

ANTISEMITISM POLICY TRUST

Policy Briefing

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THE IHRA
WORKING
DEFINITION OF
ANTISEMITISM

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What is IHRA?

The International Holocaust Remembrance Alliance (IHRA) is an international body that seeks to remember the Holocaust and tackle antisemitism by bringing governments together, supporting Holocaust education, research and commemoration¹. IHRA was founded by former Swedish Prime Minister Göran Persson, and now has 34 countries as members (and a further eight observer/liason members) who seek to uphold the 2000 Stockholm Declaration. The Declaration includes commitments to: remember the Holocaust as an event from which universal lessons can be derived; tackle Holocaust denial; address all

types of racism and genocide; encourage studying all dimensions of the Holocaust and making all related documentation available for research, and committing to observe an annual Holocaust Memorial Day².

In pursuit of some of these aims, IHRA adopted a working definition of antisemitism that includes 11 examples as illustrations. IHRA refers to it as a “working definition”, reflecting that it is subject to change.

Developing a Definition: The EUMC Definition

Most of the language of the IHRA definition was taken from the 2005 working definition of the European Monitoring Centre on Racism and Xenophobia (EUMC)³. The creation of the EUMC definition was motivated by the situation faced by European Jewish communities more than a decade ago. The EUMC reported in 2004 on Jewish concerns that antisemitism was coming from new directions and not being properly detected, nor appropriately recorded by European institutions. The Racism and Xenophobia Network (RAXEN), which collected data, had different approaches and incompatible statistics. It was argued that a definition was needed to capture classic and new antisemitism; to understand and analyse them together. The EUMC, RAXEN, Organisation for Security and Co-operation in Europe (OSCE), Jewish representative groups AJC and EJC and others, drafted a definition⁴ that the OSCE went on to recommend to law enforcement agencies and others.

The EUMC definition recognized that antisemitism can include discourse relating to Israel. Either by targeting Israel itself as a proxy for Jews or by repeating old antisemitic slanders with “Israel” or “Zionist” swapped in for the word “Jew”. The working definition was designed for diverse European police forces, prosecutors and governments to understand antisemitism, to ensure anti-racism groups and Jewish organisations could better assess their efforts, and ultimately to assist those suffering anti-Jewish racism. The European experience of antisemitism has, in some cases, included Jews feeling forced to flee the continent.

The EUMC called for adoption of the definition by the European Parliament. It was recommended by former European Justice Commissioner Vera Jourova, and continued to be referenced beyond the EUMC’s existence, including by the European Union to the OSCE Permanent Council on January 26, 2017.⁵

1 <https://www.holocaustremembrance.com/about-us>

2 <https://www.holocaustremembrance.com/stockholm-declaration>

3 <https://www.thejc.com/comment/analysis/what-is-the-international-holocaust-remembrance-alliance-definition-of-antisemitism-1.466841>

4 <https://www.bod.org.uk/wp-content/uploads/2016/10/AS-WorkingDefinition-EUMC.pdf>

5 <https://www.osce.org/pc/296556?download=true>

The Evolution of the IHRA Definition

Though it was not designed as a legal document, as existing EU rules were considered sufficient, a number of recommendations for formal adoption of the EUMC working definition were made beyond the European Parliament. In the UK, the recommendation was made in the 2005 All-Party Parliamentary Inquiry into Antisemitism. Given its non-legal status, there was some reservation amongst national governments to adopt the definition. However, it continued to have the confidence of practitioners and a number of political leaders.

In 2007, the European Union Fundamental Rights Agency (FRA) was appointed as a successor to the EUMC. However, EU directives led to a change in the organisation's role and as a result, and it stopped promoting the definition. The Inter-Parliamentary Coalition for Combating Antisemitism (ICCA) applied significant pressure on FRA to reverse this trend, highlighting and re-affirming support for the definition in the London Declaration and Ottawa Protocols

published at its conferences in 2009 and 2011⁶ 7. In 2013, FRA removed the definition from its website, stating that it was clearing out 'non-official' documents. However, FRA and the OSCE continued to highlight the concerns behind the definition, such as the lack of coordinated data, in its reports in 2015 and 2017. This led to the establishment of an EU High Level Group and the 'Facing Facts' project which promotes the working definition as an analytical tool. So, in practice, the definition was still being backed by FRA.

Following internal discussions, and a committee recommendation in 2015, the International Holocaust Remembrance Alliance adopted the definition in May 2016, taking on the role that the EUMC had previously filled. The IHRA definition is near-identical to the EUMC version, albeit small sections of text around the illustrative examples included in the definition were reworded and moved up in the text. To read the working definition in full, please visit the IHRA website⁸.



The IHRA plenary where the definition of antisemitism was adopted. Reproduced with permission from the International Holocaust Remembrance Alliance.

6 <https://www.osce.org/odihr/39223?download=true>

7 <http://canisa.org/ottawa-protocol.html>

8 <https://www.holocaustremembrance.com/working-definition-antisemitism>

What is the IHRA Definition?

The IHRA definition is, together, a small piece of definitional text, and 11 accompanying examples. The short text reads as follows:

“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:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- 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.
- 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.

- 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).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- 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.
- Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

A number of critics of the IHRA definition have sought to separate the illustrative examples from the short definitional text. To rebut these false allegations, the U.S. Delegate (Mark Weitzman) to IHRA and the Chairman of IHRA (Romanian Foreign Minister Mihnea Constantinescu) issued the following open letter: “We can confirm that the definition itself (as stated in the text of the adopted definition) is part of the entire document, including examples, that was officially adopted (as one piece) by the IHRA Plenary on 26 May 2016. There is no question about that, and any assertion otherwise is absolutely false or misleading.”

Criticism and Responses

The IHRA definition has met resistance or criticism for various reasons, including vagueness⁹, legal application¹⁰ and inappropriate application¹¹. However, as antisemitism expert David Hirsh has explained, “Where there is great resistance to recognizing and understanding antisemitism, it would seem there is a preference for simplistic a priori definitions which do not reflect a deep and detailed study of the phenomenon itself...”¹². To have a working definition for a social phenomenon as complex as antisemitism, there will inevitably be grey areas for which charitable interpretation should be expected.

Freedom of Speech on Israel/ Palestine

A number of criticisms of the IHRA definition centre on the argument that it will curb legitimate criticism of Israel¹³. However, what many failed to understand or accept was that specific Israeli policies can be called racist under the IHRA terms, and that boycotts are not covered by IHRA. The text is clear: “criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic”, and this is twinned with the details that the examples accompanying the core text are not necessarily antisemitic but could be “taking into account the overall context”¹⁴.

Israel is referenced in the IHRA definition several times, in order to explain that antisemitism can have anti-Israel manifestations and impacts. As Mark Gardner of the CST has pointed out that: “Thousands of Jews have fled France, Belgium and other countries. They have faced suspicion, blame, exclusion, hatred, attack and murder on the supposed basis of anti-Israel hatred”¹⁵. Specific criticisms have been levelled at

example (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 endeavour”. This clause applies the United Nations General Assembly Resolution 1514 on self-determination to Jews¹⁶. Much can be made of the linguistic distinction between ‘the state of Israel’ and ‘a state of Israel’ where the latter clearly refers to the concept of a Jewish State, regardless of where it is.

Free Speech on Campus

Some of those seeking to criticise the IHRA definition have cited the testimony of one of its authors, Ken Stern, to congress in 2017 which he councils against the definition’s misuse.¹⁷ Stern did not write the IHRA definition but did, together with a number of others help draft text that the EUMC adapted when writing its definition. Stern has been consistent in his views of the definition over a long period of time, with a significant paper presented to a conference in 2010 in Tel Aviv.¹⁸ He called the definition “a useful tool for identifying and analysing antisemitism” and “a workable non-ideological approach [that is up to the] task of identifying antisemitism”. He recommends it for government, media and other bodies unamended. His sole caveat is for certain types of speech on university campuses, which he sees as a special ‘free speech’ environment. However, Stern’s stated view goes further than IHRA, which is to say that accusing Israel of apartheid, and boycotting it are linked to antisemitism.

9 <https://www.lrb.co.uk/v39/n09/stephen-sedley/defining-anti-semitism>

10 <https://freespeechonisrael.org.uk/ihra-opinion/#sthash.R9amK5fX.QOFkieLC.dpbs>

11 <https://www.timesofisrael.com/citing-anti-semitism-uk-university-nixes-israel-apartheid-week/>

12 David Hirsh, 2018. *Contemporary Left Antisemitism*. Routledge. p.152.

13 <https://inews.co.uk/news/politics/labour-nec-ihra-definition-anti-semitism-vote-row-timeline-full/>

14 <https://www.holocaustremembrance.com/working-definition-antisemitism>

15 <https://www.thejc.com/comment/analysis/what-is-the-international-holocaust-remembrance-alliance-definition-of-antisemitism-1.466841>

16 https://en.wikisource.org/wiki/United_Nations_General_Assembly_Resolution_1514

17 <https://www.jewishvoiceforlabour.org.uk/app/uploads/2018/08/Stern-Testimony-11.07.17.pdf>

18 <http://www.kantorcenter.tau.ac.il/>

Intentions

Specific contention about the IHRA definition in the UK arose from a 2016 House of Commons Home Affairs Select Committee report on antisemitism. This qualified the IHRA definition by requesting that antisemitic “intent” be evidenced when someone thinks that criticism of Israel is antisemitic.¹⁹ However, as a number of experts have pointed out, this would hinder rather than help the cause to quash antisemitism, because accused parties would merely need to disavow intent to get away with speaking or acting in antisemitic ways. The British Government rejected this

recommendation in its response to the Home Affairs Committee.

Some of the attacks on the definition since it was published have been reported on by the FRA and its EUMC predecessor. Ultimately, the definition is imperfect and not absolute, but it is widely supported by the Jewish community and has been accepted as the preferred definition by their religious and communal leaders and representative bodies.

Adoption and Application

Following its adoption by IHRA in May, the Secretary of State for Communities announced in December 2016 that the definition of antisemitism was to be adopted by the UK. In January 2017, he wrote to all local authority leaders recommending its adoption as a “non-binding but important tool”. The Crown Prosecution Service recommended the definition in a newsletter in 2017, calling it a useful tool in considering charges (but that did not impact legal definitions). The College of Policing also recommended the definition to all forces in its Hate Crime Operational Guidance in 2014. The Judicial College referenced the definition in its updated guidance in 2018 and the Universities Minister wrote to all Higher and Further Education providers in 2019 recommending the definition to them.

The definition is now used by the British Government, Scottish Government, Welsh Assembly, over 250 local authorities, the Community Union and National Union of Students and others including the 34-member state IHRA, individual states, and the European parliament. Over a dozen universities in the United Kingdom have adopted the definition, and several premiere league football clubs have adopted it, with others due to follow.

It has become the standard non-legal guide to what antisemitism is. Its application has been evidenced in the Scottish Courts. In one case in Aberdeen in 2017, a conviction was given for racial intimidation of an Israeli businessman. Previously, in 2011, a conviction was handed down for racial abuse of American Jewish student at St Andrews University, as someone whose identity was attacked for their identification with Israel²⁰.

A Definition of Anti-Muslim Hatred

Efforts have been made in recent years to develop a definition of anti-Muslim hatred similar to the IHRA definition. The Jewish community has made it clear that it does not wish to define anti-Muslim hatred for the Muslim community but has welcomed efforts to help them arrive at a definition.

The Antisemitism Policy Trust and the Community Security Trust have assisted efforts by Tell Mama, and other Muslim groups, bringing their expertise on IHRA to assist the development of such a definition.

¹⁹ Quoted in: <https://www.lrb.co.uk/v39/n09/stephen-sedley/defining-anti-semitism>

The Antisemitism Policy Trust's mission is to educate and empower parliamentarians, policy makers and opinion formers to address antisemitism. It provides the secretariat to the British All-Party Parliamentary Group Against Antisemitism and works internationally with parliamentarians and others to address antisemitism. The Antisemitism Policy Trust is focussed on educating and empowering decision makers in the UK and across the world to effectively address antisemitism.

Contact APT



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