

# ANTISEMITISM POLICY TRUST

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REDEFINING  
ANTISEMITISM?  
IHRA AND THE JDA

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## What Is the Jerusalem Declaration on Antisemitism?

The Jerusalem Declaration on Antisemitism (JDA) is, according to its authors, “a tool to identify, confront and raise awareness about antisemitism as it manifests in countries around the world today. It includes a preamble, definition, and a set of 15 guidelines that provide detailed guidance for those seeking to recognize antisemitism in order to craft responses”.

“It was developed by a group of scholars in the fields of Holocaust history, Jewish studies, and Middle East studies to meet what has become a growing challenge: providing clear guidance to identify and fight antisemitism while protecting free expression.” At the time of publication of this briefing, it has over 200 signatories.

## Isn't there already a definition of antisemitism?

Yes, there is. The International Holocaust Remembrance Alliance (IHRA) definition of antisemitism is the global definition which has been used extensively since its formal inception in 2016. It has been adopted by governments across the world. In Britain, it has the support of the Government, opposition parties and hundreds of individual parliamentarians. It has been used as an informal tool for investigating antisemitic incidents by police, prosecutors, local authorities, football clubs, universities and regulators. IHRA has been proven to work and has been widely adopted.

The IHRA definition exists because of concerns about violent antisemitism that threatened the long-term viability of Jewish communities across Europe. This is why its predecessor, the EUMC working definition of antisemitism, was produced and why IHRA took it on in

2015, following murderous attacks on Jews in several European countries. The definition was adopted by IHRA to support efforts to protect and retain European Jewish communities at a time when large numbers of Jewish people were leaving France and the EU FRA survey showed that in some countries, many Jews would not leave their homes without hiding the fact they were Jewish.

The IHRA definition and its predecessor, the EUMC definition, was drafted by experts in hate crime, and for those in law enforcement and other regulatory or supervisory bodies to investigate and record antisemitic hate crimes and hate incidents. The structure and wording of IHRA is designed as a tool for that purpose.

## How are the two definitions different?

The Jerusalem declaration is far more prescriptive than the IHRA definition. IHRA doesn't label anything as antisemitic, rather it draws attention to things that might be, and which merit further examination and political judgment. IHRA states that examples of contemporary antisemitism “could, taking into account the overall context, include” and lists a number of explanatory clauses. Though it also requires some contextualisation, the criteria in the JDA is more explicit. The Jerusalem declaration is clear that its clauses: “on the face of it, are antisemitic” or “on the face of it, are not antisemitic”, and then discusses various issues connected to Israel and Palestine.

The authors of the Jerusalem Declaration suggest that the IHRA definition has “undue emphasis in one area”. However from the beginning of the preamble to the end, the Jerusalem Declaration focuses overwhelmingly on Israel or Palestine/the Palestinians. Whereas the Jerusalem Declaration argues that seven of IHRA's examples “focus on the State of Israel”, the truth is that seven of them mention Israel, but only two or three of those are actually about Israel. Meanwhile 10 of the 15 guidelines in the Jerusalem Declaration are about the Middle East, and the JDA is more than double the length of the IHRA definition.

## What concerns are there about the JDA?

The IHRA definition is a working definition, to this end it requires context, and can be adapted over time. The IHRA has the position, scope and understanding to reflect upon various global concerns and conditions and discuss updates to the definition.

Though any attempt to seek to condemn and understand antisemitism is welcome, regrettably, there was no attempt by the authors of the JDA to pass their recommendations to the IHRA body itself to amend the existing definition, and no engagement with practitioners that have used the definition. This includes, in the UK context, no attempt to engage with UK Jewish organisations, including those that had been moved to promote the IHRA definition publicly.

The Jerusalem Declaration labours under false assumptions. It assumes that the IHRA definition 'decides' what is antisemitic. It does not. It is a tool, an aid to understand whether something might be antisemitic in a particular context and therefore requires additional probing. It also assumes that defining antisemitism is a theoretical debate but the IHRA definition works in the real world. If it did not provide practical assistance, the UK police, football authorities and many others would already have been clear that it would require change. Conversely, they've used it for nearly a decade without any concerns.

The Jerusalem Declaration adds nothing new to IHRA in explaining what is antisemitic and includes not a single mention of hate crime. Claims that Jews conspired and collaborated with the Nazis, including in the process of genocide, to establish the State of Israel would not be covered under the Jerusalem declaration. It does not say that comparing Israel to Nazi Germany is antisemitism; and it says it is probably not antisemitic to argue for Israel not to exist. It does not mention historic anti-Jewish tropes, notably the blood libel and claims that Jews killed Jesus that are still used to target Jews today. In Eastern Europe, for example, adopting a definition which failed to reference this classic antisemitism might well excuse or allow anti-Jewish racism to be enacted by Governments or others.

As the CST's Dr Dave Rich pointed out, the JDA's core definition explains antisemitism is "discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)." He suggests that this would exclude all but the most overt cases of antisemitism, citing the example of the Hungarian government's campaign against George Soros which never mentions Soros' Judaism but it derives its resonance and force from the use of antisemitic language.

Rich also points out that the JDA "runs contrary to what surveys have shown most Jews in Europe and the US believe about Israel-related antisemitism. You might expect any definition of antisemitism to prioritise the views of Jewish communities over the interests of those who want to campaign against something Jewish, but that is not the case."

Some go further. Academic Dr David Hirsh argued that the JDA is in itself a protective cloak used by its authors to insulate themselves against charges of racism or un scholarly conduct. It is, for him, a pact with left-wing antisemitism against a populist right agenda.

He argues that IHRA simply provides examples of what may be antisemitic and demonstrates that "sometimes things that look like hostility to Israel can be antisemitic", this is important in the context of an antisemitic movement which considers itself as only critical of Israel, he says. By contrast, the JDA in his view, asks institutions to confirm that various acts against Israel, including saying it has no right to exist, are not 'in and of themselves antisemitic'. In doing so, Hirsh argues, the JDA is "not a scientific document about antisemitism, it's a political document which stakes out the boundaries community of the good." Elsewhere he asked whether a guide on things that are in and of themselves not racist, in the context of anti-black racism for example, cut the mustard?

Regarding the existence of Israel, The Jerusalem Declaration does not show parity between Israeli and Palestinian national rights. It states that it is antisemitic to deny “the right of Jews in the State of Israel to exist and flourish, **collectively** and individually, as Jews, in accordance with the principle of equality.” [emphasis added]. Point 11 says it is not antisemitic to support “the Palestinian demand for justice and the full grant

of their political, **national**, civil, and human rights, as encapsulated in international law.” [emphasis added]. In other words, the Jerusalem Declaration endorses Palestinian national rights but only Jewish collective, i.e. sub-national rights – which is a clear example of discrimination against “Jews as Jews”. Even within its own terms, the Jerusalem Declaration does not make sense.

## Doesn't the IHRA definition of antisemitism cause issues with free speech?

The IHRA definition is often claimed to have silenced criticism of, or campaigns against, Israel. The reality is that any definition of antisemitism could, in theory, be misused by people attempting to close down legitimate free speech. The IHRA definition guards against this by acting as an investigative tool, rather than a definitive list of antisemitic statements; and it warns that potential examples of antisemitism must be examined in their context before an individual judgement is made. We are

not aware of any solid evidence to support claims that the IHRA definition has a chilling effect on pro-Palestinian activism . For example, as Dave Rich highlighted, this allegation is made in the Palestine Solidarity Campaign's Legal Guide for Palestine Solidarity Student Activists, even though the same guidance states that “there is no known case of any university directly citing the IHRA definition to close down an event that is legitimately critical of Israel and is therefore not antisemitic”.

## Conclusion

The Jerusalem Declaration was compiled on the claim that the IHRA definition is unclear, open to interpretation, has caused confusion or generated controversy. The reality is that adoption of the IHRA definition across the world does not lend itself to any evidence that this is the case, and we would expect a group of eminent scholars to be evidence-led in their deliberations. The JDA presents a number of significant concerns.

The IHRA definition is an international work, agreed by an alliance of over 30 countries. The JDA and any issues encountered with the IHRA Working Definition, are best directed to the latter body to consider.

The IHRA definition remains the authoritative tool for understanding antisemitism.

## Further Reading

<https://www.haaretz.com/world-news/.premium-a-new-definition-of-antisemitism-is-out-and-the-antisemites-love-it-1.9685765>

<https://cst.org.uk/news/blog/2021/04/01/the-jerusalem-declaration-on-antisemitism-a-flawed-definition-that-risks-setting-back-efforts-to-tackle-antisemitism>

<https://www.thejc.com/comment/opinion/the-jerusalem-declaration-defines-the-community-of-the-good-not-antisemitism-1.513816>

[https://engageonline.wordpress.com/2021/04/02/useful-links-about-the-jerusalem-declaration/?fbclid=IwAR0gwzCSGpNtU9BfAyQHibKXPBcts\\_0Nb6H6YCGupYMA9H82F\\_NmdD9nz94](https://engageonline.wordpress.com/2021/04/02/useful-links-about-the-jerusalem-declaration/?fbclid=IwAR0gwzCSGpNtU9BfAyQHibKXPBcts_0Nb6H6YCGupYMA9H82F_NmdD9nz94)

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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