

Herman De Ley (13/3/2018):

“Antisemitism Definitions”.¹

“Antisemitism – hatred, violence, intimidation or discrimination targeting Jews because of their ethnic and religious identity – is a serious phenomenon that must be addressed. Like other forms of racism and oppression, it is deeply harmful to its victims, and remains a scourge on our society as a whole. Fighting antisemitism must go hand in hand with fighting bigotry and racism in all forms” (Palestine Legal).²

1. The debates about the definition of “antisemitism” are endless. The term was coined in the 1870s and has been used since then to describe varieties of Jew-hatred going back two thousand years, its originally religious (Christian) delusions having been complemented with a pseudo-scientific, racist conception in the 19th century. Around the turn of this century, though, pro-Israel advocates began promoting official and even legal definitions of antisemitism that included various kinds of criticism of Israel. Unsurprisingly, the new definitions appear to have originated from within the circles of the Israeli government: a guide indeed for the new, politicized approach of antisemitism proved to be the “3-D Test of Anti-Semitism”. It was launched in 2003 by Natan Sharansky, who was Israel’s Minister for Jerusalem and Diaspora Affairs and chair of the Jewish Agency for Israel. The “3 D’s” of “Anti-Semitism Related to Israel” are: ‘*demonizing Israel,*’ ‘*applying a double-standard to Israel*’ and ‘*delegitimizing Israel*.’³ Already in 2004 the US Congress passed a law, called the “Global Anti-Semitism Review Act,” enshrining a new definition of antisemitism aligned with Sharansky’s: “*Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.*”

¹ Following others, I adopt in this dossier the spelling “antisemitism”, instead of the traditional spelling “anti-Semitism” with hyphen and uppercase. The latter goes back to the 19th century Ps-scientific category of “Semitism”. Among others, the French scholar Ernest Renan (1823-1892), founder of “Semitic philology”, figured as an authority. On the base of his study of the Semitic languages (Aramaic, Hebrew and Arabic), he propagated the absolute inferiority of the “Semitic race” (Jews and Muslims), in contrast with the superior “Aryan” rationality going back to the ancient Greeks. In order that the world could progress further, in his view the “Semitic element” (incl. Christianity) should be destroyed. On Renan see Edward W.Said, “Orientalism” (1978), pp. 123-148.

² « FAQ: What to Know About Efforts to Re-define Anti-Semitism to Silence Criticism of Israel”, via: <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/56e6ff0cf85082699ae245b1/1457979151629/FAQ+onDefinition+of+Anti-Semitism-3-9-15+newlogo.pdf>.

³ Palestine Legal, l.c. For a historical review see: Alison Weir, “International campaign is criminalizing criticism of Israel as ‘antisemitism’” (If Americans Knew, May 17, 2017), via <https://israelpalestineneews.org/iak-investigation-international-campaign-is-criminalizing-criticism-of-israel-as-antisemitism/>. Already in 2004 the U.S. Congress passed a law, called the “Global Anti-Semitism Review Act,” enshrining a new definition of antisemitism aligned with Sharansky’s: “*Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.*”

Nowadays, much attention is given to the “*working-definition*” propagated by the “*International Holocaust Remembrance Alliance*” (IHRA).⁴ It was formally approved by this Alliance in Bucharest, May 26, 2016, but in reality it is older since it simply reintroduces the “*working definition*” tentatively released in 2005 by the now-defunct EU Monitoring Center on Racism and Xenophobia (EUMC).⁵ While standard dictionary definitions of antisemitism didn’t even mention Israel, fully half of the newly devised Monitoring Centre definition referred to Israel, i.e. it offered “*examples*” of critical discourse about Israel that, it said, “*could*” be taken as anti-Semitic. Drafted with the help of notorious Israel advocacy groups (!), the EUMC definition, was subsequently abandoned by the EU because of being unfit for the purpose.⁶ It was adopted literally, though, in the US “*State Department Definition*” of 2010,⁷ and at the end of last year the US Congress used that definition in devising its “*Anti-Semitism Awareness Act*” of (Dec 2) 2016.⁸ The Act should help the Education Department in particular when investigating reports of “*religiously motivated campus crimes*”, read: address “*a recent uptick in hate crimes against Jewish students*”.⁹ Meanwhile in 21 of American states laws have been voted banning state entities from contracting with businesses that boycott Israel. And currently a law is making its way through the US Congress, the “*Israel Anti-Boycott Act*”, drafted with the assistance of AIPAC, that would make it a *felony* to support the international boycott against Israel. “*Perhaps the most shocking aspect is the punishment: Anyone guilty of violating the prohibitions will face a minimum civil penalty of \$250,000 and a maximum criminal penalty of \$1 million and 20 years in prison.*”¹⁰

⁴ See: <https://www.holocaustremembrance.com/about-us> . The website lists more than 31 « *member countries*” of the alliance, 24 of them are members of the EU (Belgium being one of them).

⁵ The EUMC 2005 “*working definition*” is surprisingly in complete disagreement with the analysis and definition developed in EUMC’s own report of 2004 (*Rapport sur l’antisémitisme en Europe 2002-2003*, mars 2004). For a critical comparison see François Dubuisson, “*La définition de l’antisémitisme par l’European Monitoring Centre on Racism and Xenophobia (EUMC) : vers une criminalisation de la critique de la politique d’Israël ?*” (juillet 2005), via:

http://www.bacbi.be/pdf/dubuisson_EUMC_antisemitism.pdf. For the questionable genesis of the definition, see also Richard Kuper, “*Hue and Cry about the UCU*” (OpenDemocracy, June 1, 2011), <https://www.opendemocracy.net/richard-kuper/hue-and-cry-over-ucu> . And: Antony Lerman, “*The Farcical Attack on the UCU For Voting Against Use of the EUMC ‘Working Definition’ of Antisemitism*” (June 2, 2011), <https://antonylerman.com/2011/06/02/the-farcical-attack-on-the-ucu-for-voting-against-use-of-the-eumc-working-definition-of-antisemitism/> .

⁶ It was in fact withdrawn by EUMC’s successor, the “*EU Fundamental Rights Agency (FRA)*”. See: Ben White, “*Israel lobbyists finally concede that EU has ditched anti-Semitism ‘definition’*” (The Electronic Intifada, 5 Dec 2013), via <https://electronicintifada.net/blogs/ben-white/israel-lobbyists-finally-concede-eu-has-ditched-anti-semitism-definition> .

⁷ See: <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm> .

⁸ See: <https://www.congress.gov/bill/114th-congress/senate-bill/10/text> .

⁹ Colleen Flaherty, “*Anti-Semitism Awareness Bill Passes Senate*” (Insight Higher Ed, Dec 2, 2016), <https://www.insidehighered.com/quicktakes/2016/12/02/anti-semitism-awareness-bill-passes-senate> .

¹⁰ Glen Greenwald & Ryan Grim, “*U.S. Lawmakers Seek to Criminally Outlaw Support for Boycott Campaign Against Israel*” (The Intercept, July 2017), <https://theintercept.com/2017/07/19/u-s-lawmakers-seek-to-criminally-outlaw-support-for-boycott-campaign-against-israel/> . The bill extends

The so-called “IHRA Definition” is presented as merely a “working definition”; it does not have, so we are told, legal pretensions (nevertheless its proponents do push governments to incorporate the definition in their criminal law). Restricted to the “definition” per se - i.e. as it is highlighted in a box, in the [IHRA press release](#) - the definition would be harmless enough if the language it uses was not unusually vague and spreading ambiguity. It is so vague, in fact, as to make it, prima facie, useless, whereas in the past there had always been a relative clarity on the meaning of the word:¹¹

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities” (m.u.).

A closer look, however, suggests that this vagueness serves a purpose. Added to it, however, is a section with a list of 11 “contemporary examples of antisemitism”. Because of the vagueness of the definition itself, it is reasonable to surmise that that list presents the actual core message of the IHRA Definition. The two sections are linked with one another by an interposed interpretive passage:

“Manifestations [of antisemitism] 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...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” (my emphasis).

Not surprisingly, therefore, 7 of the 11 “illustrations” effectively relate to Israel. The two most significant and problematic ones are:

(1) *“denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavor”;*

(2) *“applying double standards by requiring of (the State of Israel) a behavior not expected or demanded of any other democratic nation”.*

For the benefit of a juridical evaluation of the IHRA Definition, the British jurist, Q.C. Hugh Tomlinson, in his legal opinion stresses the fact that, while the definition must be deemed “unclear and confusing”,

“the ‘examples’ accompanying the IHRA Definition should be understood in the light of the definition and it should be understood that the conduct listed is only anti-Semitic if it manifests hatred towards Jews” (m.u.). “Properly understood in its own terms the IHRA

the current prohibition on participating in boycotts sponsored by foreign governments to cover boycotts from international organizations such as the U.N. and the European Union.

¹¹ See: IHRA “Working-Definition of Anti-Semitism” via https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf. For a critical comment see a.o.: “Shortcomings of the IHRA Definition of Antisemitism” (Free Speech on Israel), saved on: <http://www.bacbi.be/pdf/FSOitoLIBE.pdf> .

Definition does not mean that activities such as describing Israel as a state enacting policies of apartheid, as practicing settler colonialism or calling for policies of boycott, divestment or sanctions against Israel can properly be characterized as anti-Semitic. A public authority which sought to apply the IHRA Definition to prohibit or sanction such activities would be acting unlawfully.¹²

In the same vein, Sir Stephen Sedley, former Court of Appeal judge and Jewish himself, tears the IHRA Definition apart in the May 2017 issue of the London Review of Books. His analysis starts with:¹³

“Shorn of philosophical and political refinements, anti-Semitism is hostility towards Jews as Jews. Where it manifests itself in discriminatory acts or inflammatory speech it is generally illegal, lying beyond the bounds of freedom of speech and of action. By contrast, criticism (and equally defence) of Israel or of Zionism is not only generally lawful: it is affirmatively protected by law. Endeavors to conflate the two by characterising everything other than anodyne criticism of Israel as anti-Semitic are not new. What is new is the adoption by the UK government (and the Labor Party) of a definition of anti-Semitism which endorses the conflation.”

2. Proponents of the IHRA “working-definition” claim that it does not pose a real threat to free speech because it still permits criticism of the current government of Israel. It is perfectly acceptable, they say, to subject Israel to criticism *similar to that which is made of other (democratic) states*. The *political* implications, nevertheless, of what at first sight seems a reasonable dismissal of “double standards”, were already revealed in August 2016 as part of an unrestrained advocacy of the definition on the website “*le portail juif francophone*”:¹⁴

“Using the IHRA definition, it becomes clear that the activities of BDS are antisemitic, simply because they only apply to Israel. The same holds true for the various rules of the European Union relating to Judea and Samaria, disputed territory, as well as the Golan, which again apply only to Israel. »

Together with BDS activism, clearly, the EU too with its policy of “*differentiation*” vis-à-vis the settlements (ch. 5.6) is “unmasked”, thanks to the IHRA Definition, as being “*antisemitic*”. And we may suppose the same applies to the United Nations with Security Council Resolution 2334 and its dozens of resolutions in the past demanding Israel to respect international.¹⁵

¹² See: Hugh Tomlinson, “*In the matter of the adoption and potential application of the International Holocaust Remembrance Alliance working definition of anti-Semitism*” (March 8, 2017) via <http://freespeechonisrael.org.uk/ihra-opinion/#sthash.lzGo2oL1.dpbs> .

¹³ Stephen Sedley: “*Defining Anti-Semitism*” (London Review of Books, vol. 39.9, May 4, 2017): via <https://www.lrb.co.uk/v39/n09/stephen-sedley/defining-anti-semitism> . Important too, the briefing of Palestine Legal (US), “*FAQ: What to Know About Efforts to Re-define Anti-Semitism to Silence Criticism of Israel*” (pdf, 5p.), [click here](#).

¹⁴ « *L’énorme importance de la récente définition de l’Antisémitisme adoptée par l’IHRA* », par Manfred Gerstenfeld. Via <http://jforum.fr/limportance-cruciale-dune-definition-de-lantisemitisme.html> .

¹⁵ Recently, the Israeli Deputy Foreign Minister has called on the UN to stop using the term “*occupation*” in relation to Israel’s control over Palestinian lands, (MEMO, June 9, 2017) via <https://www.middleeastmonitor.com/20170609-israeli-politician-calls-on-un-to-stop-using-the-term-occupation/> .

The honest (but naïve) proponents of the definition fail to take into account the many ways in which Israel, because of its Palestinian policies, requires an *entirely different* approach in comparison with other democratic states, making a “*similar*” treatment truly unacceptable. From a European perspective, indeed, Israel is *the only state* who commits systemic crimes under international law like apartheid, colonization, war crimes, military violence against civilians, collective punishment, extra-judicial killing, ill-treatment and torture of prisoners, etc., etc. The IHRA document, having a questionable origin, very conveniently rules out types of criticism that Palestinians and their advocates are legally entitled to make in order to highlight their *specific* history of dispossession and racist discrimination. Hence the effect if not the objective of the IHRA Definition is to make any serious criticism of and active resistance against those *unique* Israeli practices into a criminal offence - allowing the Israeli government, that way, to continue its criminal policies. As was already the case with the EUMC “*working definition*”, its IHRA duplicate has little to do with fighting antisemitism and a lot to do with supporting the propaganda war against critics of Israel.

It should be clear by now that IHRA propagates a *politicized* definition of antisemitism, aimed at criminalizing legitimate debate and criticism of Israel’s actions and policies.¹⁶ It is hardly surprising that the adoption by the British government of Theresa May, in December 2016,¹⁷ of an almost identical definition was made the Universities Minister, Jo Johnson send a letter to Universities UK, the official representative body of British universities, reminding them of their obligation to tackle antisemitism on campus ahead of Israel Apartheid Week following the adoption by the government of the IHRA definition or . At a number of universities academic authorities effectively put a ban on student activities during the Israel Apartheid Week, others required “*a balanced view or a panel of speakers representing all interests*”.¹⁸ The IHRA-document has also been submitted to and approved by the European Parliament (June 1, 2017): 101 MEPs voted against, but 479 voted in favor while 47 abstained.¹⁹ Thanks to the

¹⁶ Lawrence Davidson, “*Politicising antisemitism: the USA’s and UK’s flawed definition*” (Redress Information and Analysis, May 3, 2017) via <http://www.redressonline.com/2017/05/politicising-anti-semitism-the-usas-and-uks-flawed-definition/> .

¹⁷ [UK] Press Release, Dec 12, 2016: “*Government to adopt the International Holocaust Remembrance Alliance’s (IHRA) working definition of anti-Semitism*”, via <https://www.gov.uk/government/news/government-leads-the-way-in-tackling-anti-semitism> .

¹⁸ See Lee Harpin and Rosa Doherty, “*Israel Apartheid Week events cause turmoil in UK universities*” (The JC – The Jewish Chronicle, Feb 23, 2017), <https://www.thejc.com/news/uk-news/apartheid-week-ban-heralds-%EF%AC%81ghtback-1.433185> . But see: Michael Deas, « *Israeli Apartheid Week held at 30 UK universities, despite repression*” (EI, 10 March), via: <https://electronicintifada.net/blogs/michael-deas/israeli-apartheid-week-held-30-uk-universities-despite-repression> . A hopeful sign was the rejection of the IHRA Definition by the British University and College Union (UCU), cf. UCU, May 29, 2017: <https://www.ucu.org.uk/article/8802/Business-of-the-Equality-Committee-2017#57>. Meanwhile, a range of pro-Israel groups in the UK are working to lobby universities, unions, local councils etc. to adopt the definition.

¹⁹ See: “*Combating anti-Semitism. European Parliament resolution of 1 June 2017 on combating anti-Semitism (2017/2692(RSP))*” via <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0243+0+DOC+PDF+V0//EN> . For a complete list of the votes cast at this session, per party and MEP, see: <http://www.bacbi.be/pdf/EP-IHRVote.pdf> .

vote, the pro-Israel lobbyists in the EP were exposed as the natural allies of the European far-right supporting a definition of antisemitism designed to defend the state of Israel.²⁰

3. The suspicion that the IHRA-campaign is serving Israel's political agenda seems legitimate. Actually, it fits in with a political, Israelocentric *redefinition* of antisemitism that started to catch on about 20 years ago. In it the original concern for the right of Jewish people to live as full and equal members of whichever nation they belong to, is largely replaced with loyalty to the Israeli state as being the "*Jew among the nations*":²¹

*"The term that most fully encapsulates this redefinition is 'new antisemitism' [...] It contains the radical notion that to warrant the charge of antisemitism, it is sufficient to hold any view ranging from criticism of the policies of the current Israeli government to denial that Israel has the right to exist as a state, without having to subscribe to any of those things that historians and social scientists have traditionally regarded as making up an antisemitic view: hatred of Jews per se, belief in a worldwide Jewish conspiracy, ... belief that Jews are racially inferior, and so on".*²²

Because the definition of the "*new antisemitism*" is rather incompatible with definitions that rely on elements making up the classical antisemitic view,

"it's but a short step to conclude that it replaces all previous definitions, and then further to argue that no other kind of antisemitism exists" (Lerman, p. 9).

Finally, most of the people promoting its use, see it as synonymous with anti-Zionism, finding it a.o. also in the political left.

This important shift should be understood in the context of major political developments in the Western world and in Israel itself. "9/11", apparently, played a pivotal role, since it made the Bush administration declare a "*war on terror*" that produced catastrophic effects in the Middle East (Afghanistan included), while Islamist terrorism – al-Qaeda, followed by IS – made Islamophobia or anti-Muslimism peak. In Israel, already after the murder of Yitzhak Rabin, the country started a political drift to the far right which is still continuing. Its government, identifying itself ever more closely with the US "*as a fellow victim of Islamist*

²⁰ See: Naomi Wimborne-Idrissi, "*Far-right Islamophobes unite with pro-Israel lobbyists in European Parliament antisemitism debate*" (FreeSpeechonIsrael, June 1, 2017), <http://freespeechonisrael.org.uk/european-parliament-antisemitism-debate/#more-3138>.

²¹ Antony Lerman, "*Antisemitism Redefined: Israel's Imagined National Narrative of Endless External Threat*", in: "*On Antisemitism*" (Jewish Voice for Peace, 2017), p. 7. Since the 1990s the Israeli government has followed a policy aiming "*at establishing Israeli hegemony over the monitoring and combating of antisemitism by Jewish groups worldwide. This was coordinated and mostly implemented by Mossad representatives working out of Israeli embassies. The policy served to bind Diaspora communities more closely to Israel... and to portray Israel as equally in the firing line of antisemitic attack by increasingly linking criticism of Israeli policy with antisemitism*", *ibid.*, pp. 11-12 (based upon his own personal experience).

²² Lerman, o.c., pp. 8-9. Of course, discourse about Israel and Zionism *can* be antisemitic, namely if the antisemitic negative stereotype of "*the Jew*" is projected "*onto Israel for the reason that Israel is a Jewish state or onto Zionism for the reason that Zionism is a Jewish movement or onto Jews, individually or collectively, in association with either Israel or Zionism*" (Brian Klug, "*Interrogating 'New Anti-Semitism'*", in: *Ethnic and Racial Studies* (2012), p. 13, quoted in Lerman, o.c., p. 10.

terror – indeed, as the prior victim”, managed to impose the view that the “*new antisemitism*” posed the greatest threat to Jews since the Holocaust. Linking Israel’s fate with the security of Jews worldwide, it has stepped up its leadership role on the antisemitism question, “*this time with the fuller cooperation of Diaspora Jewish leaders*” (Lerman, p. 13).

Although after the Holocaust the fight against antisemitism worldwide is still the official *raison d’être* of the Israeli state, its present extreme right government is subordinating the concerns of world Jewry more and more to Israel’s own *nationalistic*, political preoccupations (such as: securing support for the settlement project, reinforcing the exclusively Jewish character of the Israeli state, giving priority, for political reasons, to the interests of the religious establishment in Israel to the detriment of the concerns and needs of the Diaspora liberal Jewry, etc.).

Propagating Israel as Europe’s bulwark against Islam’s “*war of conquest*”, premier Netanyahu has no qualms to forge close links with authoritarian regimes (e.g. his visit to Hungarian Prime Minister Viktor Orbán, legitimizing the latter’s antisemitic campaign against Jewish billionaire financier George Soros) and far-right movements in Europe and the US, notorious for their antisemitic roots.²³ Playing down their “former” antisemitism and denial of the Holocaust, these groups nowadays express their support for Israel on the basis of a shared understanding that Muslims are the foremost enemy of the “white” West.²⁴ A *de facto* leader of the American alt-right, participating in the racist and antisemitic march of white supremacists in Charlottesville, described himself to a reporter on Israel’s Channel 2 News as “*a white Zionist*” and argued that Israelis “*should respect someone like me*”.²⁵ No surprise, therefore, that most MEPs of extreme rightwing parties voted enthusiastically in favor of the IHRA “*working definition*”.

PS Originally this paper was Addendum 6 in: “[Boycott Israel \(BDS\), A Moral Duty](#)” (2) (BACBI Dossier N° 3, Part 2: Boycott), 2018, pp. 63-69.

²³ See e.g. Haaretz Editorial: “*Israel Sides With anti-Semites*” (July 13, 2017), via <http://www.haaretz.com/opinion/editorial/1.801073> . Or: Bradley Burston: “*Netanyahu's New Start-up Nation: Israel, the Anti-Jewish State*” (Haaretz, July 12, 2017), via <http://www.haaretz.com/israel-news/1.800811> .

²⁴ See e.g. Muddassar Ahmad, “*Why the U.K.'s neo-Nazis Are Posing With Israeli Flags*” (Haaretz, Aug 4, 2017), <http://www.haaretz.com/opinion/1.805156> . Also: Asa Winstanley, “*Far-right Britain First fosters ties with Zionist movement*” (EI, Aug 31, 2017), <https://electronicintifada.net/blogs/asa-winstanley/far-right-britain-first-fosters-ties-zionist-movement> .

²⁵ “*You could say that I am a white Zionist – in the sense that I care about my people, I want us to have a secure homeland for us and ourselves. Just like you want a secure homeland in Israel*” (Haaretz, Aug 16, 2017), <http://www.haaretz.com/israel-news/1.807335> .