

January 19, 2021

Dr. Kathrin Meyer, Secretary General, IHRA

Ms. Katharina von Schnurbein, EC Coordinator on combating antisemitism and fostering Jewish life

Dear Kathrin and Katharina,

As adoption of the IHRA Working Definition of Antisemitism increases in both Europe and the United States, opponents of the definition have frequently cited the critical views of one of the early drafters to claim that it is being misapplied or used in ways that were not originally intended.

Since we were among that small group involved in the original development and drafting of the definition, we want to set the record straight.

The IHRA Working Definition (adopted in May 2016) is based on an earlier version developed in 2004-2005 and issued by the European Monitoring Centre on Racism and Xenophobia (EUMC) in March 2005. (The EUMC was replaced by the EU Agency for Fundamental Rights in 2009.) The drafting and development of the EUMC Working Definition of Antisemitism was a months long collaborative process, involving a score of individuals. We were among those who were part of this from the very beginning. This group included our colleague at the time, Kenneth Stern, who has since identified himself—or is described by others—as the “author” or “primary drafter” of the Working Definition. This is simply not true. But most troubling is the fact that this mythical elevated status is primarily touted because he is a vocal critic of using the Working Definition and thus a helpful (witting or unwitting) ally for those who today seek to discredit the IHRA Working Definition. Virtually all others who were involved in its development believed then and continue to believe now that the adoption and use of the Working Definition is an essential component in the fight against antisemitism.

Let us summarize for the record how the Working Definition came to be.

In 2001-2002, we witnessed a resurgence in antisemitic incidents in Europe including violent attacks on Jewish targets. Most occurred in Western Europe, and many were identified as coming from parts of local Arab and Muslim communities. This coincided with the breakdown of the Middle East peace process and was reflected in the anti-Israel and antisemitic activities that were an unfortunate consequence of the UN World Conference on Racism in Durban in 2001. European governments were slow to recognize these attacks or to identify them as antisemitic in nature. As they continued, there were calls for regional security and human rights organizations to address them. This resulted in the Organization for Security and Cooperation in Europe (OSCE) organizing its first conference on antisemitism in 2003, and the EUMC commissioning its first study of antisemitism in the EU that same year.

In 2004, the OSCE organized a second, high level conference in Berlin, which resulted in the Berlin Declaration on Antisemitism, supported by all 55 OSCE participating States. It declared that antisemitism had taken on “new forms and manifestations” and stated that events in Israel and the Middle East, “can never justify antisemitism.” Also, in 2004, the EUMC (having concluded that the report it commissioned

the previous year was inadequate) conducted its own study, relying on data from its own monitors in EU Member States and in person interviews with Jewish leaders in Europe.

The new EUMC report presented in the spring of 2004 revealed that European Jews had a high level of concern and anxiety in reaction to their firsthand observations of growing antisemitic incidents. The information provided by the EUMC's monitors was limited in some cases because there was scant data on antisemitic hate crimes and limited polling data on anti-Jewish attitudes. In its own internal review, the EUMC acknowledged that it was hampered by the lack of a common and comprehensive definition of antisemitism and challenged by a lack of clarity in understanding those "new forms and manifestations" of antisemitism as it relates to Israel. EUMC Director Beate Winkler and AJC Director of International Jewish Affairs Rabbi Andrew Baker agreed that summer to work together to develop such a definition.

Baker turned to his AJC colleagues, including Deidre Berger in Berlin and Ken Stern in New York, and to other longtime collaborators, including Michael Whine of the CST in London. Academic experts, including Dina Porat and Yehuda Bauer in Tel Aviv and Jerusalem were brought in, along with leaders and representatives of several major Jewish organizations. Ken played the vitally important but limited role of being the communications hub as various drafts and proposed language were circulated, slowly moving toward a consensus agreement where his role ended.

All agreed the definition should include both a core paragraph defining the basic nature of antisemitism and clear examples of its traditional and more contemporary forms.

Mike Whine took over the final drafting job and, with this in hand, the focus turned to Vienna. The three of us were joined by the leadership team of the recently established Tolerance and Non-Discrimination Unit at OSCE's Office of Democratic Institutions and Human Rights (ODIHR), which had responsibility for implementing the commitments spelled out in the OSCE Berlin Declaration. Together we worked with the EUMC Director and her specialists, as further changes and revisions were made. We were well-aware that with the inclusion of examples relating to Israel, there would be challenges, and some would say that they could be used to label critics of Israel as antisemitic. But we also recognized how egregious some of these attacks had become and the importance of including this section. This was to be a guide for better understanding antisemitism, not a speech code etched in stone. To strike the necessary balance, we added the important, conditional phrase, "depending on the context." In a further measure to allay these concerns, the EUMC considered it important to state explicitly that criticism of Israel is not antisemitic.

In January 2005, we concluded the final drafting of what became known as the EUMC Working Definition of Antisemitism, and in March 2005 it was formally released. In promoting and circulating the Working Definition, its use was neither defined nor circumscribed. We understood then—as we do today—that it is first and foremost an educational tool for those who need to know what antisemitism is. This includes government, Jewish community, and other civil society monitors responsible for recording antisemitic incidents. It includes those in authority who are responsible for identifying and responding to antisemitic hate crimes and other antisemitic events, such as police, prosecutors, and judges, among others. And it includes the public, whose understanding of the problem is essential to marshal the full force necessary to combat it.

It was called a working definition for a reason. This was not meant to be a tool for academic researchers, but for those, briefly identified above, who would put it to use. They would be the ones to determine its value and its longevity.

In 2007, the US Special Envoy to Monitor and Combat Antisemitism, a newly appointed Congressionally mandated position, applied the EUMC Working Definition to his work and posted it on the State Department website. It was endorsed by Parliamentarians at the 2009 Inter-parliamentary Coalition for Combating Antisemitism (ICCA) London Conference, and at successive ICCA Conferences in Ottawa (2011) and in Berlin (2015). It was recommended for use by the OSCE Chairperson-in-Office in 2014.

Over fifteen years have passed since the EUMC issued its working definition. It has been slightly modified and further amplified as the IHRA Working Definition of Antisemitism. It has been endorsed by leaders of the European Union, the United Nations, the OSCE, and other international bodies. It has been formally adopted by over thirty countries, including most EU Member States. It has become an essential, educational tool for law enforcement.

We are heartened by the Working Definition's increased use and international recognition as the authoritative definition of antisemitism. While the threat of antisemitism in all its various forms is, sadly, as great as it was fifteen years ago, this proper and comprehensive definition is now an essential element in our common fight against it.

Rabbi Andrew Baker

Deidre Berger

Michael Whine, MBE

*(Rabbi Andrew Baker is Director of International Jewish Affairs at the American Jewish Committee and since 2009 the Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism. Deidre Berger is a consultant and former Director of the AJC Berlin Ramer Institute for German-Jewish Relations. Michael Whine is the former Government and International Affairs Director of the Community Security Trust, Senior Consultant World Jewish Congress, and UK Member of ECRI Council of Europe.)*