



Progressive Arguments Against IHRA

Both Jewish and non-Jewish groups have been critical of the International Holocaust Remembrance Alliance's antisemitism definition, ranging from voicing concerns on how it is used to outrightly dismissing it. To this end, the Israel Action Network (IAN) has put together these FAQs addressing some of the progressive arguments against IHRA.

Did the Executive Order from December 2019 codify IHRA into law?

No, the Executive Order provides that federal agencies, including the Department of Education “shall consider” the non-legally binding definition of antisemitism. The Executive Order requires consideration of the IHRA definition and examples as “evidence of discriminatory intent.” IHRA should be used as guidance and must be contextualized within a larger pattern of discrimination. The IHRA definition is advisory and informative in determining if there is an antisemitic element to a crime, NOT if there a crime. IHRA also provides a helpful tool below the criminal threshold.

Does this definition address white supremacy?

There is a misconception that the definition does not address white supremacy and its link to antisemitism and only focuses on labeling anti-Zionism as antisemitism. This is not true. In fact, the first example used in the addendum in the definition is as follows: “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.” White supremacy absolutely falls under a ‘radical ideology.’ Additionally, many of the other examples used are seen in white supremacist beliefs, like the Holocaust being exaggerated and Jewish people controlling the media. Using the IHRA definition may help in these cases by determining if white supremacist committed an antisemitic hate crime, on top of the criminal action itself (i.e. assaulting someone perceived to be Jewish).

Does this definition silence free speech?

Some argue the definition will curtail the First Amendment or otherwise stifle free speech. The working definition is intended to be used as a tool to define what antisemitism is, not sanction speech. The First Amendment protects all speech, including speech that is antisemitic. The definition is helpful, however, when speech leads to an intolerant act – e.g. in identifying a hate crime or determining a pattern of harassment. The definition acts as a resource to point to in proving someone has or has not been a victim of antisemitism.

Why does this definition focus so much on Israel?

In the early 2000s, there was a resurgence of antisemitism in Europe that differed from the traditional understanding of the term. While far-right, xenophobic antisemitism still existed, European Jews were also being attacked as “agents of Israel,” and Jewish sites were vandalized in response to Israeli actions.

While these acts were still sometimes criminalized, they were not called antisemitic, as they were viewed as anti-Israel activism. Therefore, an international, nonpolitical group of policy and academic experts worked to create a non-legally binding text that reflected forms of antisemitism as related to the State of Israel.

In addition, some opponents of the definition have stated the entire purpose of the definition is only to shield Israel from criticism, arguing most of the examples with the definition focus on Israel. Five of the six examples that mention Israel, however, also mention Jews as a whole. These include examples such as “accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust” or “holding Jews collectively responsible for actions of the state of Israel,” not about Israel explicitly.

Does this definition make it antisemitic to criticize Israel?

Some critics of the IHRA definition – particularly progressives - believe that it disallows criticism of Israel. The definition, however, includes the following clause before its examples: “[C]riticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” For example, one can say Israel is a racist state (even if we may believe this to be incorrect). It only becomes problematic under the definition when it singles out the Jewish identity of the state as part of this criticism.

What about Palestinians? Does the definition silence pro-Palestinian activism, as some have claimed?

This definition is not meant to label Palestinians antisemitic or silence pro-Palestinian activism. Where the definition could come into play is if a pro-Palestinian activist chooses to describe Palestinian oppression in antisemitic ways, e.g. Blaming all Jews for Israeli government actions or saying Israel does not have a right to exist as a Jewish state in any capacity (i.e. Jews do not have the right to national self-determination).

It should again be pointed out that the definition is not just focused on examples of antisemitism in the context of Israel. The definition should not just be used with regards to Israel, but about fighting antisemitism in all its forms, as the myriad of examples show.

Does this definition prioritize Jewish people over other minorities?

No. The definition is a tool meant to educate and identify what constitutes contemporary antisemitism. It does not provide more protection for Jewish people than other minorities, nor does it take away rights from anyone else. The ability to name a form of bigotry does not equate to privilege; it should be right for any and all oppressed groups.