

## Why the IHRA's "Working Definition of Antisemitism" Does the Wrong Work

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As a university professor, I routinely urge my students to define their terms. A good definition, I tell them, is precise and unambiguous. It identifies the features that all its instances, and only its instances, share. When a concept is complex, confusing, or contested, and especially when it is consequential for human lives, a clear and comprehensive definition becomes even more critical. For to define a term is to enshrine a way of seeing. The "[Working Definition of Antisemitism](#)" now widely propounded by the International Holocaust Remembrance Alliance (IHRA) has indeed set forth a way of seeing--and a way of *not* seeing--the problem it seeks to define.

I am thankful that in January 2021 Reconstructing Judaism joined with the ten Jewish organizations comprising the [Progressive Israel Network](#) (PIN) to issue a unanimous [statement](#) opposing the use of the IHRA Definition in law or policy. The PIN statement criticizes the IHRA document and warns about its "strong potential for misuse," but it offers "no substantive objection" to the definition of antisemitism on which the document rests. I propose, however, that discussion of the IHRA's Working Definition should begin not with its contested examples but with the troubling weaknesses in the definition itself. This scrutiny is crucial, for the widespread adoption of the IHRA platform is threatening robust discussion of Israel/Palestine, deepening

fractures in the Jewish community, and impeding the important work of combating antisemitism for which it is allegedly designed.

The IHRA proclaims that “in order to begin to address the problem of antisemitism, there must be clarity about what antisemitism is.” Yet its own definition is both fuzzy and thin: antisemitism is “a certain perception of Jews, which may be expressed as hatred toward Jews.” We might pause at a definition that identifies antisemitism only in terms of perceptions rather than acts. Moreover, “certain” is ambiguous, since it can refer either to something not explicitly stated or to something known for sure. (We might recall the infamous phrase, “I know it when I see it,” advanced by U.S. Supreme Court Justice Potter Stewart in his failure to define pornography.) And if antisemitism only *may* be expressed as hatred of Jews, what other forms of expression does it take? The document’s second sentence seems more specific but also raises questions: “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.” What is meant by including “non-Jewish individuals” in the definition: are these meant to be people who support Jews? people who are mistaken for Jews? What about words and actions that are not directed toward specific individuals or specific Jewish institutions? Ironically, the heinous “Camp Auschwitz” tee-shirt worn by a Capitol insurrectionist on January 6, 2021, would seem

to fall outside the definition, since is not directed toward an individual or an institution but toward Jews as a collectivity.

It is perplexing that such a “definition,” which Neve Gordon and Mark Levine rightly characterize as “[vague to the point of being unusable](#),” was ever advanced, especially since more precise formulations were already available. Even the Oxford English Dictionary’s barebones denotation is more pointed: antisemitism is “prejudice, hostility, or discrimination towards Jewish people on religious, cultural, or ethnic grounds.” The [Anti-Defamation League](#) defines antisemitism more fully as “belief or behavior hostile toward Jews just because they are Jewish. It may take the form of religious teachings that proclaim the inferiority of Jews, for instance, or political efforts to isolate, oppress, or otherwise injure them. It may also include prejudiced or stereotyped views about Jews.” These formulations are more thorough and thus more useful in addressing antisemitism than “a certain perception of Jews, which may be expressed as hatred toward Jews.” In its opposition to the IHRA definition, [Independent Jewish Voices](#) of Canada offers a comprehensive understanding of antisemitism as “racism, hostility, prejudice, vilification, discrimination or violence, including hate crimes, directed against Jews, as individuals, groups or as a collective – because they are Jews. Its expression includes attributing to Jews, as a group, characteristics or behaviours that are perceived as dangerous, harmful, frightening or threatening to non-Jews.” We might wonder, then, whether the IHRA definition has been so widely

deployed not *despite* but *because of* its vagueness, for that vagueness shifts the focus onto the document's examples as the substitute for a clear sense of the term.

I attribute no ill intent to the drafters of the IHRA statement, and I note that Kenneth Stern, one of its prime movers, has unequivocally [opposed its encoding](#) into the Trump administration's [Executive Order 13899](#) that was reaffirmed by the [Biden administration](#) in February 2021. Indeed, the IHRA Working Definition has now been endorsed not only by 33 countries, the European Union, and the Organization of American States but by a dozen U.S. states and one Canadian province (Ontario), several North American municipalities, and a growing number of [organizations, religious groups, and universities](#) as well as university student governments. And although the IHRA definition is usually declared not to be legally binding, at least one [Florida jurisdiction](#), in passing its resolution, announced its intention to forward the guidelines to the city police.

The adoption of the IHRA platform has been furthered by two advantages inherent to the organization itself. Formed in Sweden in 1998 to combat Holocaust denial, the IHRA is "intergovernmental," which gives it a quasi-official status and easy access to other organizations within the 34 governments that officially support it. Second, the organization is named for and focused on the Shoah, the most heinous genocidal hate crime in modern history, which stands as a crucial reminder of the horrors that antisemitism could, without vigilance, reap again. Given these

circumstances and the undeniable importance of the International Holocaust Remembrance Alliance as an international presence, it might well take courage for a non-Jewish organization, or for individual officials who live in the public eye, to oppose adopting of the IHRA definition, especially in typical circumstances where no alternative definitions have been offered.

It may thus be accidental that a vague definition of antisemitism is now enshrined in institutions around the world. But it cannot be accidental that the IHRA text cites, as its very first example of antisemitism, “the targeting of the state of Israel, conceived as a Jewish collectivity.” Seven of its eleven subsequent examples also focus wholly or partly on Israel. There is nothing new, of course, about the claim that criticizing Israel is *de facto* antisemitic; as early as 1961 and for the next four decades, the [Merriam-Webster Dictionary](#) included “opposition to Zionism” and “sympathy with opponents of the State of Israel” as evidence of antisemitism. Certainly anti-Zionism can stem from antisemitic motives and take antisemitic forms; for example, right-wing Islamist anti-Zionism is *de facto* antisemitic. But the IHRA implicitly codifies into policy the notion that any criticism of Zionism is necessarily antisemitic. In endorsing the IHRA definition, for example, the Anti-Defamation League implicitly expanded its own: “The IHRA offers a broad, inclusive, non-binding working definition covering classic and current displays of anti-Semitism. This includes when criticism of Israel crosses the line from fair critique of the policies of the Israeli government into the delegitimization of

the Jewish State, which is unequivocally anti-Semitic.” A “fair critique” of Israeli policies, then, cannot extend to advocacy for a binational state or perhaps even for a fully democratic one in situations where, as Israeli legal experts such as [Ruth Gavison](#) have acknowledged, Israel’s Jewish and democratic commitments manifestly conflict. Jews who opposed the formation of a specifically Jewish state in the 1920s and 1930s--Henrietta Szold, Judah Magnes, Albert Einstein, and Martin Buber, to name only a famous few--would also be pronounced “unequivocally antisemitic” through such a lens.

In the standoff between the IHRA’s vagueness in defining antisemitism and its specificity in identifying criticism related to Israel, it seems likely that the most common applications of the definition will concern not antisemitism itself but Israeli policy. For example, the IHRA definition bans criticism of Israel in which Israel is “conceived as a Jewish collectivity.” But according to Israel itself, Israel *is* a Jewish collectivity; the 2018 [Nation-State Bill](#) made that position crystal clear if it had ever been in doubt. Enshrined as Basic Law, the bill proclaims that “The State of Israel is the nation state of the Jewish People, in which it realizes its natural, cultural, religious and historical right to self-determination” and that “the exercise of the right to national self-determination in the State of Israel is unique to the Jewish People.” (Such a proclamation is arguably at odds with Israel’s own [Declaration of Independence](#), which promises to “ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex.”) How then, given that Israel declares itself a Jewish state, could one criticize Israel

at all without being vulnerable to a charge of antisemitism? In effect, then, the follow-up claim that Israel can be criticized in ways “similar to that leveled against any other country” is already emptied of force. Even criticizing the Nation-State Bill, as many members of the Israeli Knesset have been doing since the bill’s inception, could seem to be considered antisemitic by the IHRA.

Given the IHRA’s choice of examples and the weight the document places not only on *acts against Jews* but on *words against Israel* including words against Israel spoken by Jews, it is also not surprising that the IHRA definition is creating significant tensions within Jewish communities and within secular institutions of learning, exacerbating existing divides. The adoption of the IHRA in Title VI documents is particularly alarming, since both its proponents and its opponents point to debates about Israel/Palestine as their key concern. The IHRA definition invites charges of antisemitism against faculty critical of Israeli policy and thus risks the careers, even the lives, of those who would speak out. Numerous university chapters of Hillel have advanced referenda by which a student body has been asked to recommend adoption of the IHRA document as university policy. Unless those students have taken the time to find out what the IHRA document encompasses, a good proportion of those who vote “yes” in order to oppose antisemitism may not realize that they are also voting “yes” to curtailing free speech. Yet as [Ella Ben Hagai’s research](#) demonstrates, robust discussion

of Israel/Palestine on college campuses has the important benefit of giving *Jewish* students “a more complex and sophisticated understanding” of Israeli politics.

It is thus all the more important that the Progressive Israel Network, of which Reconstructing Judaism is a participating member, has opposed the adoption of the IHRA definition not only in law but in policy. The PIN Statement rightly “insist[s] that activists, academics and all citizens must have the right to express a wide range of political opinions without fear of being suppressed or smeared by the government. This includes critiques of the legitimacy of Israel’s founding or the nature of its laws and system of government, even when we may disagree — sometimes passionately — with those opinions.” The PIN statement also asserts that codifying anti-Zionism as antisemitism is a “harmful overreach.” It is disappointing that more mainstream Jewish organizations, including the Union for Reform Judaism, the Central Conference of American Rabbis, Women of Reform Judaism, and ARZA: Association of Reform Zionists of America have endorsed the IHRA definition as “a tool for monitoring and raising awareness” even while expressing concerns about “protected speech.”

In the end, the IHRA definition is a poor instrument for identifying and addressing the rising antisemitism of our times. It is a bludgeon, however, for quashing serious debate about Israeli policy, law, and values both within and outside the Jewish community. It threatens to create further polarization among Jews and ultimately to silence of those who do not support a state in which one ethnic group holds greater



privilege than others, and who takes that stance on Jewish grounds. The future of Israel will not be strengthened by a refusal to grapple with the hard truths of the Occupation and of Palestinian rights. Do the real dangers of antisemitism lie in criticism of the Israeli government, or in the swastikas on the lawns of Jewish families and the slaughter of Jews in synagogues?

Fortunately, we now have more precise and promising alternatives to the IHRA document on which to rely. In March 2021, a group of scholars and policy experts comprising the [Nexus Task Force](#) at the University of Southern California released a report that speaks back to the IHRA. The Nexus Task Force acknowledges that Israel can be “a target of antisemitism and antisemitic behavior.” But it reverses the implications of the IHRA statement by taking as its default position that such criticisms, even when harsh or strident, are “as a general rule” not antisemitic. It also makes a legitimate place for those who “might oppose the principle of nationalism or ethnonationalist ideology. Similarly, someone’s personal or national experience may have been adversely affected by the creation of the State of Israel.” It addresses the charge of “disproportionate” attention to Israel by stating that “there are numerous reasons for devoting special attention to Israel and treating Israel differently, e.g., some people care about Israel more; others may pay more attention because Israel has a special relationship with the United States and receives \$4 billion in American aid.”

In April 2021, a group of some 200 scholars and intellectuals, working primarily in the fields of Jewish Studies, Holocaust Studies, and Israel Studies, went public with the [Jerusalem Declaration on Antisemitism](#). The declaration deliberately focuses on Israel in order to counteract the implications of the IHRA definition. It also puts antisemitism in the context of “the overall fight against all forms of racial, ethnic, cultural, religious, and gender discrimination.” It carefully distinguishes between positions that are and are not antisemitic: it considers “holding Jews collectively responsible for Israel’s conduct” or requiring Jews “publicly to condemn Israel or Zionism” to be antisemitic, but not identifying Israel as a settler-colonialist or apartheid state, however strongly worded. In proposing its alternative, the JDA urges institutions that have adopted the IHRA Working Definition to “use our text as a tool for interpreting” that document.

The Nexus Statement and the Jerusalem Declaration have already, of course, sparked their own round of criticisms from both right and left, and that is all to the good as we refine our collective thinking. I myself am surprised that neither document mentions the resurgence of white supremacist activity as a specific threat to Jews; only the Independent Jewish Voices of Canada’s [#NoIHRA](#) campaign makes that intersectional linkage. But if any or all of these revisionist documents can restrain the wholesale adoption of the deeply flawed IHRA definition, they will have accomplished three important acts: to help protect the open conversation that is critical to justice in Israel/Palestine; to call out antisemitic practices that may arise within this conversation;

and to redirect our attention to combating white supremacy, hate speech, and vandalism and violence in our synagogues and on our streets.

As members of a denomination that officially opposes the Occupation, we might well appreciate the adoption of the PIN statement but also think beyond it. If we are serious about addressing antisemitism, we would do well to encourage the local, national, and global institutions with which we engage to make clarifying use of the materials created by Independent Jewish Voices of Canada, the Nexus Task Force, and the Jerusalem Declaration. As [Neve Gordon](#) has argued, “only the most honest and robust debate about Israel and Zionism, on campus as well as more broadly, will ensure Jewish students and the wider Jewish community are truly protected from anti-Semitism and can participate most fully in the struggles for social, racial, economic and climate justice that have finally been foregrounded today.” For Reconstructionist Jews committed to these interlinked struggles, endorsement of the PIN Statement should be only a first step.