to international law. Imagine a state that acts more brutally and lawlessly than the very groups it labels as terrorists. It is unacceptable for countries that benefit from the privileges of statehood to shirk the responsibilities that come with it.

The Western media has unfortunately failed in the face of this brutality, which can hardly be called a *war*. There is an abundance of evidence to support this claim, but due to space and time constraints, I will limit myself to a few examples. One striking case involves Emily Wilder, a young, exceptionally talented, and promising student at Stanford University. She was an active member of Students for Justice in Palestine and Jewish Voice for Peace at Stanford University. Shortly after graduating and starting her job at the Associated Press (AP), she was swiftly terminated due to a smear campaign led by Republicans and alleged violations of AP's social media policies.<sup>45</sup>

Although AP claimed that Wilder was dismissed for failing to comply with the organisation's social media policies, Wilder, who had only worked there for less than three weeks before being fired, never received a specific answer when she inquired about

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<sup>44</sup> Ben White, 'Delegitimizing Solidarity: Israel Smears Palestine Advocacy as Anti-Semitic' (2020) 49(2) *Journal of Palestine Studies*: 65–79.

<sup>45</sup> David Goldman, 'AP Explains Why It Fired Emily Wilder for Pro-Palestinian Tweets' (30 May 2021) *CNN* <<https://edition.cnn.com/2021/05/30/media/ap-emily-wilder-firing/index.html>> accessed 27 July 2024.



which of her posts had violated these policies. The true reason for her dismissal was her pro-Palestinian stance during her time at Stanford. Anonymous Republican trolls had already crucified her on social media for her support of Palestine, and ultimately, they achieved the outcome they desired.

On May 17, Wilder criticised the media's double standards and hypocritical approach, under the guise of objectivity, with the following words on Twitter: "Using 'Israel' but never 'Palestine', or 'war' but not 'siege or occupation' are political choices - yet media makes those exact choices all the time without being flagged as biased."<sup>46</sup>

Following posts like these, anonymous troll armies initiated a smear campaign, prompting the AP to fire a promising young journalist. This decision was condemned by other reporters working within the same organisation.<sup>47</sup>

Wilder's dismissal not only validated her arguments on how pathetic mainstream media is but also amplified her voice and ideas, bringing them to a much larger audience. Janine Zacharia, who teaches News Reporting at Princeton University and was one of Wilder's professors, remarked that by firing Wilder, the Associated Press essentially confirmed the Republican smear campaign's accusations of the organisation's lack of impartiality. Zacharia pointed out that the issue goes beyond merely firing a young and idealistic journalist just 17 days after she started; it reflects a much deeper problem, undermining both the AP's reputation and the broader principle of press freedom.<sup>48</sup>

It is evident that Israel does not care whether the individuals it perceives as threats are Jewish or not. Even Wilder, who is Jewish herself, was dismissed from her position without a given reason, merely for advocating a non-violent solution.

We have previously discussed how the Israeli government's behaviour exhibits signs of narcissistic personality disorder, where gratitude is a foreign concept. So, how do you think the Associated Press was rewarded for its sycophancy toward Israel? In other words, how did Israel "thank" this media organisation for its service? By dropping a bomb on the AP's headquarters in the conflict zone.

The AP described this attack on its building as "shocking and horrifying."<sup>49</sup> However, it's hard to argue that the AP is entirely correct in its assessment—while the

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<sup>46</sup> David Greenberg, 'The War on Objectivity in American Journalism' (2022) 2(3) *Liberties Journal*.

<sup>47</sup> The journalists criticised the AP: 'It has left our colleagues—particularly emerging journalists—wondering how we treat our own, what culture we embrace and what values we truly espouse as a company.' See, *The Guardian*, 'Associated Press Journalists Condemn Decision to Fire Emily Wilder' (24 May 2021) <<https://www.theguardian.com/media/2021/may/24/associated-press-journalists-emily-wilder-palestinian-advocacy#:~:text=She%20started%20as%20a%20news,advocacy%20while%20a%20college%20student>> accessed 01 July 2024.

<sup>48</sup> Janine Zacharia, 'Opinion | The Real Problem With the AP's Firing of Emily Wilder' (26 May 2021), *Politico* <<https://www.politico.com/news/magazine/2021/05/26/emily-wilder-fired-ap-490892>> accessed 29 June 2024.

<sup>49</sup> Josef Federman, "'Shocking and horrifying": Israel destroys AP office in Gaza' (16 May 2021) <<https://apnews.com/article/israel-middle-east-business-israel-palestinian-conflict-fe452147166f55ba5a9d32e6ba8b53d7>> accessed 25 June 2024.

bombing of a press office by Israel is indeed “horrifying,” it is hardly “shocking.” Israel is a country with no red lines, consistently ignoring the rules and principles of international law, so nothing it does is surprising anymore. The AP may have been shocked by the bombing of its building, but for innocent civilians struggling to survive in Palestine, this incident hardly qualifies as news.

The real question is: Must one experience oppression first-hand to stand against it? After becoming a victim, anyone would express their hatred toward the oppressor. On the other hand, Wilder, true to her character, did not hesitate to criticise Israel for that action, even though Israel bombed the very same media outlet that fired her.

Regrettably, the state of academia is not much better than that of the media. The recent erosion of academic freedom does not stem from a lack of regulations designed to protect researchers. In fact, many European countries have enshrined protections for academic freedom within their constitutions and basic laws.<sup>50</sup> Even in the absence of specific provisions, there is no doubt that academic freedom should be considered part of the broader category of free speech. Therefore, the issues that arise are primarily related to the implementation of these protections.

Academic freedom, as an individual right, encompasses a set of interconnected rights for both lecturers and students, primarily focused on their roles as independent seekers of knowledge. These rights include: (i) the freedom to study; (ii) the freedom to teach; (iii) the freedom to conduct research and access information; (iv) the freedom of expression and publication (including the freedom to err); and (v) the right to engage in professional activities beyond their academic employment.<sup>51</sup>

Teaching and academic research contribute to society's physical and mental development by seeking and sharing knowledge and understanding, while also promoting independent thinking and expression among academic staff and students.<sup>52</sup> This mission makes academic freedom indispensable at the tertiary education level in fulfilling these objectives.

However, despite the theoretical framework being quite comprehensive and meticulously developed, significant challenges remain in exercising this right. The Turkish Academy of Sciences (TUBA) has conducted a comprehensive study examining the global challenges to academic freedom and the causes of its erosion.<sup>53</sup>

The report highlights how criticisms of Israel within academia are deliberately conflated with critiques of Judaism, leading to a culture of cancellation, smear campaigns,

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<sup>50</sup> Jogchum Vrieling, Paul Lemmens, Stephan Parmentier, ‘Academic Freedom As a Fundamental Right’, (2010), League of European Research Universities (LERU) 5. For example, Article 13 of the Charter of Fundamental Rights of the European Union (Freedom of the arts and sciences) stipulates that every member state is responsible for ensuring academic freedom.

<sup>51</sup> *Ibid* 9.

<sup>52</sup> *Ibid* 3.

<sup>53</sup> Turkish Academy of Science, ‘Tuba Report On The Palestinian-Israeli War’ (TUBA-Ankara 2023).

and pressure against those who speak out. It provides concrete examples of individuals who have lost their jobs or, fearing job loss, have resorted to self-censorship. Furthermore, the report notes that the presidents of some of America's most prestigious universities—Liz Magill of the University of Pennsylvania, Dr. Sally Kornbluth of the Massachusetts Institute of Technology, and Dr. Claudine Gay of Harvard University—were forced to resign in 2023 after being interrogated by Congress for failing to take sufficient and effective measures against anti-Semitism on their campuses, with protests supporting Palestine cited as a reason for the congressional inquiry.<sup>54</sup>

TUBA considers these images as frightening as anti-Semitism itself, observing that the sight of university presidents being questioned by members of Congress evoke a new form of despotism. While anti-Semitic behaviour has rightly been condemned in the past, the rise of a “despotism of anti-Semitism” may be even more concerning.<sup>55</sup> Addressing this issue should therefore be a top priority for the academic community.<sup>56</sup>

Ultimately, unconditional support for Israel is tarnishing the reputations of these universities—not only by compromising their independence but also by jeopardising their financial stability. In fact, these incidents have led major donors of Israeli origin, particularly in the United States, to withdraw their contributions due to claims of inadequate action against anti-Semitism. Beyond this, Israel is not only committing genocide but also making a deliberate effort to deprive future generations of the education needed to rebuild Palestine.

According to Hans-Christof von Sponeck, the UN Humanitarian Coordinator for Iraq, a new concept—“educide”—was introduced during his speech at the Ghent University Conference in March 2011. This term describes a type of crime, deliberately committed by Nazi Germany and later by the United States during its occupation of Iraq, which involves the mass destruction of educational staff and institutions. Today, Israel is employing similar methods by targeting educational institutions, thereby committing the crime of “educide.”

Neve Gordon, an Israeli professor of human rights law, stated that “academia has been destroyed” in Gaza as part of an “educide.”<sup>57</sup> Recent data from the Euro-Med Human Rights Monitor reveals that, since Israel began its brutal operations in response to Hamas' attacks on October 7, at least 94 university professors in Gaza have been killed by the Israeli military, along with hundreds of lecturers and thousands of students.<sup>58</sup>

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<sup>54</sup> Ibid 34.

<sup>55</sup> Ibid 40.

<sup>56</sup> Ibid 40.

<sup>57</sup> Patrick Jack, “Educide”: Israel’s Remorseless Assault on Gaza’s Higher Education’ <<https://bricup.org.uk/article/educide-israels-remorseless-assault-on-gazas-higher-education/>> accessed 11 July 2024. For a comprehensive analysis on “educide” see: Rula Alousi, ‘Educide: The Genocide of Education: A Case Study on the Impact of Invasion, and Conflict on Education,’ (2022) 13(2) *The Business and Management Review*.

<sup>58</sup> Ibid.

Unable to bomb universities on international platforms, Israel instead uses its political and financial power—rather than military force—to undermine academic freedom. Just like in the media, those who criticise Israel in academia face significant consequences. For example, so-called prestigious publishing institutions become exceedingly meticulous when it comes to Israel-related manuscripts, going to great lengths to find excuses not to publish certain works, even if it means bending or even breaching their own editorial policies.

At this point, I would like to provide two highly controversial examples related to this issue in the US. The Harvard Law Review (HLR) and Columbia Law Review (CLR), considered among America’s most prestigious publishing institutions and run by students at these universities, resorted to highly unusual and peculiar methods to avoid publishing the article of a Palestinian student studying at Harvard Law School. The publication of the article titled *Toward Nakba as a Legal Concept* marked Rabea Eghbariah as the first Palestinian legal scholar to appear in CLR.<sup>59</sup> However, just a few hours later—and after several months of extensive revisions—the board of directors took the drastic step of taking the journal's website completely offline, citing concerns about the publication process.<sup>60</sup>

The board was forced to backtrack after students sent a threatening email to a board member, stating they would stop working for the journal if the board's intervention was not reversed.<sup>61</sup> Although the board ultimately republished Eghbariah's article, it implemented two measures of its own. First, while reposting the article, they removed the word “article” from the text, giving the impression that it was more of an ordinary piece than a formal academic article. Second, they added a disclaimer beneath the republished article, claiming that it had not gone through the full review process by all editors, which they argued was a violation of standard procedures.<sup>62</sup> However, editors who spoke with *The Intercept* mentioned that they had never heard of the board previously requesting an article draft to be distributed to the entire membership of CLR.<sup>63</sup>

The second example also involves a piece written by the same author. Despite successfully passing all the necessary stages for publication at the Harvard Law Review, the journal convened an emergency meeting with all its editors and ultimately chose to prevent the publication of this work. Both Shahriari-Parsa and the other lead online editor, Sabrina Ochoa, pointed out that they had never witnessed a piece undergo such intense

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<sup>59</sup> Rabea Eghbariah, ‘Toward Nakba As a Legal Concept’, (2024) 124(4) *Columbia Law Review*.

<sup>60</sup> Prem Thakker, ‘Columbia Law Review is Back Online after Students Threatened Work Stoppage Over Palestine Censorship’ (06 June 2024) *The Intercept* <<https://theintercept.com/2024/06/06/columbia-law-review-palestine-gaza-rejects/>> accessed 27 July 2024.

<sup>61</sup> *Ibid.*

<sup>62</sup> The whole paragraph written by the Board of Directors of CLR might be checked on <<https://columbialawreview.org/wp-content/uploads/2024/06/STATEMENT-FROM-THE-CLR-BOARD-OF-DIRECTORS.pdf>>.

<sup>63</sup> *Ibid.*

scrutiny at the Law Review.<sup>64</sup> Shahriari-Parsa clarified that they found no prior instances of articles being withdrawn after completing the standard editorial process.<sup>65</sup> An anonymous editor noted that, according to their research, Israeli scholars were well represented in the magazine, while Palestinians were not. Based on their findings, the editor also stated that there were no previous examples of a publication-ready article being pulled.<sup>66</sup> In his response to the editors, the author of the essay, Eghbariah, wrote: “This is discrimination. Let’s not dance around it — this is also outright censorship. It is dangerous and alarming.”<sup>67</sup>

Another editor explained that the underlying reasons for the editors' stance were fear and concern for their future careers. Harvard has become so politicised that it even displayed photos of pro-Palestinian students on the school's billboards, actions that have tarnished the university's international reputation. Due to these unfortunate policies, the editors feared that if they allowed the article to be published, their own photos might also end up on billboards. However, fear alone does not fully explain this incident. Being an editor at the Harvard Law Review is a highly effective platform for advancing one's legal and political career. For example, considering that Barack Obama once served as the president of the journal, it is clear that the publication offers extraordinary networking opportunities, connecting editors to top law firms, Supreme Court justices, and politicians.<sup>68</sup> Therefore, it is hard to dismiss the significant role of both fear and career aspirations in the controversial decision of the magazine.

That is why only five editors dared to rebel against this corrupt system, refusing to be complicit and casting dissenting votes. They made it clear that “this unprecedented decision threatens academic freedom and perpetuates the suppression of Palestinian voices.”<sup>69</sup> The others, however, chose to compromise the rules and principles of the journal they work for in order to avoid jeopardising their “promising” career prospects. When individuals prioritise their careers over principles while serving in their positions, one can only imagine what they might be willing to sacrifice to attain or maintain the positions they aspire to. The concessions they made and their stance on this matter alone demonstrate that they do not deserve the careers they seek and are not individuals of true merit. Alternatively, it might be that in the U.S., such a path is indeed necessary for a successful career, and they have simply chosen to play by the rules of the game. Perhaps it is best to leave it to the reader to judge the merit of those who compromise their principles for the sake of a bright career.

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<sup>64</sup> Natasha Lennard, ‘Harvard Law Review Editors Vote to Kill Article About Genocide In Gaza’ (21 October 2023) *The Intercept* <<https://theintercept.com/2023/11/21/harvard-law-review-gaza-israel/>> accessed 23 July 2024.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

As the dissenting editors pointed out, these incidents not only threaten academic freedom but also raise questions about the true extent of university independence. It is a widely held belief that universities must be autonomous to uphold academic freedom. In countries where universities are state-funded, with academics essentially considered state employees due to government-funded salaries, there is a traditional view that such universities cannot be fully independent. However, the issue of Israel has highlighted that the independence of universities relying on donations from private institutions, corporations, and global giants is also at risk—perhaps even more severely and significantly than state-funded universities. The decision by institutions that have donated hundreds of millions of dollars to America’s prestigious universities to cut or suspend their donations, allegedly due to insufficient efforts to combat anti-Semitism, is a matter that requires detailed investigation. Additionally, it raises the question of whether the criteria used by organisations that rank universities—including various parameters—consider academic freedom. If they do, it is also worth exploring how the dismissal or threat of dismissal of anti-Israel academics might affect these universities' rankings, a topic that itself warrants further study.

## **E. CONCLUDING REMARKS**

This work was written during the period when Israel continued its massacres in Palestine. The question of whether addressing urgent issues—such as Israel's violations of international law, the assessment of its actions as genocide, war crimes, or crimes against humanity, and the prosecution of Israeli governments by international courts—should be the primary focus has also weighed heavily on my mind.

However, the existence of scholars who, despite intense pressure from the West—especially from the United States—have produced significant works on these matters, along with the realisation that examining the consequences of compromising free speech to satisfy the whims of a spoiled child in so-called democratic countries—where crimes of occupation and genocide are freely committed and supported, yet cannot be openly discussed—may be just as important as addressing the crime of genocide itself, led to the emergence of this paper.

Frankly, the Western media's censorship policies—justified by claims of “sensitivity”—which resort to methods of threat and intimidation to prevent their employees from speaking out on these issues, coupled with the emergence of similar corruption in academia, have prompted this work to pursue a modest goal. This goal is not to introduce new ideas but rather to encourage and support those who continue to fight against the pressure on free speech, urging them never to give up and to inspire similar efforts in the future.

No one, including staunch Israeli supporters, can do more harm to Jews and Israel than Israel itself. And no one has contributed more to the spread of anti-Semitism and anti-Semitic sentiments than the Israeli government. In an age where concealing

information is nearly impossible—where videos of assaults on Palestinian prisoners circulate and the shattered bodies of infants, as well as bombed schools and hospitals, are visible—there is neither a need nor a justification for anyone to post anti-Semitic content that would only serve to benefit Israel. There is no need because Israel, through its own crimes, is already self-destructing. People have begun to question how the descendants of those who endured one of history's greatest atrocities, over the past ten months and in full view of the world, could inflict similar suffering on others. It is also unjustifiable because sharing anti-Semitic content not only constitutes an act of discrimination but also does a grave injustice to those Jews who speak out against Israel's oppression and, unfortunately, bear the consequences of doing so.

Unfortunately, by remaining silent or even supporting these actions, the West has lost significant leverage. Israel's genocide has raised the threshold for violence and its legitimisation to unprecedented levels. From now on, the reactions of so-called democratic Western countries to human rights violations in different parts of the world will carry little weight or significance in the international community.

Authoritarian regimes such as China, North Korea, Russia, and Venezuela now have a tragic and traumatic case to reference in response to potential criticisms of their acts of violence and human rights abuses: Israel's genocidal policies. The West's reaction to scenarios like the imprisonment of dissenting journalists by these despots—once considered a red line in the West—will lose all meaning. In a time when journalists killed by Israel are dismissed as “collateral damage,” any response from the West to the imprisonment of journalists will be seen mere hypocrisy and double standards, rendering it meaningless. This massacre and genocide, which can hardly even be called a war, is a harbinger of even worse days to come. Sadly, we will all witness this together.

I began this study with an old Soviet joke, and now I would like to conclude with another. A Soviet citizen, after examining the menu in a restaurant for some time, places his order. The waiter apologises and says that the dish is not available. When the customer orders something else, the waiter gives the same response. After a while, frustrated that nothing he wants is available, the customer exclaims, “I thought you were giving me a menu, but it turns out you handed me a constitution!” Indeed, at first glance, it is often difficult to distinguish between the constitutions of authoritarian and democratic regimes. The key difference lies in how effectively these seemingly impressive documents protect their citizens' fundamental rights and freedoms. Authoritarian constitutions promise much but deliver little to their people. The liberal democracies we see today are the result of hard-fought battles, with freedom of speech at the forefront. Without freedom of expression, safeguarding other liberties becomes impossible. Will Western societies, in their efforts to satisfy the whims of a spoiled child, realise that they are gradually losing the hard-won gains achieved through centuries of struggle? Before it is too late, will they foresee the risk of their constitutions becoming indistinguishable from those of the authoritarian regimes in practice? These are not questions that can be easily answered; of course, time will eventually provide us with the answers. However, irrespective of the

answers, the damage has already been done. Even as things stand now, substantial effort will be needed to mend the harm repair the harm that has been done.