About the IHRA Working Definition of Antisemitism

What is the IHRA Working Definition of Antisemitism?

In 2016, the International Holocaust Remembrance Alliance (IHRA), which includes the United States, formally adopted the IHRA Working Definition of Antisemitism (“the IHRA Definition”). The IHRA Definition, initially published by a European Union agency in 2005, has been used by the U.S. State Department since 2010 and is sometimes referred to as the State Department’s Working Definition of Antisemitism.

The definition states:

“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.”

Accompanying the IHRA Definition are eleven examples that “may serve as illustrations” of how antisemitism manifests contemporaneously, ranging from age-old anti-Jewish tropes, to Holocaust denial, to certain expressions of animus toward the Jewish State of Israel that may at times cross the line into antisemitism. These examples are important, because while certain longstanding myths animating antisemitism have stood the test of millennia, manifestations of antisemitism do change, sometimes significantly, over time and place. It is
important to provide guidance built on the knowledge of experts in the field, as well as the lived experience of large segments of the Jewish population.

**How Should the IHRA Definition Be Used?**

The IHRA Definition is intended to be utilized as non-legally binding guidance and education for a range of stakeholders including law enforcement, campus administrators and other institutions and entities to better enable them to identify antisemitism and gather and analyze relevant data. As explained by Katharina von Schnurbein, European Commission Coordinator on Combating Antisemitism: “[N]on-legally binding in its nature, the working definition is helpful in public discourse as well as training for media, educators and public authorities, without impeding the legal right to freedom of speech.”

Today, governments, campus administrators, law enforcement bodies and civil society organizations around the world all use the IHRA Definition as an important tool to help educate on anti-Jewish bias, help assess claims of antisemitism, assist in identifying whether a crime might also be categorized as a hate crime targeting Jews, and aid in determining – again, taking into consideration the relevant facts and circumstances – whether certain conduct adversely affecting an individual or group may constitute antisemitic discrimination under an existing law or code.

**Why is the IHRA Definition Important?**

The IHRA Definition is an important tool for education and guidance on antisemitism. As antisemitic incidents have increased worldwide, governments and civil society have sought ways to speak out against antisemitism and ensure that there is awareness of its real-life manifestations and impact. The definition should not be viewed as a substitute or replacement for existing laws. It is not a “charging authority.” Nonetheless, it is critical as guidance.
As the world’s leading organization fighting antisemitism and hate in all forms, ADL supports the use of the IHRA Definition by various stakeholders as a non-legally binding reference point, or tool, that can provide guidance for educational and assessment purposes.

**Does the IHRA Definition Undermine Free Speech or Prohibit Criticism of Israel?**

The IHRA Definition text clearly states: “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” Moreover, it is important to note that some of the examples of antisemitism included in the IHRA Definition, particularly those related to Israel, are protected speech under the First Amendment of the U.S. Constitution. That means that government may not prohibit such speech or abridge it, including by conditioning penalties upon its exercise or benefits upon its suppression.

The value of the IHRA Definition as a resource is to offer a better understanding of why certain speech, while not unlawful, nevertheless may constitute antisemitism that is offensive, intolerant and harmful. As the definition highlights, whether such speech is antisemitic often depends upon specific context and other factors.

ADL does not support the adoption and application of the IHRA Definition in a manner that would create new categories of legally prohibited speech that are subjected to either civil or criminal penalties. ADL believes that aggressive and inappropriate applications of the IHRA Definition in such a manner could have the unintended consequence of undermining efforts to engage and educate on antisemitism and to build alliances to fight antisemitism and all forms of hate.

**How Can Using the IHRA Definition be Helpful for American Institutions?**

The IHRA Definition is one important tool that government, educational authorities and civil society institutions can use to illustrate, and thus help identify, contemporary examples of antisemitic expressions that not everyone
may realize play on longstanding and deeply harmful anti-Jewish tropes or other forms of animus towards the Jewish religion or Jewish people.

Specific examples of how European governments and civil society constructively have utilized the IHRA working definition can be instructive for American institutions, which also can use them as reference points and guides in educating and assessing antisemitism within their own organizations and beyond.

ADL encourages the use of the IHRA Definition by the U.S. Government to help determine when existing laws may be violated in ways that are antisemitic, such as when a crime may be a hate crime that targets Jews, or when an adverse action may constitute discrimination against Jews. However, applying the IHRA Definition must be done in a careful and appropriate manner in order to ensure that doing so protects civil rights under existing law and does not undermine them.

**Is the IHRA Definition Necessary for Combating Antisemitism?**

The IHRA Definition is one tool, albeit an important one, to use to identify and combat antisemitism. However, it is not a substitute for more nuanced expertise on antisemitism, nor does its use preclude consulting other definitions. Its use by institutions must not be treated as a replacement for instituting comprehensive education programs, building of good-faith alliances to fight antisemitism and all forms of hate, and other such initiatives.