

International Gathering of Jews Supporting Justice in Palestine:
Responding to the Misuse and Abuse of Antisemitism Definition
& Moving Forward Together
IJV, JVP & Jews Say No! (via Zoom)
3 October 2020

TACKLING THE IHRA WORKING DEFINITION OF ANTISEMITISM

It's a pleasure to be back. I say "back" because over 12 years ago, in March 2008, I came to Toronto on behalf of IJV (UK) to speak at a meeting convened by The Alliance of Concerned Jewish Canadians. The following year, the Alliance became IJV (Canada). The 2008 meeting was a *national* gathering of Jewish groups working in Canada for peace and Justice in Israel-Palestine. This gathering is *international*, and IJV has linked arms with JVP and Jews Say No! to organise it. It's good to see this. It's good to be part of it; and the first thing I want to do is to thank Sheryl, Lesley, Dorothy and Donna for inviting me along.

My brief is to address two questions: Why has the IHRA Working Definition of Antisemitism been so successful and what can be done about it? I am a little diffident about tackling these questions. You are the activists with experience in the field, and a strategy that works in one national context might not in another. I am merely an armchair philosopher. All I shall do, therefore, is offer a few modest suggestions that I hope will be helpful as you deliberate about action later today and after we have dispersed. So, here are five modest suggestions from the clouds.

To begin with, there is widespread confusion about what the IHRA Working Definition even *is*. This is something that has complicated the political battle in the UK. Les alludes to this in his remarks in the participants booklet. I shall spell out what happened a bit more, as there might be an object lesson for activists in other national contexts.

In summer 2018, a firestorm broke out when the National Executive Committee (NEC) of the Labour Party proposed a new Code of Conduct for Antisemitism.¹ It was dismissed out of hand by many pundits on the grounds that Labour had written its own definition rather than adopting the IHRA's. "Labour," said Nick Cohen (for example), "has taken it upon itself to *reject* the [IHRA's] definition of antisemitism."² Stephen Kinnock, himself a Labour MP, remarked: "The IHRA definition of anti-semitism is the only globally accepted one, and it truly beggars belief that the Labour Party thinks it can or should try to *cook up its own*."³ Compare these assertions with what Labour's draft Code said: "To assist in understanding what constitutes antisemitism, the NEC has *endorsed* the definition produced by the [IHRA]

¹ I discuss the controversy of summer 2018 in 'The Left and the Jews: Labour's Summer of Discontent', *Jewish Quarterly*, Autumn 2018. The essay is reproduced (in German translation) in Christian Heilbronn et al (eds), *Neuer Antisemitismus? Forsetzung einer globalen Debatte*, Frankfurt: Suhrkamp, 2019. Also available online (courtesy of the Rosa Luxemburg Foundation) in Hebrew and Arabic.

² Nick Cohen, 'Why has Labour run the risk of alienating progressive Jews?', *The Guardian*, 7 July 2018, available at: <https://www.theguardian.com/commentisfree/2018/jul/07/labour-antisemitism-jeremy-corbyn>. Emphasis added.

³ Tweeted 5 July 2018, available at: <https://twitter.com/skinnock/status/1014981351118987264?lang=en>. Emphasis added.

in 2016”.⁴ Their Code reproduced the two sentences which, in the IHRA text, are set apart, in bold and in quotes, inside a box, and which the text itself calls a “working definition of antisemitism”. But the NEC Code did not incorporate all 11 examples. So, did Labour “reject” the IHRA definition and “cook up its own”? Or did it do the exact opposite: endorse it? Note that this turns on a point that is purely verbal or semantic, yet it caused ructions politically.

Despite what the text itself says, a Statement issued by the ‘Experts of the UK Delegation to the IHRA on the Working Definition of Antisemitism’, dated 7 August 2018, stipulates: “Any ‘modified’ version of the IHRA definition that does not include all of its 11 examples *is no longer the IHRA definition.*”⁵ So, which is it? The two sentences in the box or the entire text? Like the text itself, it just isn’t clear. The first failing of the definition, then, is this: it does not even define itself. Its very name is ambiguous. The point is this: the NEC needed to call out this ambiguity when it published its new draft Code of Conduct. It didn’t; or, if it did, it didn’t do so with sufficient clarity or emphasis. It paid a political price for this, as did activists who were seeking to assist them in avoiding the pitfalls that the IHRA definition contains. So, the first rule in opposing this definition is to define it and to be clear about what exactly we are opposing. Failure to be sufficiently clear about this opens the door for opponents to confuse the picture, which is what happened in this case. That is my modest suggestion no. 1.

To be clear, from this point on I shall call the two sentences set apart in the box ‘the core definition’, and the entire text ‘the full definition’ – even though a definition it definitely is not.

If it isn’t clear what the definition even *is*, nor is it clear what it *says*; and this is true whether we are speaking of the core definition or the full definition. There are several good critiques of the content of the text. One of the best is by IJV (Canada), which we were all sent prior to this gathering. I myself have tried my hand at a detailed critique. However, when it comes to campaigning, I wonder whether it’s always a good idea to fire from all cylinders. With some audiences, there is a danger of overkill: the longer the critique, the louder the yawns of the people subjected to reading it or hearing it. Better perhaps to pick on just two or three weaknesses in the IHRA definition – weaknesses that are not only fatal but which are also obvious once they are pointed out – and dwell on them. Let me illustrate what I mean.

The IHRA itself sets a standard for evaluating its own definition. Their website says: “In order to combat antisemitism effectively, it is important to have *clarity* about what antisemitism is and how it may manifest itself.”⁶ So true! it is precisely because of the importance of *clarity* that the Working Definition does not work as a definition. So, one approach worth taking might be to turn the IHRA’s own standard against itself. A definition is a form of words that clarifies the meaning of a concept. This one doesn’t; and, in order to demonstrate this, it’s not necessary to embark on a comprehensive critique of the entire document. Take the core definition. The first sentence reads: “Antisemitism is a certain perception of Jews, which

⁴ Emphasis added. The Code was released by the Party on 5 July 2018. Reproduced on the website of *The Jewish Chronicle*: <https://www.thejc.com/comment/analysis/jeremy-corbyn-labour-definition-antisemitism-1.466626>.

⁵ Emphasis added. Available on the IHRA website at <https://www.holocaustremembrance.com/news-archive/statement-experts-uk-delegation-ihra-working-definition-antisemitism>.

⁶ <https://www.holocaustremembrance.com/news-archive/working-definition-antisemitism>. Emphasis added.

may be expressed as hatred toward Jews.” This has been aptly described by Professor David Feldman, Director of the respected Pears Institute for the Study of Antisemitism (University of London), as “bewilderingly imprecise”.⁷ For one thing, the phrase “a certain perception” is hopelessly vague. If the perception is not described, then the word is not defined. Then take the second sentence: it says that “manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property ...”. Let’s stop there: “Jewish or non-Jewish”. No doubt this is meant to cover cases of mistaken identity or (so to speak) guilt by association. But without *explaining* this, it’s not helpful; it’s just weird.⁸ It’s like saying that Islamophobia targets Muslims or non-Muslims. Or that misogyny targets women or men. Imagine these possibilities being written into the definition of Islamophobia or misogyny! A definition, as I said, is a form of words that clarifies the meaning of a concept. The phrase ‘Jewish or non-Jewish’ is not clarifying; it is confusing. Anyone can see this once it is pointed out.

These are just illustrations of the general point: that perhaps it is more effective to expose a few well-chosen flaws in the definition and to make them crystal clear, rather than take it apart bit by bit. The underlying principle is this: show, as economically as possible, that the IHRA definition fails the IHRA’s own test: clarity. That’s modest suggestion no. 2.

Modest suggestion no. 3 is that it might help to have an alternative definition – something that is obviously superior – in reserve. Consider this one: “Antisemitism is discrimination, prejudice or hostility against Jews”. It’s nice, it’s simple and it’s concise. Of course, it needs elaboration. But, above all, it is *clear*, and people without an axe to grind will appreciate that. Even more important, it’s kosher: I have taken it from a guide jointly produced (with Facebook) by the Board of Deputies of British Jews and the Community Security Trust.⁹

When we turn to the full definition (the text as a whole) it is tempting, I know, to fasten onto certain individual so-called “examples”, ones that pertain to Zionism and Palestine-Israel, and challenge them. But I am not sure that this is the best approach to take. There is a view, which is almost a mantra, that the IHRA definition conflates antisemitism and anti-Zionism. Or that it makes all criticism of Israel antisemitic. Or, at least, that it says that those criticisms that are specified in some of the examples – such as applying “double standards” to Israel or calling it “a racist endeavor” – are, intrinsically, antisemitic. But these objections are inaccurate. In fact, they give the IHRA definition too much credit. They imply that the text is coherent and contains a consistent position. But it isn’t and it doesn’t. The set of 11 examples don’t make sense *as a set*. The preamble that introduces them contains a proviso: it says they “could, taking into account the overall context”, be examples of antisemitism. *Could*, depending on *context*. In reality, some really do depend on context, while others – such as the blood libel, Holocaust denial, the myth about a world Jewish conspiracy – do not: they are among the most vivid and clear-cut expressions of antisemitism there could

⁷ David Feldman, ‘Will Britain’s new definition of antisemitism help Jewish people? I’m sceptical’, *The Guardian*, 28 December 2016.

⁸ There is, in effect, an explanation at the end, following the list of examples, but it is buried inside a sentence that explains something else, namely, when criminal acts are antisemitic.

⁹ Available online at <https://cst.org.uk/data/file/4/f/Facebook-AntiSemitism-Brochure-03-DIGITAL-SINGLEPAGE.1571310281.pdf>, p 3. Here is the full paragraph: “Antisemitism is discrimination, prejudice or hostility against Jews. It has existed for millennia and is still present today in the 21st Century. Antisemitism can be communicated verbally, physically, in written form or, increasingly, online.”

be. As far as I can see, the only ones that really do depend on context pertain to Zionism or Israel. So, the set, as a set, is a mess. Moreover, there are no guidelines within the text to enable people to distinguish between examples that do depend on context and examples that do not. For which reason, the full definition is useless as a practical guide; this, I think, is worth pointing out. As for the question of bias within the text, it would be more accurate to say that the text *lends itself* to being exploited by partisans of Zionism and Israel. I suspect this could and should have a bearing on campaigning against the definition. But I leave that thought with you.

The fact that the whole structure of the examples is kaput, combined with the vacuity of the core definition, only underscores the question: Why has the IHRA definition of antisemitism been so successful? Why, in other words, has such an incompetent text, which totally fails its own test of clarity, caught on as much as it has? The answer, I daresay, is complex: there are many factors – perhaps different factors in different places – that combine to explain this. You are better placed than I am to carry out this exercise. But there is one factor, easy either to overlook or to underestimate, that I'd like to throw into the pot: the source. Put it this way: Why was the so-called EUMC definition of antisemitism, which was written about 15 years ago, *not* a success? The text was almost identical to the IHRA text. So, why didn't it catch on? Again, I am sure there are manifold reasons. But I suggest that the main reason has to do with its provenance. For one thing, the EUMC definition was never the EUMC's. It was drafted by a working group that met under their auspices, largely at the initiative of the American Jewish Committee – obviously a partisan body. Their draft was never adopted by the EUMC Management Board. But even if it had been (and a lot of people were under this misapprehension), the EUMC was no more than an agency of the European Union, whereas the IHRA is an intergovernmental body. And then there's the name: 'European Monitoring Centre on Racism and Xenophobia' lacks the pzazz of the name 'International Holocaust Remembrance Alliance'. The name's the thing, in this instance. It's almost as if rejecting the IHRA definition were tantamount to denying the Holocaust. Not that anyone would come out and say this, or even exactly *think* it. But that, nonetheless, is the *rhetoric* of the name.

Why should this matter to activists? What possible implications are there for campaigning against the IHRA definition? The answer is hinted at by something that Marilyn (from New Zealand) says in the participants booklet. She mentions that Wellington City Council were lobbied, in February of this year, to adopt the IHRA definition. She comments: "The council does not seem to have been informed that the adoption of the IHRA would be controversial. They seemed to believe they were making a nice gesture to the Jewish community after a rare incident of antisemitic graffiti." I would not downplay this kind of explanation, namely, that ordinary people of good will, not familiar with either the politics of definition or the conflict in Israel-Palestine, do what they believe is the right thing by Jews. In the European context, this is exacerbated by the history of antisemitism on the continent. And, of course, this factor is greatly magnified in Germany. So (modest suggestion no. 4), it might be wise not automatically to take an adversarial stance towards those bodies who adopt or endorse the IHRA definition. It might be better (at least in some instances) to approach them with a view to helping them achieve what they intend to achieve: advancing the cause of fighting racism and, in particular, antisemitism.

Which brings me to my fifth and final modest suggestion. The IHRA definition is sometimes criticised on the grounds that it places undue emphasis on the context of Zionism and the Middle East. And so it does: the first possible ‘manifestation’ of antisemitism that it cites is “the targeting of the State of Israel, conceived as a Jewish collectivity”, and 7 of 11 examples are about Israel or Zionism. But it might be worth turning this criticism into a different kind of criticism. There is, I believe, a genuine desire on the part of many people on both sides – and on no sides – of the debate over Palestine-Israel for clear and reliable guidance about the following question: *When should political speech about Israel or Zionism be protected and when does it cross the line into racism against Jews?* Call this ‘the key question’. But the IHRA definition fails lamentably to answer it. It neither clarifies what is antisemitic, nor does it offer suitable protection to freedom of political speech. I’d like to home in on that last point and bring it into sharper focus.

Defenders of the definition point to a sentence in the text that says: “However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” At first sight, this seems to *provide* for free speech, but actually it does the opposite, for it implies that *excessive* criticism of Israel is, in and of itself, antisemitic. But it is not – any more than excessive criticism of the PLO is necessarily racist against Arabs or Palestinians. Excessive criticism is just a fact of political life, especially when feelings run as high as they do in the context of Israel and Palestine. The point is this: There is no requirement in human rights ethics or law that, in order to merit protection, political speech has to be measured or reasonable or balanced. This point is *fundamental* to the principle of freedom of expression, as affirmed by article 19 of the Universal Declaration of Human Rights and by equivalent provisions in other human rights instruments. No such provision, as far as I am aware, lays down the condition that an opinion has to be reasonable or fair or that criticism may not be excessive. For purposes of protecting speech, neither “applying double standards” to Israel (example 8) nor alleging that it is “a racist endeavour” (example 7) is, ipso facto illegitimate. They are, of course, contentious. But being contentious and being antisemitic are not at all the same. *The line between contentious and non-contentious speech is different from the line between antisemitic and non-antisemitic speech (or racist and non-racist speech in general).* It is vital that these two lines are clearly distinguished. The Working Definition blurs them.

The bottom line is this: What people need is a definition (or other form of guidance) that answers ‘the key question’ and, as much as possible, lifts the fight against antisemitism above the political fray. The IHRA fails to do this. Making this point and remaking it: that is my fifth and final modest suggestion from the clouds.

Brian Klug
St Benet’s Hall
University of Oxford