

Is Kenneth Roth of HRW antisemitic by inclination – or by profession?



Kenneth Roth

by Lev Tsitrin

The news that [“Harvard Reverses Course on Human Rights Advocate Who Criticized Israel”](#) as the *New York Times*’ headline put it, touched off a storm of thoughts in my head. I recalled my conversation, some years back, with one of co-founders of the Human Rights Watch – Robert Bernstein, a former publishing executive. When he learned that I was an ex-Soviet, he told me with gusto how Random House (which he headed in the years of the Cold War) published the works of Soviet dissidents that were forbidden in their home country (and I told him that the legendary “samizdat” which was the only recourse for Soviet writers who wanted to speak openly

and honestly about the Soviet reality remains the only recourse for many writers right here in the US – but the proud word “samizdat” got deflated from the heroic connotation of free expression that it carries in Russian to the despised “self-published” that in English signifies mere vanity and literary trash). He also told me that he no longer supported HRW, the organization he helped found, because of its blatant anti-Israel bias.

Why did this happen? Why would Kenneth Roth, who headed the organization for thirty years from 1993 to 2022, steer HRW in anti-Israel direction?

There can be several answers. Born Jewish, “Roth was married in an Anglican church” [according to Wikipedia](#); so there could be a wish – subconscious or not – to suppress his Jewishness, and what better proof can there be of victory over this inner demon than turning against Israel? This said, I am not a psychoanalyst and won’t insist on this explanation – all the more that another reason looms large: per the same Wikipedia article, Mr. Roth “received his JD from Yale Law School in 1980.”

Aha! Mr. Roth was a lawyer – and this explains pretty much everything. By design, lawyers are not supposed to be impartial – they just need to represent interests of their clients, demolishing, diminishing, or demonizing the opposing argument, while puffing up the argument that favors their client. Mind you, I am not trying to talk lawyers down – it is exactly what they are supposed to do; this is their job. They get paid to represent a client who they may know for a fact to be guilty as sin (and in fact the attorney-client privilege is designed to make a lawyer aware of the true state of affairs, so he could negate that very truth in his court argument). A lawyer has no commitment to truth whatsoever, but only to the outcome – which he mightily strives to bend in his client’s favor. Lawyerly disingenuousness is “all business, nothing personal.”

Being a lawyer by training and instinct, this is how Mr. Roth naturally behaves: he follows a well-known legal adage, "If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell." The ends of legal victory justify the means.

Having figured out that bashing Israel pays politically, because it may smooth the waters when Arab and Moslem countries in which human rights are (to put it mildly) less than stellar are cited negatively in the HRW's reports, Mr. Roth freely engages in anti-Israel rhetoric to prove HRW's objectivity and impartiality. And it pays financially: bashing Israel goes a long way in soothing potential donors who harbor anti-Israel sentiments.

Since this is how political and fiscal winds blow in the "human rights" area of operations, why not smear Israel with accusations of "apartheid," and claims that Israel treats Palestinians badly? Why would Palestinian intransigence and terrorism get in the way? Stressing the former and hiding the latter pays, allowing to expand the organization and bring in donations. HRW is hardly alone in making this calculation. One Francesca Albanese, "UN rapporteur" to Palestinians who, to judge by her tweets, engages in exact same anti-Israel smear tactics, is also a lawyer by profession; the UN hired her to bash Israel, so like a good professional lawyer, she bashes Israel. I wonder how many Israeli "rights NGO"s like B'Tselem are actually lawyers who are paid by foreign governments, "N" in such "NGO"s being a misnomer, since plenty of such "Non-Governmental Organizations" are funded by Europeans and are therefore "Foreign Governmental Organizations" – "FGO"s.

Lawyers being by trade clients' advocates rather than seekers for truth, it pays to be anti-Israel when the clients espouse pro-Palestinian, anti-Israel views. Having internalized this basic fact, Mr. Roth guided HRW accordingly – and it is delivering anti-Israel goods, facts be damned. When did facts

deter a lawyer from charging a fee for denying them?

Yet, not everyone understands such strictly-business, lawyerly attitude to truth, morality, and human rights. When Mr. Roth retired from HRW and sought to find a nice, well-paying place to write his memoirs (I guess that's what "fellowship" means – there are money attached, as well as the prestige of Harvard's brand), he suddenly faced headwinds, and "dean Douglas Elmendorf, had vetoed a proposal by the school's Carr Center for Human Rights Policy to offer [him] a one-year fellowship.... At the time, Elmendorf told colleagues that he was concerned about perceptions that Human Rights Watch had a bias against Israel, according to two faculty members."

Of course, as any well-connected lawyer would do, Mr. Roth howled in the press (i.e. [the Nation](#) and [the Guardian](#)) about the limits placed by school's donors on academic discourse when it comes to Israel – and his loudmouth tactics worked, causing "sharp rebukes from prominent free expression groups; a letter signed by more than 1,000 Harvard students, faculty and alumni criticizing what it called "a shameful decision to blacklist Kenneth Roth"; and private complaints from faculty. In an email to the Kennedy School community on Thursday, Elmendorf said his decision had been an "error" and the school would be extending an invitation to Roth."

His JD and connections worked for Mr. Roth; but still, the question of why he turned HRW against Israel remains open. Was it a Freudian need to exorcise the curse of his inborn Jewishness? Or was it just a lawyerly calculation? Could it be both, combined?

At Harvard, Mr. Roth will now work on his memoirs. He is a lawyer and I very much doubt that he will bare his soul. Though he undoubtedly sees himself as a saint, he is hardly St. Augustine, and his memoirs won't take the form of "Confessions." We are thus unlikely to learn the truth directly from him, but I doubt that even if he were to tell

all, the explanation for his anti-Israel bias would materially differ from that given above: Mr. Roth is a lawyer – and not much more needs to be said.

Lev Tsitrin is the founder of the Coalition Against Judicial Fraud, cajfr.org