

# Bard | CENTER FOR THE STUDY OF HATE

June 09, 2023

Dear UN Secretary-General António Guterres and Under Secretary-General Miguel Ángel Moratinos:

Almost twenty years ago I was the lead drafter of the “working definition” of antisemitism, now known as the IHRA definition.<sup>1</sup> The UN should not adopt the IHRA definition. If it does the resulting damage will be similar to that caused decades ago when the UN disastrously embraced another politically-promoted binary, that Zionism equaled racism.

**Antisemitism is a serious problem that the UN should address. The White House approach to antisemitism is instructive.**

Last month the White House announced “The U.S. National Strategy to Counter Antisemitism.”<sup>2</sup> Sixty pages long, it included scores of actions to counter antisemitism, not only laying out a whole-of-government plan, but also a whole-of-society approach.

Despite efforts of many Jewish organizations insisting that any strategy must be built around the IHRA definition,<sup>3</sup> the White House wisely didn’t go down this path. Using IHRA as a cheat sheet to label expressions and opinions blinds us to how antisemitism works, and how it can best be confronted.

The White House underscored that fighting antisemitism required actual hard work, not a hate speech code. It stressed that antisemitism is conspiracy theory, that antisemitism hurts others (and democracy), that what leaders say or don't say can impact whether antisemitism is “normalized,” and perhaps most importantly the fact that antisemitism, and what we do about it, is related to how we deal with other forms of hatred. We shouldn’t forget that the backdrop to the 2018 Tree of Life mass murder was a crescendo of hatred against immigrants as “invaders.”<sup>4</sup>

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<sup>1</sup> <https://blogs.timesofisrael.com/we-disagree-about-the-working-definition-thats-ok-heres-whats-not/>

<sup>2</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>

<sup>3</sup> Many other Jewish organizations, of course, oppose using IHRA this way. See for example <https://jstreet.org/the-right-and-wrong-ways-for-us-officials-to-approach-the-fight-against-antisemitism/> and <https://www.progressiveisrael.org/pin-groups-oppose-codification-of-ihra-working-definition-of-antisemitism/>.

Despite the insistence on IHRA as a veritable Swiss Army Knife for tackling antisemitism, it was mentioned just once in the strategy. It wasn't even the only definition mentioned.

This part of the White House strategy plan is telling:

Antisemitism is a stereotypical and negative perception of Jews, which may be expressed as hatred of Jews. It is prejudice, bias, hostility, discrimination, or violence against Jews for being Jews or Jewish institutions or property for being Jewish or perceived as Jewish. Antisemitism can manifest as a form of racial, religious, national origin, and/or ethnic discrimination, bias, or hatred; or, a combination thereof. However, antisemitism is not simply a form of prejudice or hate. It is also a pernicious conspiracy theory that often features myths about Jewish power and control. There are several definitions of antisemitism, which serve as valuable tools to raise awareness and increase understanding of antisemitism. The most prominent is the non-legally binding “working definition” of antisemitism adopted in 2016 by the 31-member states of the International Holocaust Remembrance Alliance (IHRA), which the United States has embraced. In addition, the Administration welcomes and appreciates the Nexus Document and notes other such efforts.

The focus of this national strategy is on actions [emphasis in original] to counter antisemitism.<sup>5</sup>

The White House described antisemitism in words different from IHRA, didn't mention the examples which are the heart of IHRA, interestingly used the past tense “has embraced,” when it could have said, explicitly, that it was using it to define the strategy going forward, and mentioned not only the NEXUS definition<sup>6</sup> but “other such efforts,” with the active verbs “welcomes and appreciates.”

The U.S. government refused to be drawn into the definitional wars, and instead identified specific actions to confront antisemitism.

I encourage the UN to take this approach too. What are the unique parts of the UN that can address antisemitism? Which agencies need to incorporate plans to consider antisemitism and

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<sup>4</sup> Robert Bowers, the Tree of Life shooter, knew that the synagogue had hosted a meeting of HIAS, a Jewish-linked group that helps immigrants and refugees. <https://www.nytimes.com/article/tree-of-life-shooting-trial.html>. The ideology of the mass murderer of Mexicans and Mexican Americans at the El Paso Walmart a few months later was nearly identical to Bowers'. One killer decided to go after the “invaders” directly, the other their perceived enablers. The ideas that drove them were nearly identical, but we classify one crime as antisemitic, and the other not, solely based on who they decided to shoot that day. Likewise the worldview of the mass murderer of Black people at the Buffalo TOPS store in 2022 was infused with antisemitism.

<sup>5</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>, p. 13.

<sup>6</sup> The Bard Center for the Study of Hate provides an academic home for the Nexus Task Force. BCSH does not necessarily endorse any of NEXUS's positions. <https://israelandantisemitism.com/>

its effects, or to improve ones that already exist? How can it, like the White House plan, encourage groups that represent diverse parts of civil society, and may have tensions between them, find ways to fight antisemitism together?<sup>7</sup> What might the UN do to address some of the things it has done in the past that have had an association with manifestations of antisemitism?

**Don't repeat the mistakes the UN made when it equated Zionism with racism.**

As you know, in 1975 the United Nations General Assembly Resolution 3379 declared Zionism – the Jewish quest for self-determination in their historic homeland – a form of a racism. This per se equation that Zionism = racism led to discrimination against Jews. Jews were defined as Zionist, Zionists as racists, and racists, it was said, should be excluded, if not dehumanized. It was used to target political speech. It ignored the complexity of competing national narratives, of two peoples with deep ties to the same land, prioritizing one and labeling the other as always bigoted. It harmed democracy. The UN has, too often, been a venue for expressions of allegations that Jews conspire to harm the world, including at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban.

The White House strategy acknowledged that America kept out Jews fleeing the Nazis. Whatever UN strategy is devised, it should also look deeply at its past behavior.

**It makes no sense to divide the forces opposed to antisemitism by what they think about a definition.**

Strong disagreements about justice and Israel and Palestine are matters of preferred narratives and different politics, and this sometimes does spill over into bigotry.<sup>8</sup> But the acknowledgement that the UN has a responsibility to combat antisemitism doesn't mean it should succumb to the push for simplistic "solutions" that will likely backfire. As I wrote for an ABA International Law section,<sup>9</sup> it makes no sense to divide the forces opposed to antisemitism by what they think about a definition. I want Jews and Muslims, those who support Israel as a Jewish state and those who don't, to join together to oppose antisemitism, while also understanding there are deep differences and intense feelings about Israel's Jewish identity. I'm also concerned about the danger and seduction of simplistic answers to difficult questions. Years ago the "go to" answer for antisemitism was simply Holocaust education. Holocaust education is important, but not as a miracle cure for antisemitism.<sup>10</sup> Neither is IHRA.

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<sup>7</sup> The Bard Center for the Study of Hate has a training manual on building such coalitions against hate: <https://bcsh.bard.edu/files/2022/05/OpposingHateGuide-single-pages-8M-5-3.pdf>.

<sup>8</sup> The White House statement acknowledges "when Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred [an example the White House document notes is the claim 'that Jews or the government of Israel spread the coronavirus to advance global influence'], that is antisemitism."

<sup>9</sup> <http://kennethsstern.com/wp-content/uploads/2023/02/ABA-statement-121522e.pdf>

<sup>10</sup> <https://www.jta.org/2007/01/21/opinion/holocaust-education-wont-stop-hate>

I sat in the audience at the UN the day the General Assembly repealed 3379. Today, more than 30 years later, I'm concerned about what will happen if the UN essentially adopts another binary, but this time the mirror image of 3379: to proclaim that anti-Zionism is antisemitism, per se. Make no mistake, Israel is a member of the family of nations, and as a Zionist I support its right to exist. And certainly anti-Zionism is expressed as antisemitism at times.<sup>11</sup> But clearly there are reasons people are anti-Zionist that aren't rooted in hatred towards Jews.<sup>12</sup>

### **The UN isn't a proper forum to decide a difficult internal Jewish debate.**

There's an internal Jewish debate about whether a particular view of Zionism is required to be "inside the tent." Jews who are anti-Zionist have been labelled "unJews."<sup>13</sup> This internal family debate – those who say Jews who are anti-Zionist are "outside the tent" vs. those who say they are anti-Zionist or allow anti-Zionists to be inside the tent – shouldn't effectively be decided by any political entity, including the U.S. Congress and the United Nations.

### **Adopting a definition, especially one with political examples like IHRA, will make combating antisemitism more difficult.**

When analyzing any issue of bigotry it is helpful to imagine another target group, and then compare and contrast. There is no officially endorsed definition of racism as a short cut to critical thinking, to decide with a template what's racist and what isn't. But if such a definition included political examples, such as in the United States opposition to affirmative action or Black Lives Matter or the removal Confederate statues or the idea of reparations, the implications for free speech and academic freedom would be clear. Adopting the IHRA definition, and its political examples about Israel, would have the same deeply negative effect.

### **IHRA is being used to chill or suppress speech about Israel.**

The text of what's now the IHRA definition was designed in 2004/05 primarily to give data collectors in various European countries a common frame of reference for creating reports on

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<sup>11</sup> For an analysis of anti-Zionism and antisemitism see <https://www.inss.org.il/publication/anti-zionism-antisemitism-and-the-fallacy-of-bright-lines/>)

<sup>12</sup> I imagine if I were a Palestinian, I'd see Zionism as a tragedy, or worse, because the re-establishment of a Jewish state has an effect on my ability to have control over my own life in the land to which I too am inextricably linked. There are also Jews who are anti-Zionist. Some, like the Satmar, have theological reasons for being anti-Zionist (that the Jewish state shouldn't exist until the Messiah comes). But there are other Jews in groups like Jewish Voice for Peace and IfNotNow who are anti-Zionist (or agnostic about Zionism) because they can't square Zionism with what Judaism teaches about how to treat the neighbor or concepts of repairing the world. It would be inappropriate to label all such views antisemitic, but that's part of the reason behind the push to adopt the definition.

<sup>13</sup> <https://www.tabletmag.com/sections/news/articles/the-un-jews-natan-sharansky>

antisemitism, to clarify that the core of antisemitic hate crimes was whether someone intentionally selected a Jew to be a victim of a crime because they were Jewish (so if someone attacks a Jew because they are upset with what Israel does, it should be counted), and for some diplomatic purposes (so that if the president of Iran talked of wiping Israel off the map, a text could be pointed to).

There were examples about Israel because, as data points, they were correlated with increases of attacks on Jews, but the intent was never to make a simple tool to accuse someone of antisemitism, or to exonerate them. Nor was it created to suggest what could be taught, what politics student groups could promote, or what line a human rights group has to take on Zionism in order to receive funding.

But since 2010, the definition has been used, not as intended, but primarily to chill or suppress pro-Palestinian speech. As Jared Kushner wrote<sup>14</sup> when former president Donald Trump signed an executive order saying the definition must be considered for Title VI inquiries on campus, the policy was simple: anti-Zionism was antisemitism, full stop. And in the last days of the Trump administration, Secretary of State Pompeo floated the idea of labeling Amnesty International and Human Rights Watch as antisemitic, thus threatening their funding.<sup>15</sup>

The EU handbook on using IHRA makes clear what the "adoption" is supposed to achieve: "funding does not go to entities and projects that promote antisemitism... and to refrain from making premises and infrastructure available to organisations and associations that express antisemitic views or question Israel's right to exist."<sup>16</sup>

In the United States, I first saw the definition used as a blunt instrument in the academy. Pro-Israel groups and individuals alleged violations of civil rights law in part for what texts a professor signed, what speakers were brought to campus, what political activity was alleged to be "in violation." Even when cases were lost, proponents applauded the chilling effect of the definition.<sup>17</sup> And despite claims to the contrary, proponents of broad adoption of IHRA – like the Simon Wiesenthal Center – want to suppress pro-Palestinian speech.<sup>18</sup>

And, not surprisingly, I haven't seen the groups lobbying for IHRA cite it as necessary when, in 2022, Kanye West said he was going "Def Con 3" on Jews, or when former president Donald Trump hosted Holocaust denier Nick Fuentes. When I was a successful complainant for Jewish

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<sup>14</sup> <https://www.nytimes.com/2019/12/11/opinion/jared-kushner-trump-anti-semitism.html>

<sup>15</sup> See <https://www.timesofisrael.com/pompeo-said-planning-to-declare-major-human-rights-groups-as-anti-semitic/>. The language of IHRA doesn't specifically say anti-Zionism is antisemitism, but that's precisely how it has been applied and encouraged. For just two examples, see <https://twitter.com/RabbiShmuley/status/1661102445865345050/photo/1> and <https://zoa.org/2023/05/10447768-exclusive-zoa-blasts-biden-lipstadts-phony-dangerous-antisemitism-strategy-breitbart/>

<sup>16</sup> <https://op.europa.eu/en/publication-detail/-/publication/d3006107-519b-11eb-b59f-01aa75ed71a1/language-en>

<sup>17</sup> <https://www.jpost.com/Opinion/Op-Ed-Contributors/Standing-up-for-Jewish-students-325648>

<sup>18</sup> <https://www.wiesenthal.com/about/news/wiesenthal-center-other.html>

high school students who suffered antisemitic bullying, I didn't need it. And I didn't need it during my quarter century at the American Jewish Committee, nor did those who proceeded me, to do our jobs. Its only significant use, despite the original intent, has been to go after speech about Israel that the proponents don't like. I don't like some of that speech either, but I am more concerned about the desire to use instruments of state to chill or suppress it. One of the keys to fighting antisemitism is to maintain strong democratic institutions. Using institutions to suppress or chill speech clearly harms democracy, and there are other, more effective, ways to organize against speech one doesn't like.<sup>19</sup>

**Just as policies equating Zionism with racism harmed Jewish scholars and the academy, policies equating anti-Zionism with racism will harm Palestinian and Jewish academics, and the academy itself.**

I'm opposed to academic boycotts of Israel because the academy should be about ideas, not the nationality of the proponents of those ideas. And as I discussed in my last book,<sup>20</sup> the academic boycott has harmed Jewish academics, even if they aren't Israeli.

But the answer to this problem is not to do the reverse. Palestinian and pro-Palestinian faculty and students have been vilified too, had their speech chilled, their ability to teach called into question.<sup>21</sup> That's part of the reason why so many Jewish studies and Jewish history professors have put their support behind other definitions<sup>22</sup> and/or opposed pushes<sup>23</sup> for the adoption of IHRA. And that's why, no doubt, you've also received direct communication, not only from Palestinians and their supporters,<sup>24</sup> but also from scholars of antisemitism. The reply to these concerns from the pro-IHRA groups is to point to the text of IHRA and say, on its face, it's not binding or to suppress speech. Yet they clearly want it to be used as endorsed policy, as a weapon against speech about Israel they don't like. If IHRA's text was being used in ways these groups didn't see as proper, they would have said so. They haven't. Clearly they want IHRA to be used against pro-Palestinian speech. That's the point.<sup>25</sup>

**The push for IHRA is akin to the movement to remove books from libraries or restrict teaching about contentious issues like race and gender. It feeds into a destructive binary that can propel antisemitism.**

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<sup>19</sup> For example see <https://www.cnn.com/2017/01/13/opinions/kkk-plans-march-on-mlk-day-stern/index.html>

<sup>20</sup> <http://kennethsstern.com/the-conflict-over-the-conflict/>

<sup>21</sup> <https://www.theguardian.com/news/2020/nov/29/palestinian-rights-and-the-ihra-definition-of-antisemitism>

<sup>22</sup> <https://jerusalemdeclaration.org/>

<sup>23</sup> <https://thecjn.ca/news/a-new-canadian-jewish-faculty-group-opposes-the-ihra-definition-of-antisemitism/> and <https://www.svd.se/a/G3waVI/do-not-politicize-the-struggle-against-antisemitism> and <https://diversity.uconn.edu/wp-content/uploads/sites/3257/2022/02/Association-for-Jewish-Studies-Task-Force-on-Antisemitism-and-Academic-Freedom-2021.pdf>

<sup>24</sup> <https://media.euobserver.com/9e86df02ddf67c6046d190b65e4380df.pdf>

<sup>25</sup> No one is hiding the IHRA definition, nor the other ones, and when I teach about antisemitism I include texts of multiple definitions. But the quest for official adoption is intended to prioritize one, and to use it to hunt for and chill and suppress speech, engaging instruments of state in the effort.

The American Association of University Professors opposed the adoption of IHRA, and in a statement linked the campaign for IHRA with the efforts in the United States to curtail teaching about Critical Race Theory.<sup>26</sup> This flags one of my greatest concerns about the push for institutions like the UN to adopt IHRA. I grew up in the civil rights and Vietnam War era. The fight for free speech was a core of the fight for human rights. Now I see people concerned about antisemitism (and frankly other forms of bigotry) turn to instruments of state to suppress people with whom they fundamentally disagree, whether about race, gender identity, or Israel. This is dangerous, not only because it undermines democracy. It also feeds into an increasing binary that has the capacity to be a major driver of antisemitism.

I direct the Bard Center for the Study of Hate. Hate studies<sup>27</sup> is an academic effort to harness what we know about hate into an interdisciplinary framework, to help guide action. From brain science,<sup>28</sup> social psychology and other fields, we know that human beings are primed to see an “us” and a “them,” and when we’re in these buckets of identity, we want to know we’re right and “they,” especially if the “they” is seen as a competitor or threat, are wrong. We seek certainty and simplicity. We are drawn to symbols (flags, ideas, etc.) as a fierce expression of our identity. As social psychologist Jonathan Haidt has written, when we see things in such moral terms, morality both “blinds” and “binds.”<sup>29</sup>

Those who hate – whether they hate people of different races, religion, countries or politics – tend to see the world this way, justifying their dehumanization or demonization of the other as nothing more than noble self-defense.

It’s a human characteristic, but it doesn’t exempt those who believe they are fighting hate, because they, after all, are human too. IHRA adoption is a symbol, a shortcut to say who is fighting antisemitism, and who isn’t.<sup>30</sup> It’s an attractive and simple binary, and people are passionate about it.

But how does antisemitism actually work around the world today? Antisemitism, at its heart and at its most dangerous, is conspiracy theory, charging Jews with conspiring to harm humanity, and it provides an “explanation” for what goes wrong in the world.<sup>31</sup> Jews killing Jesus, Jews poisoning wells, Jews actually controlling the media, governments, the weather. But what drives people into antisemitic movements and actions? When we reduce our answer to

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<sup>26</sup> <https://www.aaup.org/report/legislative-threats-academic-freedom-redefinitions-antisemitism-and-racism>

<sup>27</sup> <https://bcsh.bard.edu/hate-studies/> and <https://blogs.bard.edu/bcsh/files/2018/12/Need-for-Interdisciplinary-Field-of-Hate-Studies.pdf>

<sup>28</sup> For more on how the brain fires related to us/them, and related emotions (fear, disgust, etc.), see [https://www.youtube.com/watch?v=S5g\\_LAoUYZQ&t=49s&ab\\_channel=BardCenterfortheStudyofHate](https://www.youtube.com/watch?v=S5g_LAoUYZQ&t=49s&ab_channel=BardCenterfortheStudyofHate)

<sup>29</sup> For more about how “us” vs “them” thinking manifests, especially regarding Israel/Palestine, see <http://kennethsstern.com/wp-content/uploads/2020/05/thinking-about-thinking.pdf>

<sup>30</sup> For this reason, among others, I’m also opposed to the official adoption of any definition about antisemitism, because any text will inevitably be used a shortcut for accusations or exoneration, rather than focus our thinking about action.

<sup>31</sup> All three definitions (IHRA, JDA and NEXUS) have this point, although in somewhat different words.

this question to “what did someone say about Jews,” let alone “what did someone say about Israel,” we lose most of what’s essential to consider.

Antisemitism is already obscured in the binary. On the international scene, as well as in the U.S., I’ve been concerned for decades that the divide over Israel/Palestine serves to blind. Antisemitism exists on both the political right and the left. But I’ve seen Israel’s supporters and Palestine’s supporters both minimize or ignore expressions of antisemitism when it comes from their political camp.

Two related things worry me most about contemporary antisemitism:

- 1) The increased tendency worldwide to normalize the idea of the “other” – whether that other be religious, ethnic, racial, political, gender identity or any other “other” – as dangerous, and the fight to diminish, dehumanize or demonize that “other” as something noble and a matter of self-protection.
- 2) As the White House strategy plan notes, antisemitism is a threat to democracy. But the flip side is true too. To fight hatred effectively, democracy must be protected. We know that when the rule of law, freedom of speech and press and religion, and/or an independent judiciary are under threat, when authoritarian impulses ascend, when politicians have greater success tapping hate in politics (because, alas, hate in politics works or politicians wouldn’t use it), it’s more likely that conspiracy theories will be more broadly promoted and believed. Antisemitism is the “go to” way to see the world when the instinct for simple answers and conspiratorial thinking is primed.<sup>32</sup>

There are many things to combat antisemitism that the UN could do, and the effort you are putting together is an important step in identifying and implementing those, much like the White House did by looking internally at government structures, and looking outward to civil society and other actors that can play important roles.

But adopting the reverse image of the Zionism = Racism resolution will do damage similar to what Resolution 3379 wrought, but with Palestinians and Jews who are anti-Zionist as the people vilified. And like 3379, it would be used as a tool to further erode democracy. I appreciate that other countries have different free speech traditions than the United States, so

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<sup>32</sup> In this binary world around Israel, Palestine and Zionism, I worry that people are so invested in their point of view they are almost allergic to the emotional empathy required for a better future – to imagine if I were born into “the other side,” how would I think and feel. It’s been a deep frustration to see most pro-Palestinian activists say they won’t even have discussions with Zionists, because that would be “normalizing” the conflict, essentially comparing political opponents to Nazis. Likewise, I’ve tried to get pro-Israel organizations to invite Palestinian BDS activists who are willing to share their views. I’ve had no success there either, with refusal to listen to BDS proponents (even those who are human rights lawyers) as a request beyond the pale at best, or one to normalize promoters of antisemitism at worst. (Terms like Nazi should be reserved for Nazis and neo-Nazis, and the world “antisemitism” loses its meaning if it is applied ubiquitously, especially around divides that rooted in politics, not in Jew-hatred.)



I worry even more about the implications abroad. One side wants to brand Zionism as “hate speech,” the other anti-Zionism as hate speech. Neither is an appealing strategy, and both should be rejected.

Sincerely,

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