

9 Dynamic perspectives on defamation of religion among Jewish NGOs

Gabriel Levy and Miriam Kyselo

In this chapter, we examine free speech at the United Nations (UN) and seek to address the question of why no Jewish or Israeli non-governmental organizations (NGOs) supported the Defamation of Religion campaign (see chapter three)? Was it merely because it was supported by The Organisation of Islamic Cooperation (OIC) or was there something else at work? We argue for the latter, and explore the concepts of blasphemy and the nature of (free) speech from a Jewish epistemological perspective. We take up the example of Noam Chomsky, and his role as an international actor at the UN, Jew, and free speech advocate in order to explore the issue more deeply. Chomsky's approach to both politics and language serves to mediate our theoretical position. Finally, we take a look on various Jewish NGOs involved in the continuous process of carving out a religious space in the territory of international politics.

Philosophical context

People talk about the UN as if it were a thing, a substance, though it is not clear what kind of thing it could be. It starts from here. Our friend, Erik, for example, says he worked *there*, in New York, at the UN – there was some initiative from a Norwegian prime minister. It didn't work out. There are news reports: BBC, NPR, NRK, they talk about *it* too. Chomsky spoke *there*, to a large audience. We read about it. We speak about it together. People tell stories. People are thinking very abstractly about global governance.

The UN is something that exists, but it exists in different senses: as an agent, as a location, as an object. It is also assumed that the UN enacts values. Value politics at the UN is just politics, and all politics are value laden. All values are communicative, intersubjective, ways of presenting the self to others and oneself. The same goes for institutions, though they operate differently. There is a logic of institutions, logics of money, sex, and God (Friedland 2002). They are self-organizing systems with a drive for self-preservation. Narratives hold them together. But they miss something. The reality of speech is kaleidoscopic, jagged, like shards of shattered glass.

The usual presentation of the way the UN is organized and structured – differentiating between political, administrative, and activist spheres (see Introduction, this volume) – is a useful starting point; a view about the reality of

institutional logics and the way human beings interact within them. We try to go deeper about some of the basic concepts involved. The hegemonic story assumes people know what they are doing, that political actors somehow stand outside the chaotic flow of information. So there are ~~at least more~~ sides to our approach: one is the everyday language of how we speak about the UN and politics, the second is how political actors at the UN speak, and the third is how we speak as scientists. We try to keep these clear throughout.

The values that drive human agency are ~~also~~ social values. Our approach to values and agency relies on ideas from the philosophy of cognitive science.¹ The basic idea is that agents can be described in terms of the same principles that describe living systems.² Agentive identity – whether at individual or group levels – is not a given, but arises on the basis of the agent’s continuous engagement with the environment; such agents strive to create and to maintain their agentive identity.³ These first two insights are derived from Hans Jonas’s concept of “needful freedom”. An organism relies on organic material to create its organismic identity and yet it also strives to emancipate itself from some of it (1966/2001:80). Humans have a *social* needful freedom: we strive on the one hand to connect with others, yet on the other hand we also want to make sure that we remain independent to some degree. Therefore the basic norm for both the creation of identity and its maintenance is two-fold: a tendency for distinction and for participation (Kyselo 2014).

How is this relevant to political actors, groups and institutions like NGOs and the United Nations? Niklas Luhmann has famously applied the idea of autopoiesis to the process of communication (1990). According to Luhmann, communication ~~can take~~ a life of its own – like debates in UN fora where the drafting of a resolution may turn into a row between otherwise close political friends, or exhausting discussions between blocs of habitual opponents like Israel and Palestine. ~~And similarly, when~~ agents conform to a shared group value, the group can take a life of its own and ~~can~~ be seen as an agent ~~itself, an agent~~ of a higher social order. A consequence is that political actors are never neutral, but always value driven, where the most basic values depend on the structure and needs of their own identity, as well as on the particular social background that their identities emerge from (at a particular place and time) and the environment they express themselves in, for instance the United Nations. This applies to individuals as well as groups and institutions. When looking at political agents we have to understand their behavior and communication as expressing a need and striving for self-maintenance and pursuit of particular norms and values. Accordingly, a Jewish NGO is seen as an actor or agent and the UN as a place of dialogue and negotiation with other agents, it is a network of interactions and relations.

Jewish NGOs, such as the World Jewish Congress (WJC), opposed the efforts of the Defamation of Religion campaign across the board.⁴ This may seem ironic given that one of the earliest efforts to limit speech, to prohibit “racial and religious hatred” within the UN came from the WJC in 1953, which argued that there was a connection between certain types of propaganda and genocide.⁵ As stated in a Freedom House press release ~~that~~ many Jewish NGOs signed onto, the effort by OIC is “incompatible with the fundamental freedoms of individuals to freely

exercise and peacefully express their thoughts, ideas, and beliefs”.⁶ The turnaround between 1953 and present indicates that Jewish NGOs appear to draw the limit on speech to the point where they see their own existence threatened.

Speech (free)

Chomsky’s approach to language shares at least two central ideas with the approaches outlined earlier: the first is the opinion that, as Chomsky puts it, “the underlying concept of human nature is rarely articulated”. Such an articulation is necessary in order to situate one’s ethical and political stance. The second is that freedom is essential to human nature. For Chomsky, this freedom is a fundamental aspect of human “intelligence” (Chomsky 1992:3) and is “the essential and defining property of man” (Smith 2004:184). Chomsky’s radical approach to free intelligence, our “fundamentally creative nature” (Levy interview),⁷ ultimately grounds his politics.⁸ Like Chomsky, Jonas’s enactive approach sees freedom as constitutive of human identity, and we create freedom through language, where it is embodied.⁹

Chomsky has been engaged in international relations since the 1960s, and in the past 10 years has engaged more directly with the UN and its bodies, giving speeches and invited talks in committees.¹⁰ Wondering about the connection between Chomsky’s work on language and his political activism, Neil Smith notes that Chomsky sees a parallelism arising concerning the general conception of human nature in terms of this noted “underlying and essential human need for freedom” (Smith 2004:179). What ties them together is that the creative (generative) use of language, by which one means freedom, is part of what it means to be human.¹¹ Take away freedom, and you take away what it means to be human. This, of course, is not contrary to the idea that humans also need constraints. There are limits when one person’s freedom restricts another person’s freedom. Chomsky put it this way:

Gabriel Levy: Where do you think the limits on speech should be, if anywhere?
Noam Chomsky: My own feeling is that a pretty good formulation of that principle was actually reached by the US Supreme Court in several important court cases in the 1960s. One was *Times v. Sullivan*, which basically cancelled, eliminated, the principle of seditious libel, the principle that you’re not permitted to condemn the state, to attack the state with speech, which I think was actually held by most countries. Still is. But that was struck down in ’64 and then in 1969 in *Brandenburg v. Ohio* there was quite an important decision raised, actually it was a case involving the Ku Klux Klan. So really vicious, ugly, speech. And the court ruled that their speech could not be banned, disgusting and hateful as it was, and set the criterion that speech is free up to the point of imminent participation in criminal acts. . . . I don’t think the right way to deal with disgusting, hateful, vicious speech is by banning it, but by understanding the reasons for it and undermining support for it, otherwise you just contribute to it.

Chomsky refers to two US Supreme Court cases, *New York Times Co. v. Sullivan*, 376 U.S. 254, from 1964 and *Brandenburg v. Ohio*, 395 U.S. 444, from 1969. The former greatly restricted libel claims in the US and the latter limited restrictions on inflammatory speech only to speech that connected to imminent criminal activity (for more background, see Parker 2003, chapters eight and ten). Chomsky has put his money where his mouth is on this issue, famously defending a notorious Holocaust denier's right to speech in the context of the "Faurisson affair" in 1979.¹² Given that agents' identities are co-constructed, the ability to express one's position is a vital human need. This requires articulation. In principle, this applies for both values we agree with and values that we disagree with. We can distance ourselves only against meaning that has been made explicit. In fact, disagreement can become vital to the distinctive dimension of human identity. To Chomsky every expression is an expression of value and thus an invitation for a dialogue.

When the speech act calls to imminent unlawful violence against the existence of others, then it is still an expression of value. But there are degrees. To deny the right to exist is to deny the right to participate in a dialogue. In the context of the Israeli-Palestinian conflict, the non-recognition goes both ways. Perhaps it does in all political conflicts. Though it seems Israelis and Palestinians have clear identities, as much as any group can have one, they have vulnerable struggling identities. If one thinks identity is connected to land – or space, at least, having a body or other technologies helps enact identity – these collective agents don't have a clear identity. Israel is a confused identity between socialism and Biblical literalism, going insane after occupying the West Bank.

The modern state of Israel often equates itself with Judaism, seeking to connect with the mythic Israel of the Hebrew Bible, and that's probably why the rest of the world often does.¹³ The confusion was always at the core of Zionism, but became even deeper when Zionists were allowed to settle in the British Mandate over Palestine, and after 1967, when Israel occupied parts of the West Bank and annexed parts of Jerusalem. After this point the modern state of Israel was unavoidably placed within the center of Jewish identity. Unfortunately, there is a long legacy of fighting over that area along that area, the hillside leading up the edge of the Mediterranean.¹⁴

Context: a brief history of Jewish blasphemy

A useful way to approach the issue of limits on speech is to examine the history of blasphemy within the context of Jewish history. Generally speaking, Judaic systems are reticent to enforce many limits on speech, perhaps because of some deep seated values about the very nature of speech in the Jewish tradition, but there are some important, illustrative exceptions.¹⁵ In the Hebrew Bible we usually speak of at least two types of prophets: one type was a kind of yes-man for the king, someone who told him what he wanted to hear. The other spoke against the grain, relaying messages from on high that the king and people did not usually want to hear. The Hebrew Bible usually endorses the latter. In Samuel we have a famous

account of the people demanding he find them a king. Samuel does, but not before going on a tirade about the evils of kingship. As Gordis puts it,

Though the kings of Israel are referred to as ‘the anointed of the Lord,’ in the Old Testament there is no shadow of the idea that the king can do no wrong. On the contrary, the basic theme of the Biblical historians is that kings rarely do anything else!

(Gordis 1954:680)

We can think of these representations of prophecy within their historical context. A relatively new social class had emerged by this time in the 1st millennium BCE, an educated class that traded in written words, eking out a bit of independence from royal and priestly institutions, serving functions in more complex polities, organizing agricultural economies and trade. As Gordis puts it, “when Jewish tradition became embodied in literary form in the Bible, Judaism insisted that access to knowledge of the Book and freedom in its interpretation constituted not merely a personal right but a sacred duty” (Gordis 1954:677). Gordis’s account has a tinge of apologetics, because there have definitely been times when Jewish groups did not embrace the ideal of freedom of interpretation, but stands as the only scholarly attempt to chronicle the history of blasphemy in the Jewish tradition. Chomsky echoes this point in an interview: speaking of the Eastern European context his own parents came from he says, “the orthodoxy was just crippling. These are called the people of the book, but that’s a joke. It was a very anti-intellectual society, authoritarian and rigid” (Chomsky 1992:229).

Gordis contends that one of the main reasons blasphemy seems more relaxed among Jews is that the “Jewish people were more than a religious sect and were best described as a religio-cultural-ethnic group”. Plainly then, because there is an ethnic dimension to Judaism, it makes it harder for an authority to excommunicate someone, or claim they are un-Jewish, because of what they believe or say. It would be wrong to think that anything could go, that there were no limits on speech. No doubt there was a sense of heterodox belief, as exemplified in the concept of *minim*, and perhaps even in the accounts about Jesus in nascent Christian narratives (Schremer 2010). It is within that context, after the destruction of the Temple, that “the institution of the *herem* (ban or excommunication) came into being.¹⁶ The powers of medieval Jewish courts were quite limited when compared to the medieval Christian synods. In general, they were “concerned primarily with matters of morals rather than faith; the contrary is the case in the Christian leadership” (Gordis 1954:689). For instance, one of the rulings of Rabbi Tam was that it was forbidden to cut off the margins of a book, a place often reserved for comments and critique.

The situation began to change, according to Gordis, with danger incrementally increasing for Jewish communities in Europe, especially following the Inquisition. Jewish authorities began to take more control over speech and expression; so as not to provoke punishment by the already incited Christian communities in which they lived. In other words, in this period Jews began to censor themselves

so as not to call attention to their vulnerable communities. Gordis cites this as part of a continual struggle in Jewish communities between individual expression and collective security. This is exemplified in the ban on works by the great Rabbi and philosopher Moses ben Maimon (Maimonides). Conservatives viewed his rationalistic and philosophical approach to Judaism as a danger – because it seemed to put it on par as a system, and thus bring insult, to Christianity. In general though, the lack of centralized authority in Jewish communities of Europe made it very difficult to impose any sort of universal limitations on speech (1954:691).

The most famous example of limiting speech within the Jewish communities of Europe came in seventeenth century Holland with the case of Baruch (Benedict) Spinoza.¹⁷ Spinoza was educated ~~thoroughly~~ in rabbinic texts, and even was called to read from the Torah as late as 1654, when he was 22. But just two years later on July 27, 1656 he was publicly excommunicated. He did not recant, and had already been living outside the city (Gordis 1954:694).

Gordis concludes that the specific nature of Jewish identity allowed for greater freedom of expression, as a combination of the fact that it made “action rather than belief the touchstone of loyalty” and the fact that “there are more potent factors making for group security than a conformity artificially imposed from without” (1954:697). These potent factors must include among them the fact that Jewish identity is to some extent based on family ties and blood relations. However, most attempts to limit speech within Jewish communities came in the context of the interaction of these communities with Europeans after their emancipation ~~from the nineteenth century onwards~~. The modern state of Israel represents the most recent stream regarding blasphemy in Judaism, but the religious authorities appear, at least until recently, to have little powers of censorship over the general populous.¹⁸

Religious NGOs?

AuQ1

A few scholars have attempted to count the “religious” NGOs operating at the UN out of the 3,183 total.¹⁹ They have come up with different numbers depending on their methodology, ranging from 180 (2002, *Religion Counts*), to 239 (use of “religious language”; Carrette and Miall 2013:19), to 320 (self-reference to “religion” in name, activities, or mission; Juul Petersen 2010:3–5). As Carrette and Trigeaud recognize, the task of understanding the role of religion at the UN, specifically in terms of the role of “religious” NGOs, is made difficult by the fact that the word religion is used by social actors in very different ways. Following Fitzgerald, they argue that there is “no such thing as a ‘religious’ NGO, only a classification ordering according to the ‘modern myth’ of the religion-secular” (2013:12). The modern myth is the idea that there is a clear, natural boundary between religion and ~~the~~ secular, between private and public, between the ritual and the political. In many ways, the term religion is one of the main elements that *enact these binaries*. The term religion, in this genre of scholarly literature, is an ideological concept that serves the purposes of social and political actors. As such, the best way to study it is to see how it is used, to see what orders, actions, and

discourses it authorizes. However, in Carrette and Trigeaud, we know they think the “religious-secular” distinction is a “myth” (2013:15), but they do not say why, it is simply assumed (and we think rightly).

Carrette and Trigeaud (2013:8) quote Fitzgerald, who supports the claim “that religions are not themselves the objects of empirical investigation, but collective acts of the imagination,” but he adds that this “does not mean that they have no kind of reality” (Fitzgerald 2011:210). We are specifically interested in precisely *what kind of reality* religions have. The tendency in ideological discourse studies of Fitzgerald and the like is that this is not explicitly or systematically worked out. Like them, we think language is enacted and productive – not a static set of labels that we attach to the mirror of nature.

In their conclusion, Carrette and Trigeaud (2013:22) bring up Fitzgerald’s discussion of the famous televised discussion between Noam Chomsky and Michel Foucault in 1971 in the Netherlands (Chomsky 2011). At its root is the question of whether speech can ever really be free, whether we can liberate ourselves using language – language which is itself a product of the present ideological configuration in which we are a part. In this context, can we ever escape the religion-secular binary, given that it seems to hold many of our basic conceptual structures together? (Fitzgerald 2011:243–244). In the broader Chomskian context, can all Chomsky’s attempts to fight the power using language do anything other than solidify the already present system that gives meaning to his words?

Fitzgerald summarizes one of the points Foucault made during the debate, which is that any attempt to bring about a society free from state coercion and implied in concepts like justice and human rights would themselves incorporate the “categories and conceptions” of the current order. Any Foucaultian solution to this problem must address the problems systemically, and this perhaps explains Foucault’s subsequent (to 1971) movement towards the analysis of biopolitics. Chomsky ~~in the debate~~ continually pushes back, arguing that we simply have to do the best we can, because there is no other legitimate option.

Whether these critiques hold water is beyond the scope of this chapter. However, what is at issue here is the question of whether there is something bigger than the Leviathan, something bigger and outside of the state (like a monotheistic God, or Romantic life) in the UN system. For Chomsky, there is: it is human nature, and perhaps ultimately what we call life. Even though Fitzgerald sees Chomsky as a “great contemporary prophet in the sense that a prophet holds up a moral mirror to those in power and challenges them to account for their own iniquities”, he nevertheless regards Chomsky’s view on religion as “fairly orthodox secularist” (Fitzgerald 2011:244). For Fitzgerald, Chomsky has missed “the function of the modern invention of ‘religion’ in the mystified legitimation of secular state rationality and corporate power” (2011:244).

As is clear from Chomsky’s interaction with Foucault, he simply doesn’t take the line that one can stand to the side of the political use of words. We have no choice but to use words. Chomsky has rarely written on religion or Judaism. From the interview conducted by Levy for this chapter, he appears to take a pragmatic position towards it. He has said in the past that he has “no general argument

against religion” (Chomsky 2013). Levy asked him to clarify this position. In a rather rabbinic manner, he seems to find religion irrational, while at the same time having no general argument against it:²⁰

Gabriel Levy: The first question I have for you is about religion . . . On the one hand you said you have no general argument against religion. The view seems to diverge slightly from your political views which might see religion as a form of thought control or propaganda, but when David Barsamian asked you about your spiritual life you seem to equate religion with irrational belief in some way, so I just need some help clarifying what exactly you mean by religion when you say you have no argument against it for example.

Noam Chomsky: I was referring to the organized religions, primarily the Abrahamic religions. There are others. They are based on a certain system of beliefs and doctrines – so-called holy books – a rich tradition of commentary and discussion, philosophical literature, so on, so it’s a complex affair, but to the extent that the beliefs and the doctrines remain, they are not based on evidence and argument in my opinion – they are accepted – and that’s the definition of irrational belief.

But this can only be determined carefully case by case. The interviewer goes on to ask Chomsky more specifically about his identity as a Jew:

NC: Whether I identify as Jewish? Yes, I do, but for me it’s a *cultural environment commitment tradition* that I grew up in, I retain my interest in – its large part of my makeup. It involves no specific religious beliefs or even commitment to practices.

GL: Have you ever been a practicing Jew? Like going to synagogue and that sort of thing.

NC: Yes, in childhood – as a kid.

GL: Were you Bar Mitzvah-ed?

NC: Yes – lay *tefillin* – whole business. (This is the ritual where Jewish boys, and now girls, wrap leather around their ~~hands and head~~ as symbols of attachment and obedience to God and Torah.)

Interestingly Chomsky brings up the issue of prophecy, at this point, quoting verbatim a line from the Bible that he chanted for his Bar Mitzvah:

GL: I’m curious whether you think there’s any influence of Jewish or Judaic ideas on your work?

NC: I’m sure there is, in many ways – I mean I grew up kind of immersed in the first of all, in the Bible – the Hebrew Bible – I read most of as a child. And lots of it meant something to me and stayed in my mind – even parts of my

haftorah, which I can remember from Zachariah – lines like: (*haftorah* is traditionally what bar and bat mitzvahs chant from – it is made up of parts of the prophetic books of the Hebrew Bible)-

lō' b'ḥayil w'ēlō' b'kōāḥ kî 'im-b'rūḥî

Chomsky quotes from Zechariah 4:6. The whole verse reads: “Then he said to me, ‘this is the word-of-Yahweh on Zerubabel: “Not by wealth nor power, but ~~with in~~ my breath [spirit], says Yahweh-of-hosts.’”” This verse is a quote within a quote within a quote (for more on quotation see Levy 2010:175ff). The verse says Darius will be convinced (to follow Cyrus’s proclamation), not by wealth or power, but by *breath* (*ruah yahweh* in Hebrew) ~~or spirit in the Christian tradition~~. The verse comes in the context of a book about the struggle of Judean exiles returning from Babylon in order to rebuild the temple in Jerusalem. It recounts prophetic wisdom coming to Zechariah, who is possibly a descendent of Levites “returning” from the kingdom of *kōreš² meleḳ pāras*, a city in present day Iran (Persepolis). Ezra recounts how king Cyrus of Persia issued a proclamation that the exiled Judeans in his kingdom would be allowed to return.²¹ Among other things, the prophet addresses Darius, son of Cyrus, to try to convince him to his father’s proclamation.

These stories mark the early emergence of Jewish identity, which is not a static thing, but something continually negotiated and enacted. The stories recount a founding negotiation (with Cyrus and then Darius).

Jewish NGOs?

Given this poignant definition of Judaism as a “cultural environmental commitment tradition”,³ the issue of *Jewish* NGOs and how one defines them becomes even more problematic. According to Petersen’s analysis there are 22 Jewish NGOs, or 6.9% of all religious NGOs noted. According to another analysis carried out in 2003 by Julia Berger, she defines 273 as “religious” and of these, 29 as Jewish, or 11% of the total sample. As Berger noticed, many Jewish groups hesitate to call themselves religious.²² Jewish identity seems to fly directly in the face of many Protestant, even “Judeo-Christian” binaries, because it entails a blurry ethnic identity and the same time affinities about propositional attitudes and practices. In terms of Jewish affiliated groups, among the most active at the UN are umbrella Jewish NGOs such as the World Jewish Congress, the Coordinating Board of Jewish Organizations, the Consultative Council of Jewish Organizations, and the International Council of Jewish Women.

Only two typologies of Jewish NGOs are provided in the scholarly literature. The first was Irwin Cotler’s (from 1999) who studied Jewish human rights NGOs in North America.²³ He lists 11 types of Jewish NGOs and develops a typology, which ~~for all its details~~ gives a glimpse into the kind of NGOs we find at the UN: (1) religious ones, “devoted to the promotion and protection of their particular sectarian (or denominational) interest”, (2) liberal Jewish human rights NGOs aimed at protecting “religious human rights”, (3) Holocaust-centric human

rights NGOs, “particularly concerned with protecting Jews from discrimination, in general, and from Jew-hatred”, (4) international human rights NGOs such as the World Jewish Congress, “who serve as the ‘diplomatic arm’ of the Jewish people”, (5) international Jewish NGOs whose aim is to help Jews in distress, (6) general purpose, grass roots mass membership NGOs such as B’nai B’rith (a US group that aims to be the “global voice of the Jewish community”), (7) the old NGOs that made important contributions to the development of international human rights such as Alliance Israélite Universelle, from Paris, (8) Jewish NGOs with universalist agendas such as the alleviation of hunger in the third world, such as the American Jewish World Service, headquartered in New York (9) legal or juridical Jewish NGOs such as the International Association of Jewish Lawyers and Jurists, based in Israel, (10) single-issue NGOs who aim at a specific purpose such as the concerns of Soviet Jews by the National Conference for Soviet Jewry, now based on Israel, and (11) Jewish women’s NGOs, such as the International Council of Jewish Women. Interestingly, Cotler notes that all Jewish NGOs in his study (most from the US and Canada as of 1999) include reference to the preservation of the state of Israel, and he claims that this “demonstrates the extent to which Israel has emerged as the ‘civil religion’ for organized Jewry” (1999:92).

The other typology is a much simpler one given by Michael Galchinsky in 2011. He suggests four kinds of Jewish human rights NGOs. The first are “secular-liberal” ones established to “protect Jews’ citizenship rights in their home countries”, and that have since expanded “their scope to working on behalf of vulnerable Jews abroad”.²⁴ The second type is made up of denominational or interdenominational NGOs that “began as federations of national organizations reacting to crises in world Jewry”, such as Eastern European Orthodoxy, the International Council of Jewish Women, the World Jewish Congress, and the World Union for Progressive Judaism. The third type is those that contribute to “international monitoring and legislation” such as American Association for Ethiopian Jews, the National Conference for Soviet Jewry, and the Union of Councils of Soviet Jews. The last type is made up of NGOs established in Israel starting in the mid-1970s, to “monitor, protest, and publicize violations inside and outside the Green Line”, which Galchinsky sees emerging in two waves.²⁵ In this connection it should be noted that Galchinsky makes a clear distinction between Jewish NGOs, which can be of any nationality, and the state of Israel, but nevertheless he links Jewish identity to the state of Israel whose international status he sees as having deteriorated dramatically in two waves: “The first wave arose in reaction against the occupation in the early 1970s, the Lebanon war of 1982, and the first Palestinian intifada in 1987–1989 . . . A second wave emerged in the wake of the failure of the Oslo peace accords of the late 1990s and the subsequent onset of the second intifada, which occurred in 2000–2005.”²⁶

Galchinsky notes two obvious phases in the history of Jewish NGOs. The first was from after the Second World War and the Universal Declaration of Human Rights when Jewish NGOs had a central role in the development of international legal and normative human rights standards. This phase was the context for most of the original support for limitations on speech related to genocide. The second

was after the Occupation from the early 1970s onwards, when Jewish NGOs, because of their association with Israel, have had much more difficulty because of what many of these NGOs term a “new anti-Semitism”, designed to turn Israel into a pariah and deny the Jewish people their right to self-determination (2011:17). Jewish NGOs are left in an ambivalent position because Israel’s occupation of Palestine is illegal by international standards. As Galchinsky notes, there has always been a tension between particularism and universalism, between nationalism and internationalism, “Jewish nationalism” and international human rights, but the push to make a pariah out of Israel has exacerbated the latter tension. In this connection the link between Jewish identity and Israel citizenship needs attention:

Globalization has brought Jewish political communities from around the world – in both Israel and the Diaspora – in closer, transnational contact. Global Jewish political communities have expressed cosmopolitan views on some issues – e.g., with regard to genocide in Darfur. On other issues, such as the question of human rights practices in Israel, they have exhibited conflicts over the meaning of citizenship rights in a Zionist state. The belief that Jews in Israel and the Diaspora share, or can share, public policy orientations is implicit in the names of organizations like the Jewish People Public Policy Institute, the World Jewish Congress, the Consultative Council of Jewish Organizations, and Jewish World Watch.

(Galchinsky 2011:8–9)

Although many ~~(most)~~ Jewish NGOs identify strongly with the state of Israel it does not mean that they endorse ~~any~~ Israeli government policy. Jews, whether in Israel or elsewhere in the world are political individuals ~~and free to choose~~ – even Jewishness is a matter of choice, ~~as~~ Galchinsky points out “the fundamentally voluntary nature of Jews’ association has profoundly influenced the [modern] form of their political behavior” because Jews are “no longer bound by state law to remain Jews” (Galchinsky 2011:9).

Discussion

The general question we address in this chapter is why no Jewish or Israeli NGOs supported the Defamation of Religion campaign. Based on the ~~earlier~~ we now suggest three main themes that help to shed light on this question. The first theme addresses the more general question of what the Defamation of Religion campaign allows political agents at the UN to do. The second theme asks more specifically why Jewish NGOs rarely endorse a limitation of speech and thus why no Jewish or Israeli NGOs supported the Defamation of Religion campaign (launched by the OIC in 1999). The third theme sheds light on the issue of Israel’s pariah status noted earlier and its contagiousness for Jewish NGOs at the UN.

First, the Defamation of Religion campaign can be conceptualized in the context of a struggle for religious identity maintenance and for the expression of

meaning and value. We can ask: what enactive function does the Defamation of Religion campaign have within the identity maintenance dynamics of the actors or agents that are involved? From the perspective of Jewish NGOs, the Defamation of Religion campaign allows these groups to reenact age-old liberal Jewish values towards language and speech. Jewish NGOs are able to do so while at the same time positioning themselves with the Western democratic countries against the OIC and their allies on the issue.

Some Jewish NGOs are willing to limit speech in certain cases. In order to address this issue we need to understand what values govern their decisions, and more specifically what this says about their basic values. ~~It seems that speech~~ limitations appear when (Jewish) groups, communities, or NGOs fear that it threatens the group's survival. Positively put, one might say that Jewish religious traditions allow for a high degree of negotiation and expression of different values. To the extent that the modern state of Israel is identified with what Chomsky called the "cultural environment commitment tradition" of Judaism, threats to the state of Israel are seen in the same manner. This is unfortunate, for as Rich Cohen (2010) notes, now that "Israel is real" it invites everyone to imagine a world where it may not be. A similar conflation of a political entity (the state of Israel) with a populace (Jews in and outside Israel) is hardly conceivable except within a framework of extreme nationalism where collectivism trumps individualism.

From a psychological, or loosely theological, perspective, Judaic frames of mind ~~may tolerate~~ language out of control – though they could never tolerate language completely out of control. From a historic perspective, the bulk of recent attempts to limit speech from Jewish groups came in the context of changes during the ~~long~~ nineteenth ~~century~~ in Europe when the modern state of Israel was *not* real. Jewish groups had relatively little political means to enforce this limit other than the ban.

The third and final theme concerns the issue of Israel's ostracism (and its perceived ostracism) noted earlier by Galchinsky. We can pose a similar question as we did in the context of the Defamation of Religion campaign: what is its function? What does the perceived or real pariah status of Israel allow Jewish NGOs to do, and what political options does it allow Israel's government? Based on our analysis, we suggest that Judaic attitudes towards blasphemy evaluate human nature as free, and bear a potential risk of undermining the very project of a uniform identity construction. However, if the liberal stance towards speech is taken to an extreme, then there could be a risk of becoming too vulnerable to the actions and values of other agents.

This chapter gives some of the background for understanding Jewish NGOs stance on free speech and blasphemy within the UN context and some of the ~~most~~ basic dynamics at work in relation to an imagined and institutionally "real" Israel. Jewish NGOs have not relied on Israel's endorsement alone. Like other NGOs in the UN system Jewish NGOs gain influence by participating in negotiations; drafting documents, and create alliances. The possibility of influencing government policy is what all NGOs are ultimately aiming for. Within the framework presented, if Israel does not occupy much of the common space at the UN to express its own values, fails to engage in broader human rights issues, and only

interferes once other parties' values are threatening its existence, there is a risk of ostracism, in the sense that Israel becomes a background for identity formation on the basis of being an enemy or scapegoat.

Notes

- 1 The enactive approach (Husserl 1900/1973; Merleau-Ponty 1945/2012; Jonas 1966/2001; Maturana and Varela 1987) offers an integrating perspective on the mind and on the nature of agents, how they interrelate, and what drives their interactions. There is, as yet, not a well-developed application of the enactive approach to either history or politics. We attempt to work out the rudiments of such an approach.
- 2 This is an elaboration of autopoietic theory, which holds that living beings can be minimally defined as self-producing and self-organization networks. ~~noted at a University Press, see Columbia University Press, *ist Thought and the Making of Modern Israel*, trans. r debates around the~~ The enactive approach uses the notion of autonomy to apply the idea of self-production and organization to different levels of agency, ranging from individuals to group identities and institutions (Thompson 2007). For our purposes we would like to focus on the enactive notion of the self, i.e. the individual agent (Kyselo 2014).
- 3 Organismic identity is thus always value driven (Weber and Varela 2002). An organism needs resources from the environment. In other words, agentic identity is not neutral. It has two goals: to maintain the agentic identity and to evaluate interactions with the world accordingly. The enactive approach calls this "sense-making".
- 4 We carried out an exhaustive library and internet search within UN documents at <http://www.un.org/en/documents/index.html>
- 5 Thanks to Heini Skorini for this point.
- 6 <https://freedomhouse.org/article/resolutions-defamation-religions-do-not-belong-united-nations-organizations-say>. Last accessed February 5, 2016.
- 7 See <http://www.gabriellevy.com/chomskyinterview.mp3>
- 8 As Chomsky puts it, "... any stance that one takes with regard to social issues . . . it is probably based on some ideas about the underlying and essential human need for freedom from external arbitrary constraints and controls, a concept of human dignity which would regard it as an infringement on fundamental human rights to be enslaved, owned by others, in my view even to be rented by others, as in capitalist societies, and so on. Those views are not established at the level of science. They're just commitments" (Chomsky 1992:2).
- 9 From the enactive view on human beings as autonomous social identities, what can we say about freedom of speech? It demonstrates the principle of needful freedom and the distinction-participation dynamics for the creation and maintenance of human agentic identity.
- 10 The highlights include two speeches to the General Assembly on July 23, 2009, and October 14, 2014, and a press conference June 6, 2006. See <https://chomsky.info/audiomvideo/> for audio. In Levy's interview with Chomsky, when asked about his work at the UN, he said he has informal ties with peace and activist NGOs, but he did not specify more.
- 11 See <http://www.alternet.org/civil-liberties/noam-chomsky-kind-anarchism-i-believe-and-whats-wrong-libertarians> (accessed February 11, 2016).
- 12 See <https://chomsky.info/19801011/> (accessed February 10, 2016).
- 13 For a level headed discussion of the religious element in Zionist identities, see Dieckhoff (2003), and for debates around the issue at Israel's founding, see Rozin (2007). For the general history, see Tessler (1994).
- 14 For a very insightful take on these issues, see Cohen (2010).
- 15 Some scholars writing about blasphemy in Judaism tend to restrict their analysis to the Hebrew Bible, which signals more about general Christian successionist attitudes

- towards Judaism (see for example, Gubo [2015:40]; for a more nuanced analysis, see Langer [2014]).
- 16 Rabbinic sources distinguish three types of ban: “the *nezifah* (rebuke), usually imposed for a week; the *niddui* (separation), which was a suspension for a 30-day period; and finally the *herem*, which was final – subject to revocation only by the submission and penance of the offender” (Gordis 1954:686). A few cases of its invocation and limited enforcement stand out in the Talmud: against Elisha ben Abuyah, Akabyah ben Mahal-lel, and Eliezer ben Byrcanus. In the case of the former, it is unclear what form of punishment he received if any, while the latter two received *niddui*.
 - 17 Another famous case was Uriel Acosta, who was a Marrano (convert), raised Catholic, but who converted back to Judaism with his family’s move from Portugal to Holland. He wrote a number of treatises that apparently went over the line in terms of heterodoxy, denying such things as the immortality of the soul (Gordis 1954:694). He was put under the ban and forced to recant and apologize, which he did, though thereafter he shot himself in 1640.
 - 18 The Israeli laws related to restrictions on speech with regard to religious defamation, and other forms, are found in the penal code *PENAL LAW 5737–1977*, specifically article 7 “offenses against religious sentiment and tradition”.
 - 19 According to Petersen, who cites the Union of International Associations, there are around 33,500 international NGOs in the world.
 - 20 The interview with Chomsky has been slightly edited for brevity’s sake; for reference to the full version, see <http://www.gabriellevy.com/chomskyinterview.mp3>.
 - 21 The ruins of Babylon are 85 km south of modern day Baghdad – many of the returnees’ names indicate they were “from Babel”. The US Army presently controls this area, though the site is open for tourism. Babel had its own long history of building and rebuilding, but was an important urban center probably from the twenty-third century BCE until Alexander. Myths around Alexander recount that his empire was divided among his generals there in the palace of Nebuchadnezzar, one of the last rulers of the Persian empire.
 - 22 Unpublished paper delivered at an AHRC/ESRC workshop in May 2010, University of Kent, UK. Cited on page 12 of Day/Cotter.
 - 23 Cotler, a Canadian scholar, human rights activist, and politician is clearly endorsing a theological stance. Cotler frames the universality of the UN’s human rights in Genesis story recounting the idea that “We were all created in the image of God” (1999:3).
 - 24 Galchinsky includes in this type the Board of Deputies of British Jews, B’nai B’rith International, Alliance Israélite Universelle, American Jewish Committee, South African Jewish Board of Deputies, and the International Association of Jewish Lawyers and Jurists. Some of these are included in umbrella organizations: the Consultative Council of Jewish Organisations and the Coordinating Board of Jewish Organizations.
 - 25 See Galchinsky (2004) where he argues for a complex process where Israel is becoming increasingly isolated in international politics.
 - 26 In the former category, Galchinsky finds NGOs such as the Association for Civil Rights in Israel, B’Tselem, HaMoked: Center for Defence of the Individual, Rabbis for Human Rights, Physicians for Human Rights (Israel), Public Committee against Torture in Israel, and Israel Coalition against House Demolitions. In the latter category we find NGOs such as Machsom, Ta’ayush, Gisha, and Yesh Din.

Bibliography

- Berger, Julia. 2003. “Religious Non-Governmental Organizations: An Exploratory Analysis”, *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, Vol. 14, no. 1, pp. 15–40.
- Carrette, Jeremy and Miall, Hugh with Beitinger-Lee, Verena, Bush, Evelyn and Trigeaud, Sophie-Hélène. 2013. *Religious NGOs and the United Nations*. Report published online.

- University of Kent. Available at <http://erb.unaoc.org/wp-content/uploads/2014/01/UN-NGO-Report-4.pdf> Last accessed 5 February 2016.
- Carrette, Jeremy and Trigeaud, Sophie-Hélène. 2013. "The Religion-Secular in International Politics", in Abby Day, Giselle Vincett and Christopher R. Cotter (eds.). *Social Identities Between the Sacred and the Secular*. Ashgate.
- Chomsky, Noam. 1992. *Chronicles of Dissent: Interviews with David Barsamian*. Common Courage Press.
- . 2011. *Human Nature: Justice Versus Power: The Chomsky-Foucault Debate*. Souvenir Press.
- , interviewed by Beatrice Popescu. 2013. "On the Freedom of Speech and Expression: Interview with Noam Chomsky", *Europe's Journal of Psychology*, Vol. 9, no. 2, pp. 214–219.
- Cohen, Rich. 2010. *Israel Is Real: An Obsessive Quest to Understand the Jewish Nation and Its History*. Picador.
- Cotler, Irwin. 1999. "Jewish NGOs, Human Rights, and Public Advocacy: A Comparative Inquiry", *Jewish Political Studies Review*, Vol. 11, No. 3–4. pp. 61–95.
- Dieckhoff, Alain. 2003. *The Invention of a Nation: Zionist Thought and the Making of Modern Israel*. Trans. Jonathan Derrick. Columbia University Press.
- Fitzgerald, Timothy. 2011. *Religion and Politics in International Relations: The Modern Myth*. Continuum International Publishing.
- Foucault, Michel. 1970. *The Order of Things*. Pantheon Books. (Original work published 1966)
- Friedland, Roger. 2002. "Money, Sex, and God: The Erotic Logic of Religious Nationalism", *Sociological Theory*, Vol. 20, pp. 381–425.
- Galchinsky, M. 2004. "The Jewish Settlements in the West Bank: International Law and Israeli Jurisprudence", *Israel Studies*, Vol. 9, no. 3, pp. 115–136.
- . 2011. "Jewish Non-Governmental Organizations", in Thomas Cushman (ed.). *Routledge Handbook of Human Rights*. Routledge.
- Gordis, Robert. 1954. "Judaism: Freedom of Expression and the Right to Knowledge in the Jewish Tradition", *Columbia Law Review*, Vol. 54, no. 5, *Community Security vs. Man's Right to Knowledge* (May), pp. 676–698.
- Gubo, Darara Timotewos. 2015. *Blasphemy and Defamation of Religions in a Polarized World*. Lexington Books.
- Hauser, Marc, Chomsky, Noam and Fitch, W. 2002. "The Faculty of Language: What Is It, Who Has It, and How Did It Evolve?" *Science*, Vol. 298, pp. 1569–1579.
- Haynes, Jeffrey. 2014. *Faith-Based Organizations at the United Nations*. Palgrave Macmillan.
- Husserl, Edmund. 1973. *Logical Investigations*. Trans. J. N. Findlay. Routledge. (Original work published 1900)
- Jonas, Hans. 2001. *The Phenomenon of Life: Toward a Philosophical Biology*. Northwestern University Press. (Original work published 1966)
- Juul Petersen, Marie. 2010. "International Religious NGOs at The United Nations: A Study of a Group of Religious Organizations", *Journal of Humanitarian Assistance*. Available at <https://sites.tufts.edu/jha/archives/category/marie-juul-petersen> Last accessed 28 April 2016
- Kyselo, M. 2014. "The Body Social: An Enactive Approach to the Self", *Frontiers in Cognitive Science*. Vol 5. pp. 1–16.
- Langer, Lorenz. 2014. *Religious Offence and Human Rights: The Implications of Defamation of Religions*. Cambridge Studies in International and Comparative Law. Cambridge University Press.

- Levy, Gabriel. 2010. "Rabbinic Philosophy of Language: Not in Heaven", *The Journal of Jewish Thought and Philosophy*, Vol. 18, no. 2, pp. 167–202.
- Luhmann, Niklas. 1990. *Essays on Self-Reference*. Columbia University Press.
- Maturana, H. R. and Varela, F. J. 1987. *The Tree of Knowledge: The Biological Roots of Human Understanding*. Shambhala Publications.
- Merleau-Ponty, Maurice. 2012. *Phenomenology of Perception*. Trans. Donald A. Landes. Routledge. (Original work published 1945)
- Nealon, Jeffrey T. 1993. *Postmodernism After Deconstruction*. Cornell University Press.
- Orwell, George. 2013. *Homage to Catalonia*. Penguin Classics.
- Parker, Richard A. (ed.). 2003. *Free Speech on Trial: Communication Perspectives on Landmark Supreme Court Decisions*. University of Alabama Press.
- Pupavac, Vanessa. 2012. *Language Rights: From Free Speech to Linguistic Governance*. Palgrave Macmillan.
- Rozin, Orit. 2007. "Forming a Collective Identity: The Debate over the Proposed Constitution, 1948–1950", *Journal of Israeli History: Politics, Society, Culture*, Vol. 26, no. 2, pp. 251–271.
- Said, Edward. 2000. "Travelling Theory", in Moustafa Bayoumi and Andrew Rubin (eds.). *The Edward Said Reader*. Vintage. (Original work published 1982)
- Schremer, Adiel. 2010. *Brothers Estranged: Heresy, Christianity and Jewish Identity in Late Antiquity*. Oxford University Press.
- Smith, Neil. 2004. *Chomsky: Ideas and Ideals*. 2nd ed. Cambridge University Press.
- Snyder, Jack. 2011. *Religion and International Relations Theory*. Columbia University Press.
- Tessler, Mark A. 1994. *A History of the Israeli-Palestinian Conflict*. Indiana University Press.
- Thompson, E. 2007. *Mind in Life: Biology, Phenomenology, and the Sciences of Mind*. Harvard University Press.
- Weber A., and Varela, F. 2002. "Life After Kant: Natural Purposes and the Autopoietic Foundations of Biological Individuality", *Phenomenology and the Cognitive Sciences*, Vol. 1, pp. 97–125.