

An Open Letter on How Not to Combat Antisemitism

The Jewish Federations of North America are urging the Biden administration to promote the non-binding 2016 International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.

We, Portland-area Jews (and friends), join 40 Jewish groups worldwide who have rejected the IHRA definition of antisemitism (and its accompanying eleven examples). We urge the Jewish Federation of Greater Portland to disavow the IHRA definition, to oppose its promotion by the Jewish Federations of North America and the Biden Administration, and to help create a definition that does not conflate criticism of Israel with antisemitism.

The IHRA's definition while uncontroversial, is vague: Antisemitism is "a certain perception of Jews" that may be "expressed as hatred." However, several of the accompanying examples depart radically from traditional understandings by blurring the distinction between criticism of the state of Israel and antisemitism in ways that seek to police the boundaries of speech about Israel and protect it from criticism. (See Appendix.)

The lead author of the IHRA definition of antisemitism, Kenneth Stern, opposes its use on US college campuses because it undermines freedom of speech and critical thinking. Nonetheless, advocates of the definition have already used it in this way.

To cite only one of three cases in which the Center for Constitutional rights and 10 other civil rights organizations intervened: As head of the Louis D. Brandeis Center for Human Rights Under Law, Kenneth L. Marcus aggressively promoted the IHRA definition. He brought that agenda when President Trump appointed him Assistant Secretary of Education for Civil Rights. In August 2018 he directed his office to adopt the IHRA definition. (In 2020 Marcus was forced to resign over criticism that he abused the powers of his office.)

In November 2018, Jewish Voice for Peace and Students for Justice in Palestine at UC Berkeley planned a joint vigil to mourn the deaths of Palestinian children killed in Gaza along with Jews killed in the Tree of Life synagogue massacre. Attorneys affiliated with the Brandeis Center filed a complaint with the office of their former boss, claiming that the vigil created "a false moral equivalency" and was therefore antisemitic. The complaint relied on a political judgement about what is or is not morally equivalent. Moreover, it was not based on something the organizers of the vigil actually said or did, but an interpretation of their intentions. It therefore constituted prior restraint of speech. Nonetheless, the university administration was intimidated and threatened the students with expulsion. They canceled the public event and held only a small, private vigil.

We recognize the importance of combatting antisemitism. But this effort should not be used to stifle public discussion and debate or to curtail the rights of other people.

Sincerely,

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Appendix - Three problematic examples of antisemitism associated with the IHRA definition

(1) “Applying double standards by requiring of it [Israel] a behavior not expected or demanded of any other democratic nation”: yes, that would be unfair. At the same time, “... criticism of

Israel similar to that leveled against any other country cannot be regarded as antisemitic.” In practice, criticisms of Israel for violating human rights have been unfairly attacked as antisemitic just because they apply universal standards—which should be (and frequently are) demanded of every nation—to Israel.

(2) “Denying the Jewish people their right to self-determination...” There are Jews all over the world: How should American, Australian, or Argentinian Jews express their right to self-determination? Does this example mean that Jews around the world exercise that right via Israel? Doesn't that imply that Jews may be “more loyal to Israel ... than to the interests of their own nations” and that Jews may be “collectively responsible for actions of the state of Israel,” both of which are listed as additional examples of antisemitism? Moreover, the right to self-determination of Israeli Jews (or as the IHRA example has it, of “the Jewish people”), can't preclude the right to self-determination of Palestinian Arabs. To the extent that it does, it's fair to call it ethnic discrimination or, more loosely, “racism.” (Neither Jews nor Arabs are a race, which is of course a problematic term in itself.)

(3) “... e.g., by claiming that the existence of a State of Israel is a racist endeavor”: The Israeli government has consistently discriminated against Palestinians in many ways. The conception of Israel as a “Jewish state” has been used to justify and legitimize this discrimination (for example, in the Nation-State law of 2018). Historically, the state of Israel came into existence in a conflict accompanied by ethnic cleansing of Palestinians. Many Palestinians (and others) argue that, despite the Jews' historical attachment to the land, the Zionist settlement culminating in the founding of Israel was an illegitimate displacement of the Palestinian population. This displacement was partly fueled by anti-Arab sentiment (in simple terms, “racism”); the effect and in some cases the intention were anti-Palestinian (“a racist endeavor”). Whether or not one accepts these arguments, they are at least plausible, empirically grounded characterizations of Israel and therefore not antisemitic attacks on Jews as Jews.