

The International Working Definition of Antisemitism and Its Detractors

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On January 28, 2005, the European Union Monitoring Center on Racism and Xenophobia (EUMC), then based in Vienna, reached a definition of antisemitism that was later prominently referenced at the Organization for Security and Cooperation in Europe (OSCE) Cordoba Conference in June of that year. Since then, many other bodies have advocated its usage. The one-page “Working Definition of Antisemitism” (WDA) (reproduced below) evolved as a result of the concerted efforts of a large number of institutes and individual experts. Those efforts lasted for two years (2003–2004), during which time many questions were elaborated regarding both the principles and parameters of the definition.¹

In early September 2010, the tenth biennial seminar of the Tel Aviv University Stephen Roth Institute was convened in the Memoriale de la Shoah in Paris. The focus of the three-day gathering was “The Working Definition of Antisemitism—Six Years After.” Though acknowledging the various shortcomings of the EUMC document, the participants issued a statement urging all concerned to make use of the definition because “it sets antisemitism in the context of the contemporary world, encourages consistent analysis of the phenomenon and offers venues for reactions against it.... and might serve as a model for future definitions of other evils, and as a basis for rapprochement and coalitions among minorities and ethnic groups.”²

On May 30, 2011, the congress of Britain’s University and College Union (UCU) passed a motion that vehemently attacked the WDA. That motion called on the UCU and all other academic bodies to distance themselves from the definition, since it includes passages about antisemitism being camouflaged as anti-Zionism. In late May and throughout June the UCU motion precipitated a scandal that engulfed the local and international Jewish leadership, members of the academia worldwide, the Equalities and Human Rights Commission (EHRC) in the UK,

and others. Open letters were sent to the UCU secretariat and Jewish members of that body announced their resignation in the media.³

On July 1, Anthony Julius—a celebrated Anglo-Jewish lawyer and himself an expert on antisemitism in Britain—acting for one of the resigning members, Ronnie Fraser, sent an open letter of complaint to the UCU for breach of the 2010 Equality Act, demanding a response no later than August 5.⁴

Before deconstructing what was behind the UCU motion and why it aroused the controversy it did, we have to examine the evolution of the Working Definition prior to its adoption by the EUMC, as well some of the deliberations at the Paris seminar. We should begin this journey by exploring the difference between the 2005 WDA and previous definitions of antisemitism.

Over the generations, the term “antisemitism”—originally coined in Germany in 1879 by Wilhelm Marr, “the patriarch of antisemitism”—was successively redefined in a number of different ways. Those definitions reflected the time, place, and local political and social culture in which they emerged. Yet the host of definitions reached between 1879 and 2005 was, above all, the work of independent and individual scholars and thinkers, many of whom were requested to do so by editors of various encyclopedias and other reference works. For the most part, these intellectuals produced definitions of an academic and theoretical nature. The 2005 definition was the product of teams of both scholars and representatives of governments and institutions. In other words, it was a joint effort aimed at formulating a wording acceptable to all participants, at a watershed moment in the millennial-long history of antisemitism. This was the time not long after the emergence of the so-called “new antisemitism” which necessitated a practical basis for international activity and legislation.⁵

To be sure, antisemitism has always been difficult to define, since antipathy to Jews involves a deep-seated emotional dimension as well as a conglomerate of historic religious, political, and economic elements. There are, of course, inherent complications in the very fact that Jews are not the only people considered to be “Semites,” and in the rebirth of a Jewish political entity in the Land of Israel.

In consideration of all this, it is clear that what lay behind the UCU attack transcended the desire to delegitimize an internationally accepted document.

International bodies had previously shied away from any attempt to define antisemitism—even after the Shoah, when the murderous potential of anti-Jewish hostility was revealed. During the years 1945–1993, with but one exception, they refrained from even mentioning it in treaties and agreements. Even the word

“racism” rated only meager mention in the UN or at European conventions and in European declarations. Instead, rather vague and non-binding expressions such as tolerance, equality, and the rights of minorities were used.⁶ After the war, nearly all nations shied away from pointing to specific perpetrators or victims. Yet subsequent developments beginning in the 1990s made the assessment and definition of antisemitism a European and international necessity.

The First Gulf War of 1991 led to a sharp rise in a whole range of antisemitic and anti-Israeli expressions. Privatization and the globalization of the world economy were blamed on Jewish capitalists; millions of immigrants and foreign workers from the poor southern hemisphere flooded the rich northern one, and when they could not be integrated into surrounding host societies they poured out their frustration on the well-established local Jewish communities. In the meantime, right-wing extremists exploited the tensions between the newcomers and the local societies to further their own agenda and air their own anti-Jewish sentiments. Jews and Israel were blamed for Washington’s policies. The United States became the strongest yet most despised power in the world, especially in the eyes of many Muslims and European leftists.

At its 1992 Copenhagen conference, the CSCE (replaced by the OSCE in 1994) was the first EU (or other) body to report on and denounce the alarming rise in antisemitism—even without actually defining it when using the term. In 1993, in the wake of events in Rostock in the former East Germany, where racist violence was combined with antisemitic outbursts, the EU Parliament passed a forceful resolution mentioning antisemitism by name. Moreover, for the first time since World War II, Holocaust denial was defined as instigation to racism and the EU countries were called upon to enact effective legislation to combat it.⁷ Indeed, the large-scale UN conference on human rights convened in Vienna in June 1993 paved the way for a resolution by the UN Commission on Human Rights, in which antisemitism was officially classified as a form of racism.⁸ At the same time, a new body, the European Commission against Racism and Intolerance (ECRI) was created and began its work.⁹

As problems related to the presence of immigrants steadily increased, and the 1993 conference proved of little help, the EU declared that 1997 would be “a year of struggle against racism.” This endeavor, too, bore little fruit but the UN did announce that a conference on racism would be held in September 2001 in Durban, South Africa. As the UN World Conference against Racism (WCAR) drew near, it became increasingly evident that no definition of racism acceptable to all could be reached. Antisemitism was declared a form of racism in 1994, so it too remained undefined. With or without a definition, the conference was an anti-Israel and antisemitic demonstration, which bore no resemblance at all to the goals

of its organizers. In fact, it was part of the problem, not the solution, and one of the worst mass manifestations of anti-Jewish sentiment since World War II.¹⁰

The year 2002 was an especially difficult one in terms of antisemitic violence and expression of anti-Zionism. Real concern was aroused that the widespread outbreaks of violence in Western Europe might get out of hand and be directed against state institutions (this eventually happened in France in November 2005). In June 2003, the OSCE convened a conference in Vienna, in which, for the first time, the participants called for the preparation of practical tools to tackle the rapidly deteriorating situation. The lack of an appropriate definition of antisemitism was felt most acutely and the conference called for this situation to be rectified.

The EUMC tried to meet that challenge, but its 2002–2003 report presented an astonishing and disturbing return to some of the earlier definitions dating back to 1880. These were based on Christian, racist, and Nazi notions of the image of the Jew. Its definition referred, among other characteristics, to the “deceitful, crooked, foreign, corrupt nature of the Jew, his power and influence, relation to money,” etc., and—not to be forgotten—his responsibility for the death of Jesus. Of course, this was the image of the Jew that the EUMC believed was at the root of antisemitic imagination. Such a definition might actually suggest the idea that the Jew himself was to be blamed for the hostility directed against him, and that in terms of defining the phenomenon, nothing had changed since the collapse of Nazism. As Kenneth Stern, a scholar associated with the American Jewish Committee, described it, “Cause and effect are reversed [by this definition]. Stereotypes are derived from what antisemitism is; they are not its defining characteristic.”¹¹ Moreover, the EUMC attempt to explain the relationship between anti-Zionism and antisemitism was so evasive and so convoluted that even the clear and original—even if debatable—analysis of Brian Klug, the Oxford scholar cited in the report (“the essence of antisemitism is turning the Jew into a ‘Jew’”), was to no avail.¹²

The next conference, held in Berlin in April 2004, proved to be a milestone. The Berlin Declaration forcefully condemned all manifestations of antisemitism. It clearly stated that political issues (meaning the Middle East controversies) never justify antisemitism, and urged the fifty-five member states of the OSCE to find an all-encompassing useful definition of the phenomenon. Following the issuance of the Berlin Declaration, the EUMC, to its credit, put aside the former failure. This time it began cooperating with the American Jewish Committee and the OSCE Office for Democratic Institution and Human Rights (ODIHR) founded in 1995 and located in Warsaw, in a coordinated effort to reach a better definition. Quite a number of scholars and institutions took part in this attempt to meet the challenge,¹³ and on January 28, 2005, the “Working Definition of Antisemitism” came into being:¹⁴



WORKING DEFINITION OF ANTISEMITISM

The purpose of this document is to provide a practical guide for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation dealing with antisemitism.

Working definition: 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.

In addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

Examples of the ways in which antisemitism manifests itself with regard to the state of Israel taking into account the overall context could include:

- 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.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property—such as buildings, schools, places of worship and cemeteries—are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Because it is short and is presented as a practical tool, not merely a theoretical one, this document really does constitute a working definition; it does not deal with the image of the Jew, but rather with antisemitic activities. It does not even mention Judaism—a notion hard to define. What it does do is facilitate the monitoring and evaluation of manifestations of antisemitism and enable observers to gauge and compare the level of antisemitism among countries. Regarding the relationship between antisemitism and anti-Zionism, the wording is forthright and unambiguous.

Barely half a year later, reference to the working definition was made by the participants of the next OSCE conference (Cordoba) as a matter of fact. Since that time, numerous national and international bodies used the definition, cited it, or recommended using it. These included the UK National Union of Students (2007); the US State Department (2008); and the London Declaration of the Inter-parliamentary Coalition for Combating Antisemitism (2009). Courts of justice (in Lithuania and Germany) also found it useful, as did law enforcement agencies in a number of countries preparing police officers to investigate general hate crimes, not necessarily directed against Jews. To facilitate its use, the Working Definition has been translated into thirty-three languages used by the fifty-six OSCE member states.¹⁵ Some of those bodies have actually identified ways in which the wording could be improved.

Taking all of the above into consideration, how could the UCU pass a resolution disassociating itself and all other academic institutes from the WDA? The deliberations of the September 2010 Paris seminar came after members of the Scottish Palestine Solidarity Campaign were sued in April of that year. The law suit itself was based on the WDA but the court dismissed the action—ostensibly upholding the right of freedom of speech. In other words, the WDA could be construed as an attempt to stifle debate by labeling people antisemites, if one ignores the fact that the WDA deliberately does not deal with motives or personal opinions, and concentrates only on deeds. Also, the WDA specifies the cases in which some of these deeds are considered criminal, which adds fuel to the argument that it is designed to protect Israel, and the Jews who support it, from criticism, and lead those who oppose them to jail.¹⁶ The essence of the UCU attack of the WDA, launched on May 30, 2011, is that it includes articles that define when anti-Zionism actually becomes antisemitism, and thus is an obstacle on the UCU's basic wish to boycott Israel freely.

A chain of reactions followed: The Jewish Leadership Council sent a complaint to the Equalities and Human Rights Commission in the UK. The EHRC's Chair rebuked the UCU for not having consulted the Commission before deciding on its motion. Other Jewish bodies, such as the World Union of Jewish Students

(WUJS), the Community Security Trust (CST) and the Board of Deputies declared that they “will not sit back and allow further red lines to be crossed.”¹⁷ During the debate on the UCU resolution, Ronnie Fraser, Director of the Academic Friends of Israel, addressed the UCU in a style reminiscent of Emil Zola, using words that will undoubtedly resonate for a long time:

I, a Jewish member of this union, am telling you, that I feel an antisemitic mood in this union and even in this room. I would feel your refusal to engage with the EUMC definition of antisemitism, if you pass this motion, as a racist act. Many Jews have resigned from this union citing their experience of antisemitism. [...] You, a group of mainly white, non-Jewish trade unionists, do not have the right to tell me, a Jew, what feels like antisemitism and what does not.¹⁸

On July 1, 2011, Ronnie Fraser, represented by Anthony Julius, sued the UCU for breaches of the UK Equality Act of 2010. In his letter to Sally Hunt, UCU’s secretary general, Julius wrote that his client had been harassed because of being Jewish, that the environment created in the union was intimidating, hostile and humiliating, and that the whole affair is a long-standing scandal. He described the history of the UCU and demonstrated that from its inception it has been increasingly inhospitable to Jews. “Unable to defend itself against the charge of institutional antisemitism, the UCU sought instead to legislate antisemitism itself out of existence,” concluded Julius, and spelled out Fraser’s demands: abrogation of the resolution; an admission by the UCU of its being guilty of institutional antisemitism and the issuance of a public apology to its Jewish members with a commitment to respect them; and at least a ten-year educational program teaching the dangers of antisemitism and its relationship to anti-Zionism. A response was awaited no later than August 5.¹⁹ On the same day, the Engage blog published “the Tipping Point for UCU” by its founder and director David Hirsh, in which he labeled the “antisemitic political culture” of the UCU, and wondered who would have the upper hand: the union’s “core anti-Zionists” or the “grownups.” He also mused about how heavy the price paid by the union would be once brought to court and found guilty.²⁰

The matter now depends on the UCU’s answer to Fraser via Julius, and since it is not expected to be a satisfactory one, a trial is probably in the offing. It will be a major event—a test case for British democracy and its adherence to its own rules. It will also be a “tipping point” for British academia, which has recently become obsessively and reflexively anti-Israel, unleashing an unrestrained crusade against the Jewish State and humiliating its own Jewish members along the way. The UCU members did not resolve to delete the WDA the items that define when anti-Zionism is in fact antisemitic, nor did they suggest any kind of

revision or rewriting. They just wrote off the WDA en bloc, not heeding former recommendations of UK bodies. In fact, the UCU never adopted the WDA and then turned against it. One wonders whether the members who voted against it were even fully acquainted with its wording and significance. Ostensibly, the UCU stands for equality, liberalism and the inclusion of all narratives of all individuals and groups. However, when it concerns Jews and Israelis those values are abandoned. Freedom of speech was turned into freedom of incitement against an imaginary symbol of evil that its members themselves created and by which they now feel threatened. They are insulted when they are accused of antisemitism, but their attack on the WDA is proof that they consider that document not a tool to be used against genuine antisemitism but rather a weapon in the arsenal of international Jewry and even a Jewish-Zionist conspiracy.

Notes

¹ See my, "Defining Antisemitism", and Kenneth S. Stern, "Proposal for a Redefinition of Antisemitism", in *Antisemitism Worldwide, 2003/4*, The Stephen Roth Institute, Tel Aviv University, 2005.

² See The Working Definition of Antisemitism – Six Years After, the 10th Biennial TAU Stephen Roth Institute's Seminar on Antisemitism, Tel Aviv, 2011.

³ See the Engageonline.word press.com.

⁴ See Julius' full letter at the weblog of Norman Geras: <http://normblog.typepad.com/normblog/2011/07/ucu-facing-possible-legal-action.html>.

⁵ The term "new antisemitism" refers to changes that took place at the beginning of the 2000's, regarding the initiators of antisemitism (more Muslims, with Middle Eastern agendas); the *modus operandi* (more violence against individuals); tone (more verbal and visual insults); and an increasing taboo-breaking atmosphere (especially anti-Zionism, using antisemitic motifs encompassing Jews and Israelis, and comparing both to Nazis). Those who oppose the use of the term claim that despite political and cultural developments, the generations-old negative image of the Jew has not changed. For an analysis of the term "new antisemitism" and its characteristics, see my, "Does Esau Hate Jacob, and if so—Why?" in *Geshet* [Hebrew] 145 (2002), 7–16 and on anti-Semitism.org.il in English, French and Spanish.

⁶ See Dina Porat, The Evolution of Legislation against Racism and Antisemitism, the World Jewish Congress and the Stephen Roth Institute, Jerusalem, 2006, pp 5–10.

⁷ Stephen J. Roth, The Legal Fight against Antisemitism, A Survey of Developments in 1993, supplement to the *Israeli Yearbook on Human Rights*, Vol. 25, 1995.

⁸ I was privileged to be a member of the Israeli Foreign Ministry delegation to the Vienna conference, charged with persuading the delegations to enter such a statement in their final speeches.

⁹ See the 1994 UN Yearbook (New York, 1995), pp. 324–336.

¹⁰ See Dina Porat, "Durban—Another Attack on the Jewish People," *Kivunim Hadashim*

[Hebrew] September 7, 2002, pp. 51–60. See also Tom Lantos, “The Durban Debacle: An Insider’s View of the UN World Conference Against Racism,” Institute of the World Jewish Congress, Policy Forum No 24 (2002). Lantos wrote, “For me, having experienced the horrors of the Holocaust first hand, this was the most sickening and unabashed display of hate for Jews I has seen since the Nazi period” (p. 19).

¹¹ See Stern, *op. cit.*

¹² *Manifestations of Antisemitism in the EU 2002–2003*, EUMC, Vienna 2004, pp. 12–14.

¹³ The participants in the deliberations listed on the EUMC Antisemitism – Summary Overview of the Situation in the EU 2001–2001, p. 19 are: The European Jewish Congress, The Community Security Trust (UK), the Consistoire of France, the TAU Stephen Roth Institute, the Berlin Antisemitism Task Force, The American Jewish Committee, the Blaustein Institute for the Advancement of Human Rights, the Anti-Defamation League, B’nai Brith International, the Tolerance Unit of the ODHIR/OSCE and Prof. Yehuda Bauer.

¹⁴ <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/english/>.

¹⁵ See Mike Whine, “Short History of the Definition,” in the proceedings of the Paris seminar book, note 2.

¹⁶ See Dave Rich, “Reactions, Uses and Abuses of the EUMC Definition,” *ibid.*

¹⁷ An open letter in *The Jewish Chronicle*, May 25, 2011.

¹⁸ See EngageOnline.org.UK, on May 31, 2011.

¹⁹ Julius, *op. cit.*

²⁰ Hirsh on his EngageOnline.org.UK, July 1, 2011.

