

Six Reasons why no one should adopt the so-called “EUMC” or IHRA Working Definition of Antisemitism

*A policy advisory accompanying the [fact sheet](#) about the
IHRA (International Holocaust Remembrance Alliance) Working Definition of Antisemitism*

ECCP and Free Speech on Israel,¹ December 2017

Antisemitism is commonly understood in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as racism or racial discrimination directed at persons or a group of persons because of their Jewish religion, origin or identity.

Governments, political parties and public and private institutions, however, are being approached to adopt so-called “new and universal working definitions of antisemitism” which have one common theme: all stipulate that not only Jews but also the State of Israel can be the target of antisemitism.

Formulated in almost identical language, these “working definitions of antisemitism” are promoted alternatively as official definitions of the [EUMC](#) (the EU’s European Monitoring Center on Racism and Xenophobia) or the [IHRA](#) (International Holocaust Remembrance Alliance). In the United States, a similar document is presented as the “[State Department](#) Working Definition of Antisemitism”.

None of these “working definitions” should be adopted by anyone, because:

- 1. The definition of antisemitism promoted in these “working definitions” has already been dismissed as invalid by the EU Fundamental Rights Agency (FRA). The EU has adopted neither the so-called “EUMC working definition” nor that of the IHRA. No one has any legal obligation to adopt either of these definitions.**

The so-called “EUMC working definition” was never adopted by EUMC. In 2007, EUMC was closed down and replaced by the EU Fundamental Rights Agency (FRA). A document entitled “EUMC Working Definition of Antisemitism” was removed from FRA’s website in 2013; FRA [explained](#) that it had never been viewed as a valid definition of antisemitism; that the Agency was not aware of any official EU definition of antisemitism; and that the document was removed in a clear-out of non-official documents.

Nevertheless, the “EUMC Working Definition” continues to be presented as if it were an official EU document. Since 2016 moreover, the same text has also been promoted as the “IHRA Working Definition of Antisemitism”. No one is obliged to endorse either of these definitions which have indeed already been dismissed as invalid by the EU FRA. They have no legal force.

- 2. The so-called “IHRA Working Definition of Antisemitism” hasn’t even been adopted by the IHRA itself.**

The IHRA is an inter-governmental organization disseminating information about the holocaust. Established in 1998, it currently has 31 member states and a permanent office in Berlin.

The IHRA website features a [press release](#) publicising the adoption in Bucharest in May 2016 of a “non-legally binding IHRA Working Definition of Antisemitism” by the plenary of member states.

¹* [ECCP \(European Coordination of Committees and Associations for Palestine\)](#) is a network of 42 European committees, organizations, NGOs, unions and international solidarity movements from 19 European countries, dedicated to the struggle of the Palestinian people for freedom, justice and equality.

* [Free Speech on Israel](#) is a Jewish-led UK organisation which was founded to counter the use of claims of antisemitism to suppress legitimate criticism of Israel.

The content of the IHRA press release is identical with the language of the document falsely called the “EUMC Working Definition”. The entire press release has been cited publicly, including by the UK government and the European Parliament, as the IHRA definition. This is incorrect.

In response to enquiries, the IHRA’s Berlin office has clarified that the Working Definition of Antisemitism adopted by the IHRA at its meeting in May 2016 is the 40-word definition cited below in Section 3. See [this document](#) for further details. To be precise and clear – the Working Definition adopted formally by member states of IHRA is not the entire press release, but only the two sentences (which appear in a box in the press release).

The remainder of the press release repeats the guidance and ‘illustrative examples’ from the EUMC definition, most of which identify a range of criticisms of Israel as *prima facie* examples of antisemitism. For the avoidance of any uncertainty, the guidance and examples were not adopted by the IHRA. Naming the whole bundle (formal definition plus guidance and examples) as “the definition of the Holocaust Remembrance Alliance“ has undoubtedly added to its apparent authority and emotional force, but we now know that this attribution is invalid.

3. The definition adopted by the IHRA is so vague and unspecified as to have no value for the fight against antisemitism.

The wording of the definition adopted by the IHRA is:

*“Antisemitism is **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.”*
[Emphasis added]

These two sentences and forty words are characterized by quite inappropriate and unnecessary vagueness, verging on obscurity, indicated above by the emphasised words and phrases. What is this *certain perception*? Why is it not explained in clear language? If antisemitism *may* - but doesn’t necessarily – express itself as hatred toward Jews, what are its other expressions? Under what circumstances and why would antisemitic acts be directed also toward *non-Jewish individuals and/or their property*, and who are these individuals?

We suggest (see point 4 below) that this vagueness and obscurity of wording can only be seen as deliberate. It is of no value in identifying antisemitic acts or statements. But it does provide an apparent necessity to accompany the definition with an interpretative explanation, that is, an opportunity for introducing concepts that would otherwise be unconnected with the understanding of antisemitism.

The illustrative examples circulated with the IHRA Working Definition suggest that antisemitism can be directed not only toward Jews but also toward the State of Israel and its supporters. This interpretation does appear to make sense of the otherwise obscure IHRA definition. However, the clarification now provided by the IHRA reveals that these examples and the extended interpretation of antisemitism were not adopted by the IHRA plenary.

4. All “working definition” documents suggest, through their ‘examples’, that antisemitism can be directed not only toward Jews but also toward the State of Israel (“a Jewish collectivity”) and its supporters. However, these examples and the extended interpretation of antisemitism were not adopted by the IHRA and have, indeed, no basis in international law.

Both the so-called “EUMC working definition” and the IHRA press release provide very similar examples to claim and illustrate that antisemitism can manifest itself as hatred against the State of Israel. The clarification provided by the IHRA now reveals that these examples were never adopted by the plenary of its members. However, they have been widely perceived and handled as if they were part of the “IHRA Working Definition of Antisemitism.”

These illustrations begin by stipulating that the “State of Israel, which is perceived as a Jewish collectivity”, may be the target of antisemitism. This is followed by a list of examples of allegedly antisemitic attacks against the State of Israel, including, among others, “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”, or, “applying double standards by requiring of the State of Israel a behavior not demanded of any other democratic nation”.

The assertion that the State of Israel must be viewed as a “Jewish collectivity” underlies all these ‘illustrations’. This assertion in fact reflects Israel’s discriminatory laws and Zionist ideology which define Israel as the state of a “Jewish nation”, a state that includes and represents Jews both in Israel and worldwide, and excludes its Palestinian population of citizens and refugees.

Under public international law, however, Israel, like any other state, represents all its citizens and not a “Jewish collectivity”. In fact, many Jews worldwide are not – and do not wish to be – represented by Israel. Under public international law, Israel is, moreover, bound by the prohibition on racial discrimination, and has to respect and protect the human rights of all its population. These include the [fundamental rights to return, property and equality of its Palestinian refugees and citizens](#). There is no basis in international law for a right to self-determination of a “Jewish people” at the expense of these fundamental rights of Palestinians or of the [UN- recognized right to self-determination of the Palestinian people](#); and no right for Israel as occupying power to carry out a policy of [population transfer in order to colonize and annex](#) occupied Palestinian territory. Accordingly, necessary criticism of [Israel’s system of racial discrimination, segregation and apartheid](#) does not constitute hatred toward Jews; nor do civil society campaigns and resolutions of the UN and EU apply double standards, demonize the State of Israel or pose threats to its existence, when they hold Israel accountable to the universal standards of international law.

5. In practice, adoption of the “EUMC” or IHRA Working Definition tends to undermine:

- ! **respect for the right to freedom of expression;**
- ! **respect for international law related to Israel and the Palestinian people, and,**
- ! **the fight against antisemitism.**

European local, regional and central governments and authorities, parliaments and public institutions have a legal duty under their respective domestic laws and constitutions, EU law and international customary and treaty law to:

- ! Respect and protect the right to freedom of expression in their country;
- ! Uphold international humanitarian and human rights law including with regard to Israel and the Palestinians. This includes, at least, the [duty to give no recognition, aid or assistance](#) to Israeli policies or practices which violate the right to self-determination of the Palestinian people and/or the universal prohibitions on racial discrimination and on permanent acquisition of occupied Palestinian territory.

On this basis, more than [200 legal scholars](#) have called on European governments to recognize that the Boycott, Divestment and Sanctions (BDS) movement is a legitimate movement for Palestinian human rights, independent of whether they themselves support it. In fact, the [EU](#), as well as the governments of the Netherlands, Ireland and Sweden and the Spanish parliament have publicly confirmed that, while not in support of boycotts or sanctions against Israel, they consider non-violent BDS campaigning to be a guaranteed right of citizens that falls under freedom of expression.

In the same vein, legal experts ([Dubuisson, 2005](#); [Tomlinson, 2017](#)) have alerted decision makers to the flaws in the “EUMC” and IHRA Working Definitions of Antisemitism, in particular the conflation of political criticism of the State of Israel with antisemitism. Their analyses and legal opinions have warned of the risk that adoption and application of these definitions could undermine legitimate criticism of, and freedom of expression and democratic debate about, the State of Israel and its policies.

Practical experience meanwhile shows that these “working definitions” are being used almost exclusively to restrict the freedom of expression of European individuals, groups and organizations that criticize Israel and/or work for Palestinian rights. In Germany, for example, political parties are tabling [policy motions](#) for adoption by city governments – based on the IHRA Working Definition and under the pretext of the fight

against antisemitism – which would prevent German cities from granting public space and subsidies to groups, organizations and events deemed supportive of the “antisemitic BDS movement.” Everyone who speaks out against Israeli policies that violate Palestinian rights or criticizes Israel’s self-definition as “state of the Jewish people”, [including Jewish citizens of Germany and Holocaust survivors](#), is liable to be smeared and targeted as antisemitic. In the UK, France, Austria, Switzerland and Denmark also the IHRA Working Definition has been used by governments, authorities, political parties, parliaments and universities in an attempt to discredit as antisemitism, or to restrict or criminalize, legitimate criticism of Israeli policies and support of Palestinian rights.

Adoption and application of the “EUMC” or IHRA Working Definition also undermines the fight against antisemitism itself. By muddying the waters about what antisemitism is, these fabricated definitions encourage false allegations and entail a risk that genuine claims of attacks motivated by anti-Jewish sentiments are not taken seriously. Moreover, the claim that Israel and all Jews are one and the same obstructs recognition of the diversity among Jewish communities and of the many Jews who support efforts for Palestinian rights; it also encourages the perception that all Jews are responsible and accountable for Israel’s oppression of Palestinians. Finally, the conflation in these “working definitions” of political criticism of Israel with antisemitism supports the converse (and erroneous) notion that uncritical support of the State of Israel is an indicator of commitment to the fight against antisemitism. In this way it gives legitimacy to and encourages alliances with political forces that express support of Israel’s policies against the Palestinian people while pursuing a racist or even anti-Semitic agenda. One example is the increasing public tolerance and legitimacy in the United States of the racism of white supremacists who are also staunch supporters of the State of Israel.

These and other related issues are discussed by the renowned political philosopher and activist with Jewish Voice for Peace Judith Butler [in this video](#) about BDS and the fight against antisemitism.

6. The “EUMC” or IHRA Working Definition of Antisemitism is a tool for an Israeli political agenda that should be rejected by everyone

The “working definition” was developed in the context of Israeli debate in the early 2000s about a “[grand strategy toward the European Union](#)” that would strengthen EU-Israel relations, while also allowing Israel to maintain its illegal settlement enterprise and thwart EU pressure for a two-state solution and respect of the rights of its Palestinian citizens. Israeli and US-based Zionist Jewish charities, think tanks and lobbyists adopted a propagandistic initiative aimed at silencing criticism of Israel’s policies by [branding it as “new antisemitism”](#). They claimed that “new antisemitism” among European civil society, the EU and the United Nations takes the form of “double standards” and the “demonization and de-legitimization” of the State of Israel. The “EUMC” or IHRA “Working Definition of Antisemitism” is a tool of this initiative.

Drafting of the “working definition” was completed in 2004. Since then, it has been promoted by the Israeli government and, among others, the American Jewish Committee (AJC), Simon Wiesenthal Center, European Jewish Committee (ECJ), NGO Monitor and UN Watch in particular, but not only, in their fight against the growing, Palestinian civil society-led BDS movement.

Meanwhile, the willing governments of Romania, the UK and Austria have adopted what is now called the “IHRA Working Definition of Antisemitism”, while the European Parliament has undermined the EU’s principled position by passing a [resolution](#) calling on member states to adopt and apply the definition, despite its dismissal as invalid by the EU’s own Fundamental Rights Agency (FRA) .

Efforts to achieve official endorsement of the “working definition” have been spearheaded by individuals affiliated with these Israel-lobby groups who also serve as “experts on antisemitism” in the Organization of Security and Co-operation in Europe (OSCE), the IHRA and/or the European Union, including its Commission, Parliament and, formerly, EUMC. Since neither the OSCE nor the EU has so far been willing to adopt the fabricated definition, the inter-governmental IHRA was selected as the body that would give it some official standing.