



Antisemitism and the IHRA Definition

With a new administration and Congress starting, discussion over the use of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism has resurfaced. JFNA has [long advocated](#) for the use of this definition.

In 2016, when the bipartisan Anti-Semitism Awareness Act (AAA) was drafted, [JFNA explained](#):

“This bill is critically important at a time of rising antisemitism across our country, particularly on college campuses, and provides the Department of Education with a guide to better evaluate whether an incident was motivated by anti-Jewish bias. This legislation would not change the rights or protections attributed to other religious groups under Title VI.”

Drafted to help the U.S. Department of Education's Office for Civil Rights recognize antisemitic incidents on campus, the bill used the IHRA definition. The language was also adopted federally by executive order in 2019, and [JFNA praised](#) the decision:

“... modeled on language in the Anti-Semitism Awareness Act, which has benefited from bipartisan support in the U.S. Congress ... bolsters tools that help prevent discrimination on college campuses, which have been hard hit by a near 90% increase in anti-Semitic incidents over the past three years.”

A few months ago, when we sent out the JFNA Public Policy priority survey, Federations overwhelmingly listed combating antisemitism as among their most important advocacy priorities, many of them specifically supporting the IHRA. Therefore, we built out our longstanding Antisemitism Policy priority by incorporating the IHRA with other policy priorities. Additionally, this has been an important issue for Federations on the state and local levels, with Florida and South Carolina passing legislation related to the usage of the IHRA and several other communities launching educational campaigns concerning the definition.

Some oppose the use of this definition.

Opponents claim that the definition suppresses political speech. They also claim that defining antisemitism in this way does not do enough to fight antisemitism among white supremacists. The JFNA combats antisemitism. While it may arise in different places, there is no gray area when it comes to Jew hatred, and having a widely accepted definition will make it easier to address.

What is the IHRA's definition?

The definition was adopted by the 31 countries of the International Holocaust Remembrance Alliance (IHRA) in 2016. It reads:

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.

The definition is accompanied by examples intended to distinguish between legitimate criticism and what might otherwise be thinly disguised forms of antisemitism, such as accusing Jews of “dual loyalty,” comparing Israeli politicians to Nazis, and collectively holding all Jewish people responsible for the actions of Israel. The definition includes a clause that states, “[C]riticism of Israel like that leveled against any other country cannot be regarded as antisemitic,” to highlight this distinction.

How has the IHRA been used to fight antisemitism?

At the University of Illinois at Urbana-Champaign (UIUC), Jewish students and local Jewish community groups eventually filed a formal civil rights complaint because of a documented pattern of years of antisemitism. In addition to mezuzahs being removed and buildings being vandalized with swastikas, administrators had removed a Jewish student from a student government position because of her perceived bias on issues related to Israel. Eventually, the University acknowledged that a line had been crossed and acts of intolerance and antisemitism had occurred on their campus, but not until after a Department of Education Office of Civil Rights case was filed.

NOTE: Multi-pronged review, not criminalization of speech

In the U.S., a prominent use of the IHRA has been following a 2019 Executive Order (EO) that charges the federal government to **consider** the IHRA’s definition when **evaluating** evidence of antisemitism as a form of discrimination under Title VI of the 1964 Civil Rights Act. The EO further explicitly states that such consideration should not infringe on the First Amendment. This action reaffirms policies that began with a 1987 court case, which extended this protection to Jews because they have long faced discrimination based on shared characteristics. This determination was enhanced by supportive clarifications during the G.W. Bush and Obama administrations.

Furthermore, the nature of a civil rights action under Title VI, such as on college campuses, includes important guardrails such as 2017 [testimony](#) from a former U.S. Solicitor General. By its nature and application, Title VI distinguishes between protected speech and harassment. A Title VI action requires demonstration of a **hostile environment** (generally a pattern or practice) and failure by the administering authority to act to address the problem.

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