

TOUGH QUESTIONS ON THE IHRA WORKING DEFINITION OF ANTISEMITISM

The International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism provides a comprehensive description of antisemitism in its various traditional and contemporary forms. Adopted by dozens of countries, multilateral organizations, universities, and sports teams around the world, it is the authoritative international definition of antisemitism. Because antisemitism is a global problem, we need to be united in our efforts to fight it by using the same tools. Unfortunately, there are a small number of loud voices who are critical of the definition. Below are some of their criticisms, with detailed responses.

1. Does the Working Definition limit or silence free speech?

Some say the IHRA Working Definition risks limiting constitutionally protected speech or creates a “chilling effect” on free speech, particularly with regard to criticism of Israel. Such critiques misrepresent the Working Definition and its purpose.

The Working Definition is foremost a flexible educational tool intended to help people recognize antisemitism—not sanction speech. In the United States, the First Amendment protects all speech, including racist, xenophobic, homophobic, and antisemitic speech. But where such intolerance has consequences—e.g., in determining the motivation of hate crimes—it is important to know what antisemitism is. If anything, without understanding new forms of antisemitism, the “chilling effect” often falls on Jewish students and activists who feel either afraid to openly identify as Jewish or are barred from participating in progressive causes because of their attachment to Israel.

There will continue to be vigorous debates on college campuses and elsewhere between those who would impose speech codes to limit offensive speech and those who assert that even the most abhorrent views should be given a platform. A proper definition of antisemitism, just like a definition of racism or homophobia, can help inform this debate, but it does not resolve it nor even tip the scales.

Finally, IHRA itself asserts—in bold print—that the Working Definition is “non-legally binding.” Even where it is referenced in U.S. government policy, such as the Presidential Executive Order of December 2019, it is recommended for consideration, not as a legal obligation.

2. Is the Working Definition just a tool to label criticism of Israel antisemitic?

When the Working Definition was drafted and when it was adopted by IHRA, it explicitly sought to distinguish between legitimate criticism of Israel and attacks on Israel that are, in actuality, antisemitism in disguise. It states, “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” Its careful wording leaves a wide berth for sharp and vigorous criticism of Israel’s government and policies.

Some opponents of the definition have gone so far as to say the entire purpose of the Working Definition is only to shield Israel from criticism, and argue that there is an “emphasis on Israel” because six of the eleven examples mention Israel. This argument is highly misleading. Five of the six examples that mention Israel also explicitly mention Jews and four of them deal specifically with how antisemitic ideas can be cloaked in Israel-related language. These include examples such as “accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust” or “holding Jews collectively responsible for actions of the state of Israel.”

In addition, the examples related to Israel are not automatically called ‘antisemitism.’ Before the examples are listed, the IHRA critically states: “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...*” Again, the Working Definition is careful. It clearly states that overall context must be taken into account and uses the word “could” because these examples are meant to serve as an aid, not as prescriptive text.

This is the case with the example of “applying double standards.” The drafters of the definition were well aware that, in some international forums, Israel is targeted and subjected to attacks not faced by any other country. This is perhaps most evident in the treatment it receives at the UN Human Rights Council, where it is singled out for blistering criticism while some of the world’s most notorious violators of human rights—many of which sit on the council—are all but ignored. As such, “applying double standards” is cited as a possible example of antisemitism. But this should not be taken as a blanket exemption to Israel being held to serious and exact standards, something its own citizens frequently do. Israel should be held to the same standard as other countries and its policies subjected to the same sorts of critiques leveled against other democracies—all of which is, of course, fair and legitimate.

Finally, the European Union has endorsed the Working Definition and a majority of EU Member States have adopted it, even as many of these same nations and the EU itself are frequently among the harshest critics of Israel in the democratic world. This should demonstrate there is no contradiction between the two.

3. Does the Working Definition label someone who criticizes Israel as antisemitic?

The definition does not define or label antisemites, but antisemitic acts. It is not a blunt instrument meant to squelch debate or free speech, but meant to be used as a scalpel—with careful analysis.

4. Does the Working Definition divert attention from other sources of antisemitism, including the rise of far-right white nationalism?

No. The examples related to Israel, which illustrate when criticisms that demonize or dehumanize the Jewish state can be antisemitic, are by no means the only examples listed. The very first example listed in the IHRA Working Definition of Antisemitism is, “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.” White supremacy is a radical ideology that has motivated violent antisemitic attacks around the world, including the Tree of Life Synagogue shooting, the deadliest attack against the U.S. Jewish community in our country’s history, and remains the deadliest threat to Jews in the United States.

Religious extremism also motivates antisemitic incidents and attacks. The deadly 2019 Jersey City shooting at a kosher grocery store was perpetrated by adherents to the Black Hebrew Israelites. And in Western Europe, especially in France, radical Islamism has been the main source of violent and deadly attacks against the Jewish community in the past decade.

Another Working Definition example includes “Making mendacious, dehumanizing, demonizing, 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.” Such conspiracy theories attributing inordinate power to Jews have long been a form of antisemitism that can exist and take root equally in places where Jews may be numerous or where they are few in number.

5. What is the goal of the Working Definition? Is it political?

No. The goal of the IHRA Working Definition of Antisemitism is to better understand antisemitism and thereby protect Jewish communities around the world. Some critics have gone so far as to claim the very purpose of the definition is to silence those who speak out about alleged human rights violations by Israel. For the many organizations, policy experts, historians, and scholars who have employed the Working Definition since its inception in 2005, that is clearly not the case. Like any tool, the Working Definition can be misused, but that is no reason to reject it. It should serve to raise awareness and not squelch criticism of Israel. In our increasingly partisan environment, charges of antisemitism are frequently lobbed from one side of the political spectrum to the other. The Working Definition is a flexible tool to be applied to vastly different situations around the world. It should not be applied selectively to serve only one group’s partisan interests.

6. Does the Working Definition unfairly burden pro-Palestinian human rights activists?

No. The Israeli-Palestinian conflict has been with us for decades. Here is not the place to determine who is to blame or what measures might resolve it. Suffice to say that Palestinians and pro-Palestinian activists have every right to make their case, to share their own narrative of the conflict, and advocate for their rights. However, drawing comparisons of contemporary Israeli policy to that of the Nazis—to cite one example of the Working Definition—should be understood as antisemitic regardless of who voices it. There is nothing in the Working Definition that deters Palestinians or their supporters in their advocacy efforts, and there is no evidence in the European countries that have adopted the Working Definition to suggest otherwise.