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The Challenges of Defining Antisemitism Today: An Analysis of the IHRA Definition & its Applications

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The Challenges of Defining Antisemitism Today:

An Analysis of the IHRA definition & Its Applications

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Introduction: IHRA and Why It Matters Today

In 2023, a group of community leaders petitioned the American Bar Association to formally adopt the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism. This was neither an isolated event nor an instance of sudden progress. Indeed, over the last decade, there have been dozens of attempts both within the United States and across Europe to have local and federal governments, major national organizations, and educational institutions adopt the IHRA definition. Taking on a growing importance in contemporary discourse, the adoption of the IHRA definition appears to be an obvious measure to combat antisemitism. However, when examining the response from a wide array of Jewish scholars, political advocacy groups, and numerous stakeholders, there appears to be more to this definition of antisemitism than its use as a tool against a salient form of discrimination. Taking shape in political, educational, and public discourse, is a movement seeking to redefine and curtail global conversations through the misappropriation and mobilization of legitimate concerns. The IHRA definition is fundamentally unsuitable for adoption because of its inability to reflect contemporary political realities over the discourse surrounding antisemitism. This policy team intends to recommend against the adoption of the IHRA definition for three key reasons. First, the definition does not reflect the historical phenomena of antisemitism fully; Second, the specific focus on the IHRA does not reflect the current realities of antisemitism; Third, the IHRA has been, and could continue to be, used to suppress freedom of speech.

For clarity, it is important to reaffirm that antisemitism does exist and this memo makes no argument to the contrary, as the numerous examples in the following chapters will attest. However, this policy memo will make arguments on how antisemitism is politically defined, the actors at play, and what the reality of its competing usages mean in the public sphere. Specifically, the memo will discuss the movement concerning the adoption of The International Holocaust Remembrance Association's (IHRA) definition of antisemitism and its inability to serve within such a capacity. This discussion will span its lack of historical context as a targeted definition of discrimination, its misleading primary examples of antisemitism given the term's historical norms and modern appearances in direct application, and its potential as well as intended threats to a variety of expression and advocacy-based forms of dissent in explicitly political environments. Despite originating and serving as a functional litmus test for antisemitism in society, a broad consensus of critics, academics, and even one of the authors of the definition itself finds the movement behind its socio-legal push to be functionally political, the usage of which produces limitations of speech and profound impacts in public discussion. To be clear, among the major definitions of antisemitism inclusive of the Jerusalem Declaration on Antisemitism (JDA), and the Nexus Task Force's definition—the IHRA definition is the only one being pushed for educational, declarative, and legal adoption, hence on the focus on its presence in this policy memo (Stern 2023). Due to the complexity of this debate, in interrogating how this definition can be understood in such a way, this memo aims to establish its points of contention within the design of the IHRA definition comparative to a functional understanding of manifested antisemitism and its basis of discretion. For those considering adoption, these are essential components to comprehend and weigh when considering the fine line between hatred and critical thought.

Understanding The IHRA Definition

As a legal document (of direct or nominal implementation), the IHRA definition of antisemitism acts as the core of the debate surrounding the terminological boundaries of antisemitism. According to the association, the term denotes:

> 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…(IHRA 2016)

Notably, and as was discussed earlier, the IHRA definition was created as a census-type tool, with its supplementary guide and 11 examples serving to denote potential traits of antisemitism among populations (Stern 2019). Observing the document's original precedent of use is particularly valuable when applied to current implementations of its usage for extensive litigation and "chilling free speech" (Deckers & Coulter 2022, 742). Among other parts of the definition, the issues associated with the IHRA largely stem from the vagueness of its general wording and in particular, points 7 & 8 in the examples section of the definition. According to the IHRA, antisemitism can be ruled as inclusive of regarding Zionism as a racist endeavor (thereby denying the Jewish people the right to self-determination), and/or applying double standards (based on democratic nationhood) to Israel (IHRA 2016). The IHRA definition served a valid purpose as a tool for identifying antisemitism in the European context for data collection. However, recent efforts to promote the legal and institutional adoption of this definition raise serious questions about its application and potential for misuse. Sourcing from key critics, the definition's scope has difficulty in capturing the historical scope and modern outgrowths of antisemitism while arguing that the tool can be, and indeed has been, used as a tool to censor criticism of Israel (Stern-Weiner 2021). Proponents of the adoption of the definition disagree; The argument proposed by advocates is that codification means the protection of Jewish people under a more enforceable standard—and, objectively, this belief is also correct.

Under the IHRA definition alleging the existence of racism practiced by the Israeli government towards Palestinians, advocating for the inclusion and/or democratic representation of Palestinians in Israel, as well as any organization focused specifically on issues regarding Israel could be officially labeled as antisemitic. In the adoption space, the primary concern surrounding the IHRA definition is not its use as direct law or protection against hate crimes, but rather the ability to mobilize existing law using the definition as a guideline and the potential for misuse within that mandate (Goldfeder 2023, 429). Given a more literal reading of the scope envisioned by the IHRA definition, retribution methods could be actively used to silence critics. There are examples of similar instances occurring with formal investigations of students for Palestinian activism and attempted legal censures in places that have more broadly embraced the IHRA definition such as the UK (Himmo 2021 & Campaign against Antisemitism 2021).

Comparative to the IHRA definition, other descriptions of antisemitism such as the JDA definition serve as an example of an interpretation more closely aligned with preexistent definitions of discrimination under religious or xenophobic terms, describing antisemitism as:

> …discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish) …(JDA 2021)

In the JDA's imagining of antisemitism, the term's application is designed to match standard forms of discrimination, mimicking typical interpretations of hate crimes and removing the extensive provisions effectively prohibiting criticism of Israel. As a census tool, the IHRA definition's wording makes its legal presence unique, and allows itself a wide scope of operation as well as potential abuse in the conflation of good-faith dissent with explicitly antisemitic action. In comparison to the IHRA definition, the JDA requires a greater burden of proof regarding intent, excluding things like criticisms of Zionism, targeted protest of Israel, or substantiated protest of Israel as a nation-state from definitions of antisemitism. In a dichotomy between the two terms, the JDA's usage (while still criticized for lack of Palestinian input) is used as a response to the Israel protection efforts mobilized through the push for the IHRA, and its legalized scope of ruling discretion (Starr 2021). Ultimately, the legal contention with the IHRA definition is its capacity for weaponization against valid concerns, conversation, and action at the cost of failing to define and protect against some truly antisemitic actors.

The IHRA Definition In Context

Placed within the context of other descriptors of antisemitism and their inherent forms of discrimination, a more discerning look at the IHRA definition will find the push for its legal adoption unsuitable on the principle of its inherent design. Textually, the definition fails to capture a legally consistent exhaustive list of antisemitism's truly defining and enduring tropes as well as the most actively violent and growing forms of its manifestation. Simultaneously, much of the push behind the IHRA definition of antisemitism can and has intentionally blurred lines between legitimate criticism of Israel and policies with genuine discrimination based on Jewish association. In the following chapters, this memo will outline the complexities of antisemitism in reference to the adoption-centered flaws of the IHRA definition, tracing the historical precedent and complications of the idea, the modern forms of antisemitism and their styles of appearance, and stakes behind the IHRA definition in being able to define what discrimination on the basis of antisemitism means. Acknowledging the difficulties faced by the Jewish people and the legitimate uptick in instances of antisemitism, this policy team believes having candid discussions about how to define and effectively address forms of discrimination is valuable, particularly when solutions are not what they seem.

Chapter I: Historical Context for Understanding Antisemitism

Antisemitism is a complicated phenomenon to define and discuss. It has a long and complicated history. It changed constantly with the societies that held that view, addressing in its manifestation a range of contemporary and endemic issues. At the same time, antisemitism remained static, utilizing the same key tropes. The IHRA definition fails to capture that complexity, focusing on the early 21st century context from which the definition emerged. As a result, its definition of antisemitism is simultaneously so narrow as to under-emphasize many historical manifestations of antisemitism that few people would argue with; and so broad it includes as antisemitic behaviors that not so long ago would not be considered as such by large parts of Jewish communities (specifically in regards to Zionism). In that way it fails to fully capture the consistent themes of antisemitism while claiming that they were merely transferred onto the state of Israel as a whole, and pushes the argument that antisemitism has undergone a dramatic change in the last century or so, in a way inconsistent with historical precedent and arguments made by proponents of that idea as a whole. Which, while useful as an intentionally broad census type tool in the early 21st census context, is unsuitable as a policy guide.

But first, this memo will examine the historical antisemitism itself and the common themes present within it. This will provide the context on the similarities and differences between IHRA definition and historical manifestations, allowing for better and more informed discussion of why this team argues against adoption of the IHRA definition for legal or policy purposes.

1. The Image of a "Jew"

There is a stereotypical caricature of a Jew — an image of a smart and wealthy man of an unsavory character, greedy, malicious, and loyal only to himself and fellow Jews, his unpleasant looks serving only to illustrate his unpleasant character (Krummel 2018). He is a person, with human motivations and fallacies, while at the same time considered less than human by the surrounding white society. All of those are antisemitic ways to characterize someone Jewish (or even perceived to be so), and those beliefs can be seen as a theme in antisemitic action. And, for all of those there are historical underpinnings, found in the role Jewish communities played in European, mostly Christian, societies as a dispersed and persecuted minority.

A statement about a Jewish person does not have to be so blatant, or even negative, to play into those tropes, as could be seen in the discussion of witches further in this memo. However, few of those stereotypes are an explicit part of IHRA definition or the accompanying examples, allowing the vagueness to be used to dismiss certain non-obvious cases. What IHRA does state is that "antisemitism is a certain perception of Jews," or that antisemitism can be characterized as "making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective" (IHRA 2016). This is not entirely devoid of context, but does assume a familiarity with stereotypes and perceptions of Jewish people which might not be the case for everyone.

1.1 A Banker

In most European principalities, Jews were considered a special subject of the crown, separated out from the general population and restricted in which occupations they were allowed to engage in. Those occupations were often considered either undesirable—such as entertainment (which was considered a servant's role); Or those that Christian subjects could not engage in on religious grounds—such as banking. More specifically, Christian theology forbids lending out money with interest (usury), which makes up a large portion of a bank's purpose. But, as lending is very important to a society, and because interest serves as a crucial incentive for lenders to assist strangers, Jews, whose theology allows usury when dealing with a gentile (Non-Jewish) people naturally found themselves in this occupation; An occupation that was one of the more profitable and desirable nature. And, with time, expanded their operations to relevant areas in banking (Krummel 2018). Thus, to a medieval Christian, lending, and banking more generally, came to be most strongly associated with Jews. With limited exceptions—such as the Medici family, that catered exclusively to the upper classes and wealthy merchants—Jews were the face of the profession (De Roover 1963; Krummel 2018). Yet, even with how crucial lending and banking are to the development of a society, usury was still considered an unethical practice motivated by greed and characterized by malice or uncaring towards fellow man by the general public (Krummel 2018). Therefore the negative qualities associated with those, and negative feelings towards specific lenders or lenders in general, got projected onto Jews as a whole. Thus, the idea that Jews went into banking hoping to get rich off of hard-working Christians they lended to became a prominent belief (Pinsker 1882). Just as any success a Jews had was a demonstration of how good with money they were and a calculated malicious effort, and a proof of the aforementioned beliefs.

An attention directed to a Jewish person's wealth or involvement with banks is a not so subtle way to point to this perception. Or, talking about Jews being good with money, while not necessarily negative, can further the stereotype or be a microaggression (something less relevant to law than policy). This, unlike the idea that Jews exerting economic influence would not necessarily fall under the IHRA definition (IHRA 2016).

1.2 A Merchant

Trade was another profession that Jews engaged in in large numbers—one also related to finance. There were three large factors contributing to that. A family member engaged in banking would give another family member an advantage in acquiring the necessary capital to start a business venture; And with Jews overrepresented in the former profession, a larger number of other Jews had such an advantage. Secondly, Jews as a group were historically prone to migration (voluntarily, or by persecution or expulsion), with diaspora scattered among many different states (Brenner 2010). And while it would be erroneous to claim that all those Jews helped each other in all cases, many individual Jews had family or friends scattered among different states as well, who were likely to work together. Many found themselves more connected with lands other than the one they resided in (Brenner 2010). Though it is of note that as with any other group, many Jews were more content to work with fellow Jews. As a result of this, the role of Jews as migrants in the Netherlands, the Ottoman Empire, or the Americas often was that of a merchant. Following, with the success many Jewish merchants had, they were perceived as savvy business people and as a special asset to the state's economy—unwanted, but tolerated for usefulness (Krummel 2018). On the other hand, this affinity for travel and connection to different pockets of diaspora, Jews were also seen as untrustworthy, their loyalty to the state of residence under question (Pinsker 1882). The fact that they were not a part of the dominant groups, also served as a key role in that (especially in Christendom) (Krummel 2018). The general populace distrusted them, and disliked the idea of outsiders in trade — local Jews as much as Muslims in the Middle East who mediated trade between Europe and Asia at the time.

To talk about Jews having connections as Jews is to call upon this idea.

1.3 An Outsider

This concept of distrust can be generalized beyond the field of finance. In the context in which religion was intertwined with culture and identity to the point no one thought about it as such, the fact that Jews were perceived to have more in common with Jewish diaspora than the surrounding nation led to the idea that Jews were more loyal to each other than to the state they were in (Pinsker 1882). Two events in the Middle Ages cemented religion as a dividing line—the Crusades, and the Protestant Reformation. During the Crusades, Christianity became a uniting factor for men from many different, sometimes conflicting, principalities in their fight against Muslim hold on lands they believed belonged to Christendom (Shohat 1992). In parallel, Jews became an internal enemy for the crusaders, violently dealt with, illustrating how they were not perceived to be a part of the state, but a usually tolerated outsider (Brenner 2010). The Protestant Reformation was an internal Christian event, but the separation of Christian sects and the resulting Hundred Years' War enabled the transition into an identifier of religion much more visible in the political sphere (Spielvogel 2018). And with toleration extended by Catholics and Protestants towards each other, Jews remained outsiders in both Catholic and Protestant states, with none to protect them as a group.

In the 19th century this perception of Jews came to a head with the question over whether they could be assimilated into the surrounding nation, or if there they constitute a nation of their own, and remain an out-group. Some argued that Jews can be a part of the state in which they live in, so long as they lost the socio-cultural characteristics that made them different (Jewish), such as in France or Germany. Some believe that Jews could not be assimilated at all, such as much of Eastern Europe (Shapira 2012). But both approaches emphasized that a Jew could not be seen as a citizen and included in the nation-state so long as he remained a Jew. The idea that

Jews constituted one connected whole that is foreign to any European state is a deeply ingrained one in the Western Civilisation. And it is one that only strengthens connections various Jews maintain with their family in diaspora, and efforts to provide mutual aid to each other, even lacking any other connection.

To claim that someone must support Israel because they're Jewish is one way to invoke this portrayal, as the IHRA definition acknowledges. However, as will be discussed in chapter II of this memo, in some cases, Jews can be seen as outsiders or traitors without an explicit idea that they are loyal to another state.

1.4 A Race

The idea of Jews as an out-group internal to the state had prompted efforts to separate Jews from the wider community even if they assimilated, through methods stemming from the idea that there is something inherent to Jews that sets them apart on a fundamental level regardless of anything else. Jews were often a subject to expulsion—as with 1290 England, 1492 Spain, or 1498 Portugal (Decree of Expulsion 1497; Edict of Expulsion 1290; Edict of Expulsion 1492). But at the same time, even Jewish converts to Christianity were judged to have something non-Christian in their blood (and not the only association with blood medieval Christians ascribed to Jews) and 19th and 20th century resistance to Jewish assimilation from gentiles (Limpieza de Sangre 1449; Shapira 2012). Post Christian reconquest of Spain many Jews (and Muslims) were forcibly converted in multiple ways, as well as chose to convert to Christianity for better opportunities or out of sincere belief. As a result, many of them were assimilated into the Christian society with no legal way to convert out, mingling with the existing Christian population (D'Avenia 2018). It was hard for Old Chrisitans to accept that the people they so recently seen as inferior and scorned were now considered to have an equal status and could attain success in high positions now, causing widespread discontent and efforts to separate them out again, without a conversion out (Nirenberg 2012; D'Avenia 2018). The result of this was several Purity of Blood Statutes limiting the opportunities that descendants of recent converts had, and discouraging intermarriage with other Christians, with limited exceptions for talented descendants (D'Avenia 2018). The justification was that Jewishness somehow resided in blood, and was passed down in generations regardless of one's faith. At the same time, New Christians were not considered truly Jewish either, and forbidden by the law in engaging in Jewish practices not shared with Catholicism (D'Avenia 2018). This marked one of the major historic points in which some Jews were provisionally included through emphasis and erasure of their Jewishness at the same time.

This can present as the idea that all Jews are the same race (whether all white or a race of their own). The IHRA definition does address treatment of Jews as an interconnected collective, whether on racial or other basis (IHRA 2016). However it does not account for dismissal of non-ethnic Jews as Jews, or on the contrary, ascribing those with Jewish ancestry an identity that they do not consider themselves belonging to.

1.5 A Conspiracy

Finally, at the extreme end, the distrust of Jews manifested itself as accusations that Jews strive to undermine whatever state they reside in, and the world as a whole, bringing everyone under their control. In medieval Spain, the key reason cited in the Edict of Expulsion was that Jews were the cause of New Christians going astray and practicing Jewish tradition behind closed doors—because naturally a practicing Catholic would like to remain a Catholic (Edict of

Expulsion 1492). This practice of Jewish custom by Christian subjects, Judaizing, was considered a threat to Christian authority and to the strict distinction between subjects of different religions so fundamental to the Spanish kingdoms (Nirenberg 2012). As such Jews were seen as incapable of peaceful coexistence by the crown.

Another major conspiracy in the Middle Ages about Jews was the blood libel. It connected the allegation that it was Jews, not Romans, who killed the Christian messiah, Jesus Christ, the accusation that Jews kidnapped Christian children to use their blood in terrible rituals, and witchcraft through common elements associated with those. As a result, the violence against Jews was common, especially around the time of Easter, or if a child went missing (which was not uncommon at the time) (Teter 2020). As Easter is believed to be the time in which Jesus was resurrected, this theme was naturally on Christian minds (Teter 2020). This time also roughly corresponds to the time that Passover took place, and the use of blood as an ingredient for Jewish wine or matza (unleavened bread usually made for Passover by Jews) was a common trope that went hand in hand with the kidnapping narrative (Exodus; Teter 2020). The allegedly kidnapped children became associated with Jesus himself, as an innocent life claimed by Jews for some dark purpose, and a child became a martyr figure; The matza became a perversion of Catholic sacrament just as Sabbath became a perversion of the Catholic mass (Orsi 2016; Owens 2014). And the prevailing belief that blood of Christian children was used to cure male menstruation associated Jews with feminine and perversion of nature at the same time; As does the belief that it was a curse levied on them as punishment for killing Jesus (Owens 2014). Herein lies the connection to witches. The same tropes used to vilify Jews and the same stereotypes were later applied to the witches—from the hooked nose and the wicked red hair to Sabbath rituals and magic aimed at hurting the good Christian community (Shohat 1998; Owens 2014). The most prominent book about witches, the Hammer of the Witches was directly based on a similar Hammer of the Jews (Owens 2014). Thus a stereotype does not have to be obviously related to Jews themselves to be antisemitic, if it relies on historical antisemitic tropes, something prominent since the middle ages.

Protocols of the Elders of Zion is an early 20th century Russian propaganda effort, alleging itself to be the description of meetings between Jewish authorities to discuss how they are secretly controlling the world and how they plan to exercise that power to undermine the Western Civilisation (Protocols of Elders of Zion 1903). At the time of its first release the political landscape was highly unstable, under the rule of Nicholas II, and right on the eve of the Russo-Japanese war, the publication continuing into the time of the Red Revolution (Longworth 2006). With regards to Jews, the late 19th century saw an increase in assimilation, with many young Jews allowed into the public education system, and seeking to engage in the political matters, seeing themselves as not only Jewish, but also Russian, oftentimes participating in the socialist movement of the time (Shapira 2012; Syrkin 1898). But that integration also prompted a violent pushback in the form of state-sanctioned pogroms and increase in antisemitic laws again (Shapira 2012). A wave that none of the social movements that Jews allied with tried to respond to, causing a feeling of betrayal among the Russian Jews, and increased interest in Zionism among them (Shapira 2012). All of it no doubt served as a basis for the theories presented in the Protocols of the Elders of Zion. There is nothing in that book that remotely resembles the truth, and yet it has been and remains one of the most circulated pieces of writing, and a source for many antisemites for their beliefs.

To be fair, IHRA definition does bring up blood libel as an example of a harmful stereotype, as well as accusation of Jews as a whole, but it fails to provide much more understanding than that of the broader phenomenon it fits into. To talk about the “global elites”, “cultural Marxism”, or to accuse a powerful Jew, or Jews as a whole for something in most cases is drawing onto the idea of Jews as those fictitious global elites. At the same time, the “Jew” can be a witch, a gray cardinal, a satanist and more.

2. Anti-Zionism vs. Antisemitism

The examples that IHRA gives as part of their definition of antisemitism emphasize anti-Zionism to a degree that they do not emphasize any other manifestation. Especially so when saying that antisemitism is “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,” and “applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation” (IHRA 2016). To be clear, this memo is not arguing that those are not valid examples of antisemitism, only that the wording is so broad it could be, and has been used, to equate any criticism of Israel and anti-Zionism to be antisemitic, as will be further discussed in Chapter III.

It is impossible to deny that anti-Zionism can be antisemitic, but to say that anti-Zionism is inherently so would be to generalize the criticism of Zionism to a degree unsupported by history. Before the State of Israel was actually established, in the 19th and 20th centuries, a large portion of Jews were anti-Zionist for religious and personal reasons that could not be dismissed as internalized antisemitism.

From the beginning of the Zionist movement and through the establishment of the State of Israel many Jews were opposed to its creation on the basis of religious prohibition, out of consideration of it as unrealistic, and out of belief that Jews did not constitute a nation of their own per se. In recent history up until the 19th century, Jews did not have, nor attempted to create a state of their own. The largest part of opposition was on religious grounds, staked on the idea that the Kingdom of Israel will be reassembled with the coming of the messiah and the beginning of Judgement when G-d decides it as a fulfillment of his promise to his people (Shapira 2012). As such any human attempts to do so can be, and were by many Jews, seen as an affront to G-d and distrust towards his judgment. This criticism can be seen to this day from ultra-Orthodox communities within and outside of Israel, though they have become less common over the years (Sapir & Statman 2019). To say that a sentiment so deeply rooted in Jewish theology was antisemitic would be disingenuous.

Additionally, with Jews being so scattered, and a minority in all the states they resided in, it was a far-fetched idea that they could organize to create an independent state of their own with no support from a state that is already a world power. This is the reason why many Zionists appealed to European states to support the Zionist project (Herzl 1898). But not everyone considered that a likely scenario. Another source of opposition came from those Jews, mostly Western European and American, who considered that while they remained distinct as Jews, they could become a part of the state they resided in—and more than that, that they should (Shapira 2012, Pinsker 1882). At the crux of that argument was the opposition to the idea of Jewishness as a race, and the transition to the perception of it as a religion that can be separated from citizenship (Batnizky 2011). All of those became less and less prominent over the last century and a half with Holocaust (highlighting a need for a state that would support and protect Jews) and the actual creation of the State of Israel (Shapira 2012). Nevertheless, historically the criticism existed, and while lessened, never disappeared As such to say that anti-Zionism can only be antisemitic is erroneous.

3. The State of Israel

Finally, this memo will discuss the idea of the State of Israel as the new "Jew" that some proponents of the IHRA definition argue, reasoning that thusly, criticism of it can be seen as a continuation of antisemitism (Lewin 2019). And while the IHRA definition does not claim that explicitly, the language around the State of Israel that it uses, especially in regards to the idea that antisemitism can present as singling out the State of Israel and applying to it double standards not expected of other democracies is much more appropriate for a person or disorganized group of people than a state.

It is not an entirely incorrect statement, anti-Zionism can be a manifestation of antisemitism, even if it is not inherently such. However, as perhaps rather obvious to point out, a state is not a person, and therefore cannot be entirely treated as such. This memo will discuss all the ways in which historical tropes associated with antisemitism simply cannot be applied to the State of Israel wholesale for this reason. And, at the same time, the difference between the power dynamics that go along with it.

3.1 The Roots of Antisemitism, a Person, and a State

The state as an entity in itself cannot be fit into a perception of a person entirely. Firstly, in regards to commerce and finance, the relationships between two states are inherently tied to those two concepts in the modern world. As such, the discussion of Israel in those terms is not necessarily comparable with stereotypes of Jewish bankers and merchants. Secondly, the idea that Jews are outsiders—it does not map entirely onto state interrelations in the same way. And the State of Israel is recognised as a global power, and a Western democracy by many other states, and has the influence accompanying it (Lelkes & Malka 2016). Thirdly, in regards to Jews as a racial group, it cannot be applied to a state at all, only to its residents, shifting the idea back onto Jews as a group, with individuals that might or might not be connected to the State of Israel. And the connectedness of Israelis is assumed more on the basis of citizenship than the idea of the Jewish nation. Lastly, with regards to the idea of Jews as conspirators, it very much relies on the idea that Jews are a scattered people as discussed before. It is undeniable that there are conspiracies surrounding the State of Israel, of course, but many of them still rely on Jewish diaspora, which cannot be assumed to all be connected to the state of Israel. Which presents a similar issue as the last topic. In the end, it is hard to separate antisemitism directed at the State of Israel from the Jewish people, and the idea that the state itself is the new “Jew” is deemphasizing the forms of antisemitism that is used against people.

Many antisemitic tropes derive from the fact that Jews were a minority, and thus had little power in the state they resided in. On the other hand, when discussing the State of Israel as a target for antisemitism, it is important to acknowledge that it is a global power, and holds much more influence than any Jewish community in the Current Era. To argue that the State of Israel is the new “Jew” is to overlook the history of Jewish marginalization and the resulting antisemitic stereotypes and manifestations—the connection that has been discussed in the first section. And it is to overlook the power that the State of Israel holds as a collective, which was the explicit goal of 19th century Zionism; To have land where Jews are safe, and to have the military power to defend the land and Jewish diaspora (Herzl 1996).

3.2 Antisemitism as a Reflection

Lastly, in discussing the State of Israel as the new “Jew”. The assumption is that antisemitism is something continuous that can be transferred onto a new subject. However, for all the common themes in how antisemitism manifested itself throughout history, it is not accurate to say that it has remained entirely unchanged; On the contrary, the most prominent theme in antisemitism is how it is a reflection of the challenges and anxieties the society faces, and cannot remain entirely static (Judaken 2018). All of the trends this memo has discussed prior have a historical context associated with them for that precise reason. It is hard to discuss the stereotype of a Jew as a banker or merchant without acknowledging that it comes from the overrepresentation of them in those professions. It is challenging to acknowledge the status of Jews as outsiders in the eyes of medieval Europe without contextualizing it with the discussion of religious wars of the period. It is impossible to talk about the accusation against Jews of kidnapping children without linking it to Blood Libel and reflecting on the way Christian populace conceptualized nature and faith. The conspiracy presented in the Protocols of Elders of Zion is inextricable from the tumultuous period in Russian history at the end of the 18th century. There is not a single antisemitism that can be projected onto criticism of the State of Israel conceptualized as a collective “Jew”.

Conclusion

Throughout history Jews were a minority group within the many states in which Jewish communities spread to, oftentimes facing violence and segregation from the general public. But as Jews established diasporas as a result of that persecution, either forced or threatened out, they struggled to assimilate anywhere, refusing to integrate entirely. As a result of the continual migration, many Jews had relatives and communities in a variety of countries, allowing for advantage when engaging in trade which together with being forced into finance, as a field largely inaccessible to Christians on religious grounds, fostered the idea that Jews were wealthy and good with money, as well as greedy and immoral as a result of any profit. With the general Christian desire to separate themselves from Jews, all of this became a justification to label Jews as an internal enemy that cannot be entirely trusted or assimilated.

The IHRA definition is inadequate when discussing the historical context of antisemitism, and the way that the modern manifestations are rooted within that context. It places an emphasis on the State of Israel to a degree not supported by historical trends, at the same time as giving an impression of staticness of antisemitism, and is vague on how antisemitism looks beyond mere depictions of violence and hatred.

Chapter II: Contemporary Issues and Trends in Antisemitism

While the IHRA definition provides useful guidance in the study and tracking of antisemitism, adoption of the definition by governments and institutions as an enforcement mechanism may be counterproductive. Because the majority of the examples of antisemitism used in the IHRA definition link antisemitism with Anti-Zionism, it may not capture modern trends in antisemitism. By causing a focus on Israel, the IHRA definition does not address the much higher prevalence of antisemitic attitudes on the political right. Rather, opposition to antisemitism should be considered part of the larger struggle for human rights and elimination of xenophobic and racist ideologies. The IHRA definition is useful for its intended purpose of data collection, but dangerous as a legal or policy definition. Instead, institutions should use more hate speech codes and similar standards for any definitions to be adopted for use in institutional policy.

An institution or government contemplating adoption of the IHRA definition must be cognizant of the current political landscape. The rise in antisemitic attacks in recent years is well-established, but the fight to combat this pervasive problem should focus on ferreting out the complex milieu of ideologies and conspiracies motivating the rise in antisemitic incidents. On the political right, the mainstreaming of white supremist ideologies trading age old antisemitic tropes can be correlated with many antisemitic and racist attacks. The political left is not immune to antisemitism, however. Some left-wing critics of Israeli policy have drifted into antisemitic ideology, including making claims that Jews have an outsized influence on American foreign policy, or that Zionism is inherently racist and imperialistic. Adoption of any particular definition of antisemitism by an institution would detract focus from multifaceted and ever-changing ideologies giving rise to antisemitic incidents and attacks.

1. By the Numbers—Statistics on the Sources of Antisemitism and Antisemitic Violence Statistics of Antisemitic Incidents

Any evaluation of the adoption of the IHRA definition must take account of the sources and causes of the recent rise in antisemitic incidents. The Anti-Defamation League (ADL) reported a significant increase in antisemitic incidents in the United States in 2022, with 3,697 incidents recorded, a 36% increase from 2021 and the highest number on record since 1979. The increase occurred across all categories, including harassment, vandalism, and assault. The ADL noted that the increase cannot be attributed to any one cause or ideology, but significant surges occurred in organized white supremacist propaganda activity, K-12 schools, college campuses, attacks on Orthodox Jews, and bomb threats towards Jewish institutions.

The Pew Research Center stated that in 2020 “more than nine-in-ten U.S. Jews surveyed say there is at least some antisemitism in America, and three-quarters say there is more antisemitism in the U.S. today than there was five years ago” (Pew Research Center, 2021). This may be due to widely-reported incidents such as the Charlottesville rally, and deadly shootings at Synagogues. Many Jewish Americans believe that people who hold antisemitic views now feel more free to express them, rather than that the number of Americans who hold antisemitic views is rising. About six in ten Jewish Americans have had a personal experience with antisemitism in the past year, and over half feel less safe as Jews in America than they did five years ago. However, most do not feel that they are the only group facing challenges in American society and are more likely to say that Muslim and Black Americans face substantial discrimination.

The high percentage of Jewish Americans who say there is at least some antisemitism in the U.S. today, including those who say there is "a lot" of antisemitism, is motivated by several factors. The impetus for this trend may include an increase in hate crimes against Jewish individuals and communities, including vandalism of Synagogues and cemeteries, verbal harassment, and physical assault. Another factor could be the public promotion of antisemitic ideologies and conspiracy theories by some individuals and groups, particularly online. Additionally, the rise of extremist and nationalist movements in the U.S. and other countries may have contributed to an increase in antisemitic sentiments. These trends have been observed globally and have prompted concern from international organizations, governments, and communities. Jewish Americans who wear distinctively Jewish items, women, older Jews, Jewish Democrats, and Jews with less education are particularly likely to say there is a lot of antisemitism in America.

IHRA's focus on Israel in its examples of antisemitism does not reflect what surveys for political organizations outside the Jewish community show. In a YouGov survey conducted in 2020, U.S. Americans were probed about antisemitic attitudes in order to test the hypothesis "is the higher rate of antisemitism in 18–30 year olds attributable to higher rates of antisemitism on the young left and young right?" (Hersh and Royden, 2022).

Hersh and Royden 9

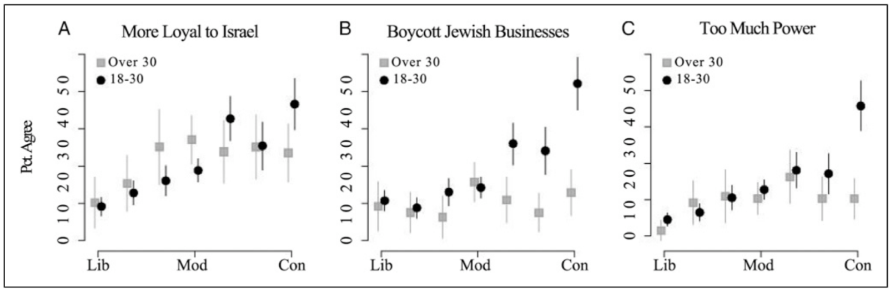

Figure 2. Overt antisemitic attitudes, prime versus no prime.
Note: Means with 95% confidence intervals are shown. Graph combines prime and non-prime conditions; 2430 respondents 18–30 and 746 respondents 31 and older.

As one can see on Figure 2 above, when it comes to endorsing antisemitic statements, young adults who identify as strong Republicans or very conservative exhibit the highest rates of agreement across all three indicators, while the discrepancies between left and right attitudes are less pronounced when measured by party rather than ideology. Another way of framing this muted effect is that, among young people, 20 percent of liberals, 30 percent of independents, and 47 percent of conservatives concur with at least one of the three antisemitic statements (Hersh and Royden, 2022). Moreover, in the IHRA definition 7 out of the 11 examples of antisemitism are based around Israel, but conservative respondents from the right side of the American political spectrum are more than double as likely to hold antisemitic beliefs. Any definition or approach to stopping antisemitism should take this fact into account.

1.1 Antisemitism in Europe

The importance of focusing on antisemitism motivated by right wing ideologies, and not those connected to Israel, is even more evident when we look toward the ongoing antisemitism in Europe. Out of the 45 countries in Europe, 41 of them subjected Jews to government restrictions, social hostilities, or both in the year 2020 (Pew Research Center, 2023). In 2020, certain instances of anti-Jewish rhetoric were linked to the global COVID-19 pandemic. In the United Kingdom, for instance, online dissemination of antisemitic conspiracy theories alleged that Jews took advantage of the pandemic-related lockdowns to "steal everything." Similarly, in Italy, antisemitic posters and graffiti were found defacing properties, including one incident where a Star of David was featured alongside the words "equal to virus" (Pew Research Center, 2023). These incidents could very well have stemmed from a right-wing conspiracy which “linked the Rothschild family—the European Jewish banking family and avatar for Jewish plots to control the world—to the creation of the virus" (Weiss, 2022). Ever since the beginning of the COVID-19 pandemic, these Neo-Nazi and antisemitic remarks have become increasingly popularized, especially at anti-vaccine and government mandate rallies across the globe (Weiss, 2022).

Statistics released in May from Germany indicated a sharp rise in politically motivated offenses, with the number of such crimes increasing from 44,692 in 2020 to 55,048 in 2021, representing an uptick of over 16 percent in politically motivated violence. During the first half of 2022, the Ministry of Interior documented 9,167 crimes motivated by right-wing ideology, including 418 acts of violence. Additionally, data from the Federal Criminal Police Office (BKA) revealed a nearly 29 percent increase in antisemitic hate crimes from 2020 to 2021, with the BKA recording 965 incidents of antisemitic offenses in the first half of 2022 (Human Rights Watch, 2022). The month of July 2022 witnessed the desecration of the memorial for victims of the Buchenwald concentration camp, where vandals maliciously cut down the trees. Meanwhile, German Chancellor Olaf Scholz came under intense criticism for failing to promptly condemn a statement made by Palestinian President Mahmoud Abbas, which was perceived as drawing parallels between Israeli actions and the Holocaust (Human Rights Watch, 2022).

2. Left-Wing Antisemitism—Discrimination Against the Jewish State and the Collective Rights of Jewish People for Self Determination

By equating anti-Zionism with antisemitism, the IHRA definition could bring those fighting antisemitism into conflict with left-leaning and human rights causes. Many new left ideologies became entrenched among mainstream liberals in the decades following the Vietnam War. Anti-Zionism and antisemitism have become increasingly entwined. The accusation of deicide, which dates back two millennia, was secularized, and the Jewish state is accused today of committing genocide against defenseless Palestinian Arabs. As the vilification of Israel has become popularized, “It has become fashionable on the left, and increasingly in the liberal mainstream, to demonize democratic Israel while ignoring or downplaying persecution and atrocities routinely committed by authoritarian regimes” (Norwood, 2021).

Due to stereotypes about Jews' participation in capitalism or because of their solidarity with Palestinians in the Israel-Palestine conflict, the political left, which is normally sympathetic to disadvantaged minorities, may view Jews not as an oppressed religious community but as oppressors (Lerner, 1992).

Prior studies on left-wing antisemitism have tended to concentrate on how the left's opinions on Israel have evolved. There has been a political shift in opinions about Israel over the past 20 years. Younger members of the left, in particular, no longer support Israel in the Israel-Palestine conflict. Recent left-leaning social movements frequently support Palestine and criticize Israel (Bzour, 2015). Although there is a theoretical possibility that antisemitism and negative sentiments about Israel are not related, previous research has demonstrated that they are. Kaplan and Small (2006) posed a variety of questions about Israel/Palestine and a different questionnaire about Jews to Europeans. Strongly anti-Israeli respondents were also more likely to hold antisemitic beliefs unrelated to the Israel-Palestine conflict, such as that Jews hold too much power in the financial sector, or that Palestinian suicide bombers against Israeli civilians are justified. Similar results have been obtained by other investigations. Liberals who prefer to sympathize with the oppressed over the oppressor and who consider Israel to be an oppressor may have unfavorable feelings toward Jews in general since they view them as the oppressor. Liberals may not like Jews as a group because they support a set of pro-Israel views they consider to be oppressive, just as liberals may not like evangelical Christians if they recognize evangelical Christians as a group of people that maintains a set of ideological views they find oppressive (such as anti-LGBTQ). Liberals may go too far and start to blame Israel's problems on all Jews as a whole.

2.1 The Black Lives Matter Movement and Antisemitism

Adoption of the IHRA definition could cause unnecessary conflict with other human rights initiatives such as the BLM movement. This comparison of Israeli policy to Apartheid (or even Nazism) has bled into other seemingly liberal causes such as the Black Lives Matter movement, a powerful but amorphous and generally leaderless cause acknowledged by the ADL and other organizations as a positive modern civil rights movement. Due to the decentralized nature of the movement, its policy stances are difficult to glean. Certain leaders of the movement, however, have expressed strongly anti-Israeli and pro-Palestinian opinions. In particular, a manifesto issued by the Movement for Black Lives, a coalition of interest groups representing a subset of the movement, claimed that Israel is an apartheid state, and that U.S. military support for Israel amounts to complicity in genocide. Perhaps inspired by such utterances, a BLM protest in Los Angeles resulted in vandalism against a Synagogue with the spray painting of “free Palestine" and “F*** the Jews” (Kertscher, 2020). Such incidents suggest that anti-Israel policy rhetoric can trickle down into antisemitic attacks.

2.2 Berkeley Law School

In August of 2022, Berkeley Law students for justice in Palestine passed a bylaw that would “not invite speakers that have expressed and continued to hold views or host/sponsor/promote events in support of Zionism, the apartheid state of Israel and the occupation of Palestine," the student group claimed this change needed to be instilled to "promote the welfare of Palestinian students," but this change was seen by many, including the dean of Berkeley Law, Erwin Chemerinsky, as antisemitic (Patel, 2022). This controversy sparked a debate about free speech, but student groups are indeed allowed to ban speakers whose viewpoints they disagree with, and as Chemerinsky said, "many Jews view Zionism as integral to their identity, but such deep passions do not change the law," and this bylaw is therefore legal as it is not inherent discrimination based on "race, religion, sex or sexual orientation" (Patel, 2022).

2.3 Left-Wing Anti-Zionist Political Statements

An environment of healthy political discourse includes occasional criticism of Israel, just as it allows for criticism of any nation state. However, a portion of the left promotes viewpoints that cross the line from valid criticism to antisemitic tropes. Some candidates on the political left in the 2022 election cycle have adopted anti-Israel rhetoric that range from fiery to dangerous and antisemitic. Several have played into antisemitic tropes about Jewish political dominance and wealth. Some target their animosity and contempt toward "Zionists," which disproportionately impacts American Jews, as the majority considers a connection with Israel to be part of their Jewish religious, cultural, and/or ethnic identities. Various left-wing political candidates have even accused Israel of genocide or of seeking to physically eliminate Palestinians. This is an outlandish, wholly fictitious assertion with no basis in reality that frequently galvanizes great antagonism towards Israel and against Jews who simply support Israel's existence. It is perhaps unsurprising that such biased allegations have caused some to condone, encourage, or incite violent resistance against Israel. After the murder of Iranian military commander, Qasem Soleimani, by the U.S. military in January 2020, one hazardous remark emerged. California Congressional candidate Jose Cortes, who is backed by the Green Party and the Peace and Freedom Party, endorsed discourse from the Iranian Revolutionary Guard Corps (IRGC), a U.S. State Department-designated terror organization that openly rejects to acknowledge Israel's existence and seeks to destroy it with military force.

Throughout the May 2021 Hamas-Israel conflict, Cortes argued that all Palestinian violence is legitimate, tweeting: "Oppressed people have the right to liberation by any means necessary" (ADL, 2022). Several left-wing candidates have claimed that Zionist money donations predominantly influence pro-Israel legislation in the United States. Ilhan Omar (D-MN) is one such person who has perpetuated this trope, as well as several other antisemitic tropes. Omar tweeted several times, once quoting rap lyrics "It's all about the Benjamins baby"—implying McCarthy's decision was motivated by the lobby's prodigious spending. When asked explicitly who she was referring to, Omar said, "AIPAC!" (The American Israel Public Affairs Committee) (Grim, 2019). Omar also posted a video on Twitter that attracted condemnation from Republicans and Democrats alike, who accused Omar of associating the United States and Israel with Hamas, a terrorist organization, and the Taliban (Harris, 2021). When sentiments like the ones above become prevalent, more charged and inflammatory statements, often approaching overt and dangerous antisemitism, can emerge.

Antisemitism cannot be ignored for any reason, as excluding Jews or Jewish groups from civic life is inherently antisemitic, regardless of who is perpetuating it, and as said by Johnathan A. Greenblatt, the CEO and national director of ADL, “denying the right of Jews—alone among the peoples of the world—to the right of self-determination is antisemitism even when you call it ‘anti-Zionism.’ Denying Jews the rights afforded to other people is discrimination” (The Washington Post, 2021).

3. Right-Wing Antisemitism—Replacement Theory as a Key Theme in American Politics

3.1 ‘Great Replacement’ Theory

One of the prime factors in the recent rise of antisemitic rhetoric and behaviors is the place that Jews play in mainstream conservative media and extreme right political movements in the U.S. The “Great Replacement” theory, once a marginal concept in American politics, has become a central conspiracy theory which prominently features Jews. The moderate to far-right typically sees Jews as either pretending to be white, or as disloyal to the white race—“a faux-white race that has tainted America”—or disloyal white people—“the ultimate betrayers of the white race” (Weiss, 2019, 68). Right-wing antisemitism in the United States is to blame for incidents like murders at Synagogues in 2018 and 2019. In Charlottesville in 2017, white supremacists were heard saying, "Jews will not replace us," and during the Capitol siege in 2021, they were observed carrying pro-Holocaust memorabilia.

3.2 Background of the “Great Replacement” Theory

So what exactly is the Great Replacement theory? The Great Replacement conspiracy theory promotes the idea that Jewish and leftist elites are conspiring for white populations to be ethnically and culturally replaced by non-white immigrants, which will result in a "white genocide." This idea held that the masses of indebted non-whites would keep the cabal of political and business elite in power.

It is said to have its origins in French nationalism in the early 20th century. According to the ADL (Anti-Defamation League), French author Renaud Camus, who thinks immigration from Africa and the Middle East would eventually cause the demise of the native white European race, popularized it recently. According to the ADL, the false claim is antisemitic since it is widely held by white nationalists both domestically and internationally that Jews are actively promoting non-white immigration. Jews were seen as the single greatest threat to white civilization, according to Nazi Germany's worldview, which also included the notion of a “white genocide” and the “replacement theory” for white people. Over six million Jews were slaughtered by the Nazis during WWII.

3.3 Tucker Carleson and the Amplification of the “Great Replacement” Theory

Versions of the Great Replacement theory have gained mainstream popularity through specific conservative media outlets and political proponents, although originally mostly restricted to chat rooms and discussion boards in the more obscure regions of the internet. In a television appearance from last year, Fox News host Tucker Carlson said that the Democratic Party was "trying to replace the current electorate" in the United States with "new people, more obedient voters from the Third World." This drew condemnation from critics, but allegations of racism have been disputed by Carlson. Nicole Hemmer stated that Carlson’s show "has been both a source of that kind of nationalist, populist conservatism that Donald Trump embodied, but it's also been a clearinghouse for conspiracies" (Bond, 2023). Hemmer went on to say "it's showing up on Fox News, which was treated by other news organizations as a legitimate journalistic organization that has millions of more viewers and has viewers who haven't already been radicalized into these conspiracies” (Bond, 2023). In July of 2020, “Tucker Carlson Tonight” became the highest-rated primetime television program across the entirety of all cable news, averaging at about 3.2 million nightly viewers, “that makes Carlson so much more powerful and influential in the broader conservative movement" (Bond, 2023). According to Angelo Carusone, president of the liberal watchdog Media Matters for America, Carlson took a white nationalist conspiracy theory that was really only on the fringes of society and made it a part of his show, Fox News culture, and ultimately Republican politics. Adopting the “Great Replacement” theory perspective actually did become acceptable. Comments made in reference to Carlson's show on Fox have sparked outrage for their blatant promotion of antisemitism and bigotry. Some of these quotes include: “You know who needs to go? Not Tucker Carlson or White people, not even blacks, or Asians. JEWS need to go. Once that happens, the rest of us can sort out our differences and separate.”- Telegram, and “Tucker sat down and proved white genocide was real. That white nationalists and white supremacists were 100% right and that it is being systematically implemented globally to genocide whites and make them powerless oppressed minorities within what were once their own borders. But that requires action…” - 4Chan (ADL, 2021).

Identification of American Jews as a minority requiring protection has encountered resistance on the basis that, as a demographic group, they have a high economic status wherein “on average, Jews report higher household incomes than other Americans,” and most describe themselves as white, “92% of U.S. Jews describe themselves as White and non-Hispanic, while 8% say they belong to another racial or ethnic group”, yet unlike people who share those characteristics, they often hold liberal social beliefs and are pro-immigration and pro-racial equality (Pew Research Center, 2021). According to earlier research, American Jewish liberalism is not an accident but rather a political expression of Jewish identity; The particular history of Jewish oppression may have influenced this. If conservatives believe Jewish religious principles to be in direct opposition to their chosen conservative policy viewpoints, they may harbor unfavorable feelings toward Jews. The challenge to status and rivalry to be perceived as a victim are other theories regarding the origins of antisemitism. One rationale for white people, especially those from lower socioeconomic status, turning to Donald Trump's brand of politics is the threat to their status. These voters might blame the scapegoating of Jews, whom they see as disloyal whites and proponents of globalization and diversity, for their negative sentiments regarding immigration, diversity, and globalization. Antisemitism on the right may also have a religious undertone. Some American Christians have developed a religious animosity toward Jews as a result of Christian orthodoxy. The hatred of Jews over Jesus' death can bleed over into the secular world, for example. Given that Republicans are largely made up of strongly identified Christians, especially White Christians, it is possible that right-wing antisemitism truly stems from this particular form of Christian religious antisemitism.

3.4 Most Violent and Deadly Incidents Over the Last Few Years

3.4.1 Tree of Life

In 2018, 11 congregants were killed in a Pittsburgh Synagogue at the Tree of Life shooting. This rampage was labeled as “the deadliest against the Jewish community in the United States” where innocent congregants were “brutally murdered by a gunman targeting them simply because of their faith” (Robertson, Mele, Tavernise, 2018). Hours before Bowers, The Tree of Life gunman, entered the Synagogue, he posted on the HIAS website, a Jewish nonprofit organization, stating “HIAS likes to bring invaders in that kill our people, I can’t sit by and watch my people get slaughtered. Screw your optics, I’m going in” (Robertson, Mele, Tavernise, 2018). This horrific statement was not the first posted by Bowers on the HIAS website, as he posted one statement weeks prior due to the organization having arranged for a shabbat ceremony for refugees. This shooting was a planned and calculated attack, rooted in antisemitic ideas, and heavily influenced by the "Great Replacement" theory.

3.4.2 El Paso Walmart

The Great Replacement Theory was directly cited in the manifesto written by the El Paso Walmart murderer, who killed 22 people in 2019. This shooting is among the deadliest attacks in United States history rooted by white supremacy, and "56 percent of the extremist murders committed in the United States over the past decade were carried out by people espousing white supremecist ideology such as the great replacement" (Eligon, 2019). Renaud Camus, the man who coined the "Great Replacement" theory phrase, denied having any role in inspiring this shooting, but he has certainly sparked this conversation among white nationalists. Camus's writing and the "Great Replacement" theory state that white people are at high risk of genocide, which is "a shift in the narrative from 20 years ago, [...] when white supremacists mostly talked about their superiority as a race," whereas now the conversation has shifted towards the notion that white people are victims, and should be scared for what is to come (Eligon, 2019). Although the United States has always faced issues of white nationalists, this rising violence perpetrated by the Great Replacement theory is of high concern, especially based on how popular it has become.

3.4.3 Buffalo Tops Grocery

The Buffalo Tops grocery shooting gunman, who left 10 innocent civilians dead, wrote a manifesto before the brutal attack where he stated he had specific plans to murder Black people and mentioned the "Great replacement" theory. Gendron, the Buffalo gunman, had included a multitude of antisemitic and racist memes in his manifesto and claimed he was “radicalized on 4chan while he was ‘bored’ at the beginning of the coronavirus pandemic in early 2020” (Collins, 2022). Gendron also cited Brenton Tarrant, who had killed 51 at the New Zealand Mosque shooting in 2019 under the same guise of the “Great Replacement” theory.

Conclusion

To characterize antisemitism as a uniquely right-wing or white nationalist phenomenon would be an unfair overgeneralization. When the most direct and violent attacks inspired by antisemitism are analyzed, however, it is impossible to avoid the correlation between these attacks and the spread of the ”Great Replacement” theory and other antisemitic ideas within right-wing and even mainstream conservative media. Combating antisemitism should be viewed as part of the broader struggle against xenophobic and racist attitudes. Therefore, policymakers searching for a definition of antisemitism should avoid overly broad definitions, such as the IHRA definition, which unduly confuses or conflates antisemitism with criticism of Israel, such that the fight against antisemitism remains squarely within the broader struggle for human rights and against racism and xenophobia.

Chapter III: Implementation, Challenge, Limitation—The Stakes of The IHRA Definition

As the target of widespread adoption efforts, the IHRA definition of antisemitism can be judged to be problematic based on its inability to capture the historical and contemporary trends which define antisemitism and its inherent complexities. To clarify, the weaknesses of the IHRA definition are through no fault of its own in the purpose for which it was originally intended. However, even disregarding the prior weaknesses of the IHRA definition of antisemitism outlined in the previous chapters, the definition remains lacking as a legal standard for the additional issues it creates in its wording and application. By nature, the definition's misuse poses significant threats to the broader context of this policy memo and can, as well as, has legitimately challenged fair means of expression: criticism, discussion, advocacy, etc.

As a codified entity, the IHRA's definition and its potentially applicable usages threaten to upend protections for free speech in the legal silencing of opposing viewpoints, the erosion of educational autonomy, and the suppression of good-faith political activism, and as such, should be disqualified for usage as a legally enforceable definition. Gauging the stakes in the push for and against the IHRA definition, it is important to understand not only concerns over its effectiveness in being able to address the most pressing forms of the issue but also its lasting effects on society, all determined around the authority and claim of what legitimately defines antisemitism.

1. Silencing the Opposition

Following the precedent of other critics on the implementation of the IHRA definition on antisemitism, a primary concern and key point of contention with the written provisions of the definition is its potential for litigated misuse (Stern 2019). Focused specifically on the implementation of the IHRA definition to produce retribution measures for any type of speech opposed to the Israeli state, critics fear a broad abuse of the term to chill dissent and fundamentally alter the public discourse in a negatively restricted way.

Contextually, and as explored in the previous chapter, antisemitism has grown globally over the past decades, the subsequent result fueling the drive to seek greater methods of protection. Advocates of the IHRA, derive from this strain of thought, with common worries surrounding persecution of the Jewish people through mediums of Israeli-targeted critique and anti-Zionist sentiment (Goldfeder 2023, 425). While the IHRA definition does respond to increasing antisemitism, the push behind it is nowhere near universal and has a clear political bias**.** Although it is common to see supporters of the IHRA definition refer to opponents as “far-left,” or “fringe,” the debate around a reasonable definition of antisemitism is a contentious one within the Jewish community itself and is liable to split those who view it and its robust protections of Israel as common-sense or those who see it as censorship (Klein & Tuchman 2021; Schrader 2021).

Taking the example of Title VI which prohibits discrimination under the 1964 Civil Rights Act, at least 18 complaints have been filed in the past two decades on allegations that “Palestinian rights activism, which critiques Israeli policy and practices, is a form of anti-Semitism,” (Gavriella 2021). Expressed through pervasive attention towards organizations such as the Boycott, Divest, and Sanctions (BDS) Movement, and the Students for Justice in

Palestine organization (SJP), political action by Palestinian or Palestinian-aligned groups is frequently claimed as antisemitic and a threat to the operation of educational zones (Atkins & Elman 2021). Since executive order 13899, *Combating Anti-Semitism*, under the 45th POTUS which privileges the IHRA's definition of antisemitism, criticism of Israel, the use of anti-Zionist speakers, or actions of faculty are likely to face legal ramifications (Musher 2021). To be clear, this is an intended effect of adopting the IHRA definition, to both gain leverage over public institutions as well as, in campus adoption, punish students and academics for their activism by blurring lines between anti-Israelism and antisemitism (Himmo 2021; Klein & Tuchman 2021). Obfuscation of truly antisemitic parties is precisely where concern surrounding the adoption of the IHRA definition in private or public entities emanates. Quoting Harvard's Professor on Jewish History, Derek Penslar, the IHRA "definition has been invoked in efforts to restrict the free and open exchange of ideas beyond the necessity to protect public safety and prohibit discrimination and harassment," and in doing so weakens the legitimacy of the IHRA definition in any form of practical use (Penslar 2021).

Formal adoption of the IHRA definition enshrines a set of guidelines fundamentally flawed for the purpose of purely combating antisemitism. By expanding the scope of antisemitism to Israel and Zionism, a practical or effectual version of the IHRA's definition marginalizes the experience of the individual among standard forms of debate while simultaneously weaponizing what should be a protective tool.

2. Education & the IHRA Definition

The IHRA definition is understood to have substantial effects in education with fears surrounding the erosion of academic freedom and free speech originating from both sides of the debate (Atkins & Elman 2021). Regardless of perception, the IHRA definition does seek to shape discourse and, being a conversation typically centered around higher education and college campuses, the stakes outlined by the threat of the IHRA definition center around the autonomy of institutions and the capacities of educators to deal with complex subjects in a nuanced manner.

Within the realm of the institution, the most pressing issues posed by IHRA and its control of free speech has been the conversation surrounding permissible engagement with the Israel-Palestine conflict and its effects on Jewish students. The IHRA definition has largely been used in reference to student movements on behalf of Palestine, characterized by Israeli-affiliated sources as "harassment of Jewish students" and "demonizing and delegitimizing Israel" (Klein & Tuchman 2021). For the advocates of the IHRA definition both within and outside of college campuses, adoption is a matter of alleged and perceived safety, wherein criticism of Israel makes persons feel less safe and fosters education viewed as antisemitic. In this mobilization of the definition, there is a concerted effort to control campuses and the ways in which speech can be used towards specific things such as Zionism or Israel—topics which have fallen out of favor with an increasingly liberal educational environment (Klein & Tuchman 2021). **T**he sentiments expressed have had a tangible effect on the choices made by donors and supporting bodies and have had far-reaching consequences for universities across the world. What's important to understand in the debate over campus safety, however, is that the IHRA definition produces its own sense of insecurity among student populations and can both "silence […] students active in support of Palestinian rights" or functionally erase the lived experience of Palestinian students (Himmo 2021). While safety is important within the personal lives of individuals, the questions evoked by the IHRA definition are both whose safety counts as enforceable and whether colleges are built for the safety or challenge of students.

Through the ability to financially, legally, and socially censor academic spaces, the goals of the IHRA definition movement is in practice, to silence critical discussion of antisemitism and its reasonable bounds. In attempts to “chill campus speech,” numerous complaints and instances of litigation have been filed resulting in varied challenges against Palestinian student organizations, campus events, university speaker panels, course offerings, etc to varying degrees of success, but with consistent aims to label and block these instances as antisemitic (Palestine Legal 2020). In an instance at Temple University in Philadelphia and Stockton University in New Jersey, there were several attempts to cancel a panel critical of the potential misuse of the IHRA definition itself, with the event being derided as both antisemitic and as “abhorrent” and an “abomination” (Penslar 2021). More importantly, the threat of lawsuits, punishment, and the variety of restrictive measures the IHRA definition animates has resulted in the self-censoring of numerous educators and speakers. Therefore the complexity that are Israeli-Palestinian relations and the very real concerns brought by the current state of affairs have been effectively silenced from modes of education. While antisemitism cannot and should not be tolerated, the application of the IHRA definition is a functional check to educational autonomy and the ability of institutions to critically engage with the rest of the world. According to Kenneth Stern, the lead drafter of the IHRA definition, and in conjunction with thought published by the American Association of University Professors, the ultimate goals of the IHRA adoption movement, match a broader trend of “political attempts to restrict the public education curriculum and to portray some forms of public education as a social harm”—the ultimate result of which is a codified erasure of Israeli criticism and academic acknowledgment of Palestinians whatsoever (Stern 2023; AAUP 2022).

3. Good-Faith Political Activism & Society

The IHRA definition's potentially most impactful consequence is the elimination of good faith political activism and reasonable debate from conversations surrounding Israel and its unique geopolitical conditions. This section defines good-faith political activism as legitimate criticism of the state or associated factors from a non-ad hominem basis. IHRA definition advocates would claim that worries over such matters are either baseless or the result of intentional malice (Goldfeder 2023). The same groups are simultaneously more likely to perceive anti-Zionism as explicitly antisemitic, despite historical context or background of the critic informing a more complicated relationship than pure rejection of Jewish identities (Lewin 2021). Within the argument advanced by this memo, neither accusation is true and it remains important to realistically judge the active usage of the definition before defaulting to acceptance of its terms. As the previous sections have attempted to showcase, the IHRA definition of antisemitism can and has been utilized to legally control narratives, affect the educational space, and most dangerously, leveraged against legitimate concerns and actors.

The opposition to the IHRA definition isn't merely a ragtag group of antisemites, but rather a broad coalition of Jewish academics, Palestinian organizations, and reputable groups such as the American Bar Association, collectively animated by threat posed by the IHRA to free speech and civil engagement (ABA 2023). For the absolute majority of actors, their concerns are preserving legitimate means to level critiques against Israel and directly address the human rights abuses enacted by the country (PHROC 2019). What makes this information important, is that opposition towards the IHRA definition does not stem from an intention to strip protection against discrimination leveled towards the Jewish people (most organizations explicitly state this in their letters of dissent), it is the implementation of the IHRA definition itself that is the issue.

When it comes to opposition towards the IHRA and fears surrounding its application, the major concerns that can be seen are genuine considerations of the definition's use in "political intervention into hiring; attempts to prevent access to event venues and the attempted cancellation of public events on Palestine as well as targeting and doxing" (IJV 2022). Despite nominal innocence of the IHRA definition as "guidelines" or "non-legally binding," the effort behind the definition's usage has pushed forwards to enforce its provisions and actively stifle conversations around Palestine (Bard 2021). Founded on prior precedent, good-faith political activism, and equitable representation, do not appear to be concerns of the IHRA movement; Control of the narrative is.

Conclusion

The IHRA definition of antisemitism is overly expansive, unwieldy, improperly used and unqualified to be employed as the legal standard or guidelines for the pressing issue of a global rise in antisemitism. As this chapter has attempted to illustrate, the adoption of the IHRA definition has consequences, both for those targeted by the criticism-based provisions of the definition and for a more informed society as a whole. For those faced with calls for the IHRA definition's adoption, the stakes over free-speech behind the debate are undoubtedly vital to understand and have the potential to deeply reshape discourse in a variety of mediums. Systemically, use of the IHRA has already shaped the usage and nature of litigation relating to antisemitism and is expected to continually enforce itself through the mobilization of law enforcement and the vestiges of the state. In the educational space, implementation of the IHRA can and likely will determine the acceptable limits of free speech for students and faculty in the Middle-Eastern Studies area, potentially erasing an entire field of study and risking the ability of students to freely express and engage with one another in ideologically uncomfortable ways. Fundamentally, application of the IHRA is expected to further limit the visibility of Palestinians and their right to voice criticism and struggle contrary to the interests of the Israeli state. It is the intention of this chapter to alledge that the IHRA definition does not serve to protect so much as as it does to prevent challenge to geopolitical goals of a minority, leaving the pervading issue of cultural antisemitism to remain unsolved. To such ends that this remains an important conversation, antisemitism should undoubtedly be addressed, however, the question for those in power is what line to strike and what cost institutions are willing to bear for what only some consider to be antisemitism.

Policy Recommendations

This report has explored the challenges of defining antisemitism today with a particular focus on the IHRA definition. We appreciate the importance of efforts like IHRA to define antisemitism in order to help identify and address the rise of antisemitism. At the same time, our recommendation is that organizations, representative bodies, and government policies do not adopt a single fixed definition. While we do not recommend adopting a particular definition, we do believe that there are some general policies that we recommend readers keep in mind to proactively teach about antisemitism and quickly address antisemitic incidents that may arise.

Our policy recommendations are as follows:

I. We do not recommend adopting one definition of antisemitism because definitions of antisemitism frequently leave out the nuanced manifestations and changing nature of anti-Jewish prejudice and discrimination, which makes them inadequate for capturing historical and contemporary contexts.

II. There are certain tropes of classic antisemitism which should be the basis for defining antisemitic words, actions or deeds. Some of the classic antisemitic tropes include the belief in Jewish wealth and connections, and corresponding belief that they have undue influence on the government; The perception of Jews as more loyal to each other than to the surrounding society, and a perpetual outsider within it; The idea that Jews are actively using that alleged influence to undermine the society while pursuing their own goals. Those, as well, include the racialization of Jews, that there is something inherent in Jewish blood, and the idea that thus Jews could be easily spotted by unique unpleasant features such as hooked nose or red hair-elements that can be seen in caricatures not explicitly labeled as Jews.

III. Antisemitism should be addressed in a similar way that we address racial hatred and discriminatory harassment. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et sequence ("Title VI") prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Essentializing or making broad, unjustified generalizations about any demographic is unjust and discriminatory. Antisemitism in particular falls under the same general criteria as racism and discriminatory harassment. Therefore, antisemitism should be interpreted similarly to other anti-discrimination laws and policies, which would foster a more inclusive and equitable society.

IV. Since anti-Jewish prejudice can present itself across the ideological spectrum, addressing antisemitism necessitates focusing on both the left and right political extremes. This is because anti-Jewish prejudice must be addressed in all of its manifestations in order to effectively combat antisemitism. It is imperative to examine antisemitism on both sides of the political spectrum while closely examining mainstream political ideologies like the "Great Replacement" theory.

V. This recommendation, which emerged from a discussion of JDA 11, states that criticisms of Israel and Zionism can, of course, be antisemitic, but not inherently so. Any criticism should be evaluated with classical antisemitism in mind, just like any other form of speech. To criticize Israel for issues relating to the treatment of Palestine and Palestinians is not in itself antisemitic, but it can become so when suggesting that the reasoning for that mistreatment is attributable to uncaring Jewish nature, as an example, or when all Jews are held responsible for actions of the state of Israel.

VI. The most effective way of combating antisemitism on campus is by promoting free speech. Removing complex discourse is liable to damage the ability of individuals to accurately assess genuine instances of antisemitism and the sentiments and sources it may draw from. Borrowing from pre existing frameworks, “political speech does not have to be measured, proportional, tempered, or reasonable,” and a uniqueness in focus is by no means, inherently antisemitic. American free speech principles are grounded on the idea that the best way to combat offensive, hateful or incorrect ideas is not by silencing the purveyor of such ideas but rather with more speech in opposition. College campuses should be bastions of free speech, limited only where discriminatory or racist speech against an individual or a group creates a hostile environment where targets of such speech are stifled from expressing their own views or from full participation in the campus community.

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