PAPERS

PETER ULLRICH

EXPERT OPINION ON THE "WORKING DEFINITION OF ANTISEMITISM" OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE

PETER ULLRICH, Dr. phil. Dr. rer. med., Technische Universität Berlin, Fellow at the Center for Research on Antisemitism (ZfA), co-head of the research unit "Social Movements, Technology, Conflicts" at the Center for Technology and Society (ZTG) & member of the Institute for Social Movement Studies (ipb), contact: ullrich@ztg.tu-berlin.de, http://textrecycling.wordpress.com, Twitter @textrecycling.

EXECUTIVE SUMMARY

The "Working Definition of Antisemitism" recognized by the International Holocaust Remembrance Alliance (IHRA) in 2016 is an instrument for collecting required data on and fighting antisemitism that has achieved wide dissemination. In a field of action characterized by a high degree of conceptual insecurity, the definition promises conceptual orientation by providing a basis for practical work. Indeed, with its concrete language devoid of technical jargon and its tangible examples that illustrate the concept of antisemitism using typical, recurring phenomena, the "Working Definition" has become the basis for the work of various groups of users. Moreover, the adoption of hitherto rarely examined aspects of antisemitism related to Israel provided an update for the discussion that was necessary at the time the definition was formulated (in the early 2000s).

However, a closer examination also reveals severe deficits. In particular, the "Working Definition" is inconsistent, contradictory and formulated very vaguely. It therefore does not satisfy the requirements of a good definition. Moreover, the core definition of antisemitism is reductionist. It emphasizes some antisemitic phenomena and levels of analysis but largely omits other essential ones. This applies in particular to ideological and discursive aspects, for example antisemitism as a conspiracist worldview. Aspects of organizational sociology related to mobilization in movements and political parties as well as their consequences in discriminatory institutional regulations and practices are also not mentioned. Moreover, some of the examples related to Israel appended to the core definition can only be classified as antisemitic within context using further information, as what is described is ambiguous and occurs in complex, overlapping constellations of conflicts, which often do not readily allow singling out one specific problem such as antisemitism. An example is afforded by the so-called double standards. They are not sufficient criteria for distinguishing an antisemitic focus on Israel from one related to the specific features of Israeli policies and their geopolitical significance.

As a consequence, the "Working Definition" is conducive to contradictory and error-prone application in practice and leads to assessments of incidents and facts that are not based on clear criteria but on the preconceptions of those applying it or on prevalent interpretations adopted without reflection. Applying the "Working Definition" creates the fiction of an objective assessment guided by criteria. The definition provides procedural legitimacy for decisions that are in fact taken on the basis of other criteria that remain implicit and are specified neither in the definition nor in the examples.

The weaknesses of the "Working Definition" are the gateway to its political instrumentalization, for instance for morally discrediting opposing positions in the Arab-Israeli conflict with the accusation of antisemitism. This has relevant implications for fundamental rights. The increasing implementation of the "Working Definition" as a quasi-legal basis for administrative action promises regulatory potential. In fact, it is instead an instrument that all but invites arbitrariness. It can be used to abridge fundamental rights particularly freedom of speech with respect to disfavoured positions on Israel. In contrast to what the designation "Working Definition" suggests, no further development of the definition to rectify these weaknesses is occurring.

The bottom line is that the attempt to solve problems of general conceptual clarification and universal applicability by means of the "Working Definition of Antisemitism" must be seen to have failed. Mainly due to its technical weaknesses, the deficient practice of its application, its nevertheless partly binding legal status and its potential for political instrumentalization with problematic implications for freedom of speech, the use of the "Working Definition of Antisemitism" cannot be recommended. A potential exception could only lie in narrowly defined pedagogical contexts. As the genesis of the "Working Definition of Antisemitism" and its wide dissemination indicate, there is—not least in view of the persisting threat from current antisemitism—a great need on the part of various institutions for practicable criteria for identifying antisemitic phenomena. The development of clear and context-specific instruments for practical application is therefore urgently recommended.

CONTENTS

I INTRODUCTION

The "Working Definition of Antisemitism" has been well-known worldwide at least since it was adopted and disseminated by the International Holocaust Remembrance Alliance (IHRA)[1] in 2016. The English version reads as follows:

> 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 supplemented by explanatory notes and a list of examples intended to facilitate working with the definition as well as explanations of the terms: antisemitic acts, crimes, and discrimination.[2] The examples deal with various aspects of antisemitism, including, extensively, antisemitism related to Israel. The definition is being used by a growing number of states and authorities as well as national and international organizations in the fields of political education, monitoring, prevention, prosecution, and occasionally in research. At the same time, the "Working Definition" and in particular the examples appended to it have been and continue to be subject to strong criticism. This criticism is predominantly directed at aspects of the text, which deal with criticism of or hostility toward Israel as a potential form of antisemitism. Critics of the definition interpret this as improperly equating criticism of Israeli policies with antisemitism, and view such use of the "Working Definition" as a severe infringement on freedom of speech (e.g. Jewish Voice for Peace 2018; Algazi et al. 2018). The contrast between the great popularity and wide dissemination of the document, on the one hand, and harsh criticism, on the other, forms the point of departure of the following analysis.

This expert opinion has the following objectives:
– present background information on the "Working Definition of Antisemitism" (need, history, dissemination and application);
– provide an assessment and critique of the content with particular focus on aspects related to Israel;
– assess legal, ethical and political implications;
– develop recommendations for dealing with the "Working Definition of Antisemitism".

---

1 The IHRA is a coalition of 33 full and nine associate member states in which delegations composed of government representatives and experts deal with Holocaust remembrance and related educational measures. **2** See full text in the Appendix.

II BACKGROUND: HISTORY, DISSEMINATION, AND STATUS OF THE "WORKING DEFINITION OF ANTISEMITISM"

A ORIGINS

After a large number of violent anti-Jewish incidents, in particular in France, and the resulting increased attention to antisemitism in the early 2000s, the "Working Definition" satisfied a widely felt need from various institutions for a concept of antisemitism suitable for practical use.[3] An important role in this played the contemporary discourse on so-called new antisemitism (for the debate on this see Rabinovici 2004; Holz 2005), which, according to proponents of this concept, is predominantly related to Israel. It brought into view antisemitic tendencies beyond the extreme Right, in particular among Muslims and on the political Left. The report, "Manifestations of Antisemitism in the European Union" (Bergmann and Wetzel 2003), of the European Monitoring Centre on Racism and Xenophobia (EUMC)[4] and the antisemitism conference of the Organization for Security and Co-operation in Europe (OSCE) were milestones on the path to the "Working Definition". In the Berlin Declaration (OSCE 2004), adopted there, the participating states committed themselves to fighting antisemitism and regularly monitoring antisemitic phenomena. This task was entrusted to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which was to cooperate with UN and EU institutions, in particular the EUMC, for this purpose.

Against this background, a definition of antisemitism was drafted in a consultative process by various experts with the particular involvement of Jewish organizations as well as the OSCE and the EUMC (see also Lerman 2018: Chap. 5).[5] It was published on the EUMC website under the title "Working Definition of Antisemitism" in 2005. It was applied in the work of the EUMC, the OSCE and various non-governmental organizations, but also in lawsuits, without ever being given a formal status by the EUMC. In 2013, the EUMC's successor, the Fundamental Rights Agency (FRA), removed the definition from its website in the course of a document cleanup. However, in the meantime it had spread and was being used separately from its institutional context. Finally, in 2015, the IHRA's Committee on Antisemitism and Holocaust Denial addressed the definitional question. On its recommendation, the IHRA meeting in 2016 adopted the "Working Definition of Antisemitism", prompting its increased use, especially in IHRA member states.

B VERSIONS

Different variants of the "Working Definition of Antisemitism" are in use today. These usually do *not* differ with respect to the sentences of the core definition quoted above. However, there are versions in which individual sentences have been added to the

core definition, as in the variant used by the German government. In this variant, the core definition is supplemented by a sentence from the explanatory notes of the IHRA definition, according to which it may also be applicable to phenomena directed against Israel as a Jewish collective. However, the statement following this sentence in the complete IHRA version — that this does not include criticism of Israel that is comparable to criticism of other states — was not included, nor were the examples and the other explanations.

These examples are treated in very different ways. Sometimes they are viewed (and published) as a genuine part of the definition but other times they are not (see e.g. Tomlinson 2017; Lerman 2018: Chap. 8). Moreover, different examples were included in adopting the "Working Definition". The US originally used examples oriented toward the 3D test for antisemitism — demonization, double standards, delegitimization (Sharansky 2004) — but has in the meantime migrated to the examples provided in the IHRA version. The British Labour Party (see below) adopted some of the existing examples and added some additional ones for which it was so severely criticized that it ended up backing away from the modifications.

Regardless, the original version of the EUMC and the current one of the IHRA form the essential basis of all variants. These two versions differ not in the wording but in the *arrangement* of the explanatory notes on antisemitic criticism of Israeli policies and in the *grouping of the examples* in the text.[6] The remarks in this expert opinion refer to the version adopted by the IHRA unless otherwise noted.[7]

C LEGAL STATUS, DISSEMINATION, AND USE

The IHRA designates the status of the "Working Definition" as "not legally binding". Nevertheless, the definition has a binding quasi-legal character in various contexts without having the corresponding legitimacy (Gould 2018a, 2018b). Various entities have espoused

---

3 For the history of the definition see also Elman (2014: 62), Unabhängiger Expertenkreis Antisemitismus (2017: 23), Stern (2017), Porat (2018: 44). **4** The EUMC was an agency of the European Union that existed until 2007 and was tasked with collecting data on racism and xenophobia. It was succeeded in 2007 by the European Union Agency for Fundamental Rights (FRA), which has a similar but expanded mandate. **5** Kenneth S. Stern (then American Jewish Committee) was the coordinator; the team included Michael Whine (Community Security Trust, UK). **6** In the IHRA version, the original partition into five examples relating to Israel, framed by introductions, and six fundamental examples, was replaced by a simple list of eleven examples accompanied by the same explanatory notes though differently arranged. **7** The present text was initially written for a German audience and was based on the analysis of the German text version of the "Working Definition". It was slightly revised upon translation into English. Some specific references to the German context that were retained are explained. However, the reference definition for this text is now the English text version.

the definition with different degrees of "bindingness". This is expressed *inter alia* by various government entities adopting, taking note of or "indorsing" (the formulation used by the German government is "indossieren") the definition while also prescribing its use for subordinate authorities and using it operationally. For instance, according to press reports, the German Federal Ministry of Justice is planning for the definition to be used consistently for the training of the police and judiciary (Sehl 2019).

The European Parliament has called on *EU member states* to adopt the definition (European Parliament 2017) and has presented translations in 24 languages. The "Working Definition" has been formally adopted (in some cases already in the EUMC version) by ten states: Bulgaria, Germany, United Kingdom, Israel, Lithuania, Northern Macedonia, Austria, Romania, Slovakia, and the United States (e.g. EP Working Group on Antisemitism n. d.). The "Working Definition" is also being used to govern administrative action at the subnational level, e.g. in the federal states of Berlin, Bavaria and North Rhine-Westphalia as well as in several cities, including Munich,[8] Leipzig, and Dortmund.

International governmental organizations working with the definition include, besides the IHRA, the OSCE, and in particular its Office for Democratic Institutions and Human Rights. Although the definition was never formally adopted, relevant papers of the organization refer to it.

Moreover, various *non-governmental organizations* work with the "Working Definition" or support its dissemination. At the international level, this includes the American Jewish Committee (AJC) and the European Forum on Antisemitism, in Germany — the Amadeu Antonio Foundation, the Jewish Student Union Germany (Jüdische Studierendenunion Deutschland, JSUD), and the Department for Research and Information on Antisemitism (Recherche- und Informationsstelle Antisemitismus, RIAS),[9] a Berlin-based civil society-monitoring organization that is being replicated nationwide. Several civil society organizations and prominent figures from Germany make authoritative reference to the "Working Definition" more than once (JFDA 2019). Similar developments in the use of the "Working Definition" by various actors can be observed in many countries. Due to extensive media coverage, the best-known example is the longstanding dispute over antisemitism in the British Labour Party, which led to the "Working Definition" being adopted (at first with partly modified examples) into the party's code of conduct (Labour Party 2018).

The definition was created *not for scientific purposes.* The "Working Definition" is therefore only occasionally used as a conceptual basis for scientific research on antisemitism (e.g. Salzborn and Voigt 2011; Imhoff 2012; Becker 2018) and, if so, often with qualifying restrictions or critical extensions (e.g. Unabhängiger Expertenkreis Antisemitismus 2011: 10, 2017: 23; see also Pfahl-Traughber 2017). Thus, the criteria used in the "Working Definition" by no means represent the "minimal consensus within antisemitism research" (Salzborn and Voigt 2011: 293; identical wording in Salzborn 2018: 146), especially regarding the examples related to Israel.

D EPISTEMOLOGICAL STATUS

The "Working Definition" is a *stipulative or regulating definition* (Pawłowski 1980: 18). It does not define a new term (that would be a *prescriptive definition*) or record the current usage of an existing term in the language (that would be a *descriptive definition*). The stipulative definition is a sort of middle ground: A definition of an expression (E) in a language (L) is stipulative if "with this definition we partly keep to the meaning that this expression already had in the language L and partly depart from this meaning, e.g. in order to more sharply determine the conceptual scope of the expression E" (ibid.: 19). A key aspect of the controversy over the "Working Definition" is the question to what extent it fulfils this determination.

1 On the Character as a Working Definition

The term, "working definition", has two common meanings that are relevant in this context.

(a) A working definition forms a *practical basis for the work* of its users. The modifier, "working", merely signifies a function and does not affect the definition's epistemological status. However, the second meaning is more common.

(b) A working definition has a *preliminary character* and is to be rephrased as a full-fledged definition after extensive research and concept development. In view of the incompleteness of the process, the criteria of a good definition are by definition not (entirely) fulfilled. In this case, we are dealing with a *partial definition* with a high degree of vagueness (ibid. 25, 125). However, in view of this unfinished character such a definition cannot easily be applied in practice (all the more so by laypersons) without reproducing precisely the problems that constitute its unfinished state.

The designation, "Working Definition of Antisemitism", contains both meanings. As an instrument for fighting antisemitism, the definition did not aim for academic

---

[8] The case of Munich is particularly controversial. A city council resolution defines the pro-Palestinian movement, "Boycott, Divestment, Sanctions" (BDS), as antisemitic and prohibits the use of city premises for events that support BDS or even just deal with its topics (Munich 2017). The past years have seen the cancellation of many events organized by social actors accused under great public pressure of hostility toward Israel, proximity to BDS and antisemitism. [9] RIAS, however, despite strongly emphasizing the use of the IHRA definition, in fact works with a greatly modified definition.

or scientific clarification but was primarily meant to be a "practical tool" (Porat 2018: 45), in particular for *monitoring antisemitic incidents* (Stern 2017: 5).[10] At the same time, the choice of the term "working definition" reflects strong differences of opinion about the formulation and especially the emphasis on phenomena related to Israel in the definition and its examples. In particular, Russia and Scandinavian countries saw this as improperly confounding criticism of Israeli policies with antisemitism. In this regard, the designation, "working definition", served to implement the instrument while, at the same time, maintaining its formally non-binding character (see also Unabhängiger Expertenkreis Antisemitismus 2017: 23) and openness to further development (Lerman 2018: Chap. 5).

However, the last ten years have shown that *no* further development of the "Working Definition of Antisemitism" has in fact occurred. Instead, due to the adoption by the IHRA, the definition is increasingly forming the basis of the work of various institutions. This institutional use all but requires the definition to be treated as complete in the sense of (a). For instance, collecting statistical data on antisemitic incidents or using the definition for (not) permitting events to take place requires a simple application to cases *(Does a case correspond to the definition or not?).* The widespread perception of a provisional character, which is indeed suggested by the designation as a working definition, is thus misleading, and the analysis must examine whether the definition's wording allows it to be applied in the sense of (a).[11]

---

10 The EUMC version (n.d. [2005]) was preceded by the note: "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." 11 By contrast, actually using the definition as a working definition in the sense of (b) would suggest a different way of dealing with it. In particular, it would involve further intensive work on the concept in the interplay of an analysis of empirical phenomena and their conceptual delimitation.

III ANALYSIS OF THE DEFINITION

A PERSPECTIVE OF THE EXPERT OPINION

On the one hand, the "Working Definition of Antisemitism" is a *definition* and must therefore fulfil the criteria for good definitions developed in epistemology and logic. On the other hand, as a *working* definition it should be practically useful in heterogeneous fields, including for users without academic specialization. This twofold claim is strong and leads to a twofold difficulty.

The first results from the fact that, even in the scientific discipline and all the more so in the general discourse, there is little agreement on what exactly antisemitism *is* (see also Engel 2009), what exactly the term refers to and what it does not refer to, how the associated phenomena can be explained, and on which levels of the social sphere they can be analyzed or observed. This applies all the more to the part that is intertwined with issues of the Middle East, the attitude toward Israel, and further associated topics that strongly polarize debates in society (Bergmann and Erb 1986 and 1991; Rabinovici et al. 2004; Kohlstruck and Ullrich 2015; Ullrich and Kohlstruck 2017; Heilbronn et al. 2019). A universal stipulative definition (see above) would thus necessarily have to abstract from concrete individual scientific concepts of antisemitism, whose theoretical approaches are often not compatible, and determine a widely accepted *core* of antisesmitism. Such a definition would necessarily be highly conceptual and abstract. It would run the risk of becoming devoid of content and largely lose any concrete real-life reference, which raises the second difficulty resulting from the distinct logics of scientific research vs. application-oriented sectors of society. These differ regarding the degree of terminological specialization, epistemological requirements, the need for reflection on and variation of terms, the kind of available contextual knowledge and their orientation toward results or implementation. Attempts to resolve this tension incur costs either at the expense of precision, complexity and abstraction or at the expense of general intelligibility and practicability.

This must be taken into account by the critical analysis, as must the fact that *no* definition can be devoid of ambiguity. How it is understood always depends *inter alia* on the prior understanding of its recipients. Thus, criteria such as „unambiguousness" are only ideals that one tries to approximate as far as possible without ever being able to reach them. The analysis is therefore carried out with the knowledge that these aspirations cannot be fully realized. And criticism does not imply that a solution for what is criticized is always apparent. However, this does not render critical examination obsolete. The different aspirations of the „Working Definition of Antisemitism" result in different levels of analysis, for which different perspectives specific to the respective fields apply (formal quality: logic/epistemology; plausibility and universal validity: research on antisemitism; practicability: multiple practical perspectives). Yet these levels remain closely intertwined. Decisions regarding one of them carry implications for the others. This is reflected in the present expert opinion whose focus is on the formal aspects of the definition as well as the implications of its content.

The crucial criterion for the *formal quality* of a definition (see also Pawłowski 1980: 31, 75, 82) is that the term to be defined is described such that it is clearly possible to determine whether an object falls within the range of the term or not. This requires the definition to be worded unambiguously, not to contain any logical contradictions or tautologies, to be adequate to the subject matter (that is, not to be based on irrelevant stipulations), and to ensure that the term is clearly delimitated from other terms in content and range (including from other terms of the same class of phenomena[12] and from any broader terms, in this case, for instance, racism or ethnocentrism). The more these conditions are deviated from, the higher the degree of vagueness and the less suitable the definition. *With respect to the content,* it remains to be discussed which phenomena classified as antisemitic by previous research are not covered by the definition and which phenomena whose classification as antisemitic may be problematic are covered by the definition. As far as it can be concluded from the existing information, the practicability of the definition will also be discussed. A more comprehensive assessment of this issue would, however, require an empirical survey of the application of the definition in the daily work of various institutional contexts.

B THE CORE DEFINITION
1 Vagueness
As has often been noted, the "Working Definition" is characterized by immense vagueness. It begins with the formulation that antisemitism is a "certain perception of Jews". This ambiguous formulation leaves it to the addressees to construe *the character of this perception.* The explanation that follows in the second part of the sentence merely offers an indirect clarification by mentioning one way in which antisemitism "may" but need not be expressed ("hatred toward Jews"). Antisemitism is thereby implicitly conceptualized as an entity or structure that can manifest in various ways (essence/form). The second sentence mentions further possible manifestations, "rhetorical and physical" (implying that they are *phenomena*

---

12 Not least due to the conceptual difficulties in defining antisemitism and the problematic origin of the word as a self-designation, there have been various proposals for replacing it, for instance by the term "allosemitism" (Bauman 1995).

derived from the wider concept of antisemitism) but now in prescriptive, indicative form. The same type of language is used to specify the target of antisemitism: Jews and non-Jews, their property, and Jewish (religious) institutions.

Determining the range of those (potentially) affected by antisemitism is an important element of the definition. The reference to Jewish *and* non-Jewish persons is striking but justified, as for instance attacks or insults with an antisemitic *motivation* may be directed toward persons who are erroneously construed as (typically) Jewish by the attackers. Research on anti-Semitism often takes this aspect into account using the formulation that antisemitism is directed toward persons *as Jews*, toward facilities *as Jewish ones* etc. The formulation used in the "Working Definition" ("toward Jewish or non-Jewish individuals") can be misleading, as it unfortunately obscures a core semantic content of the concept of antisemitism (namely, that it is primarily directed toward what is or is construed as "Jewish"), which is largely uncontroversial.[13] But here precision is important. Otherwise, any rhetorical or physical act or offence directed toward Jews (and possibly non-Jews!) could be classified as antisemitism even if it is an expression of a completely different constellation of problems (see also Klug 2012). From disputes among neighbours to common acts of crime to armed conflicts or other kinds of vilification (homophobia, racism), there are many ways in which Jews can become the objects of adverse actions, which need not lend themselves to a reasonable interpretation as antisemitism.

Overall, three key aspects remain extremely vague: what antisemitism is understood to be at its core; which phenomena are to be regarded as antisemitic; and precisely toward whom they are directed. The vagueness results from ambiguous or contradictory determinations of the object, and contradictory alternation in the definition's text between mandatory and non-mandatory stipulations as well as between statements about the essence and forms of appearance of the concept to be defined.

2 Gaps

The "Working Definition" creates an implicit (additive) concept of antisemitic phenomena by mentioning various concrete manifestations. This includes the characterization as a phenomenon of perception, emotion (hate), speech act and action, with all of these elements not being equally mandatory. This seemingly arbitrary selection of phenomena mentioned, on the one hand, contributes to the impression of vagueness and, on the other hand, produces systematic gaps.

The designation of antisemitism as a *perception* in the first sentence is already not entirely unproblematic. The term perception refers[14] not least to sensory

processes, such as seeing, hearing, smelling, and therefore its meaning extends at least to some degree into the empirical-sensory domain (despite also being somewhat applicable to collective processes of construction). In this wording, antisemitism can be understood as a more or less passive process of a sensory experience of Jews. By contrast, research predominantly holds that the antisemitic caricature of Jews is a product (e.g. of projections) and thus a generated result of antisemitism or antisemites (Holz 2001: 62), and not a *sensory perception*. However, the text leaves room for interpretation in this regard as it also provides other designations of antisemitism.

On the other hand, other aspects, undoubtedly antisemitic, despite all differences of opinion within the discipline, are simply not covered by the definition. This applies, as alluded to above, to the discursive level of antisemitism that structures meaning and which research conceptualizes as a worldview or ideology, cultural semantics, a cultural code, interpretational patterns, a collective stock of images, the structure of prejudices or (with an additional emotional component) resentment. Attitudes are likewise not an object of the definition even though population surveys on the subject of antisemitic attitudes strongly influence the media discourse on antisemitism. The dimension of mobilization in movements and parties (the organizational sociology perspective) is also omitted. The same is true of its institutional (e.g. legal) repercussions, for instance in discriminatory laws. Manifestations of antisemitism directed toward Jewish practices or practices with a Jewish connotation (circumcision, ritual slaughter) are also not covered. One might expect a definition based on phenomena or modes of expression rather than essence to rest on a more comprehensive or systematic selection of criteria. Some of the modes of expression used in the definition also unnecessarily limit the perspective. For instance, "hatred" is an emotional component of antisemitism, which the research often emphasizes as highly relevant. At the same time, there are antisemitic currents, especially in the antisemitism of bourgeois intellectuals of the 19th century directed against Jewish emancipation that explicitly claim a non-emotional,

---

13 It is to be assumed that the diffuse formulation was chosen with the intention described and was merely ineptly drafted. Another interpretation is that this formulation was intended to explicitly allow for including various more distant phenomena, such as so-called structural antisemitism. This term, which has hitherto been rather marginal in research but is more widespread in the political discourse (especially in Germany), does not primarily mean that antisemitism is a socio-structural category (this is a widespread and plausible view), but that the concept of antisemitism can be extended to phenomena which are formally similar in their structure to hostility toward Jews while not themselves comprising a negative attitude to Jews (anti-Americanism or "oversimplified criticism of capitalism" are often mentioned in this regard). The definition of antisemitic acts/crimes/discrimination at the end of the text does not, by the way, suffer from such ambiguity but is a textbook example of clarity. 14 This is also related to a translation difficulty that further aggravates the problem in the German version of the definition, which the expert opinion was originally based on. The English term perception can also mean apprehension and is thus slightly less restricted to sensory experience by (perceiving) persons than the German term, "Wahrnehmung". A German term, such as Deutung (i.e. interpretation / framing), would be more appropriate overall and more open.

"rational" self-image (Bergmann 2013). *Thus, the definition emphasizes some antisemitic phenomena by explicitly mentioning them while largely omitting other key dimensions.*

A definition of antisemitism certainly need not exhaust all possible phenomena that can more or less consensually be classified as antisemitic, nor does it have to name all dimensions that arise due to the respective foci of various specialized or theoretical frameworks. However, naming only a few, as the "Working Definition" does, accords special attention to these elements or the theoretical assumptions about the object implicit in them without clarifying in each particular case the exact status accorded to these privileged levels. The alternative to: (a) a theoretically narrow or even reductionist determination or (b) a very comprehensive and (would-be) complete enumeration of all conceivable phenomena would have to rest on maximally open formulations, which would for instance focus on *negative relationships* to Jews, Judaism, and all things Jewish as such instead of concrete expressions thereof (hate, violence, etc.).[15]

C ON THE ROLE OF THE EXAMPLES AND EXPLANATORY NOTES

The vagueness of the core definition increases the significance of the explanatory notes and examples to elucidate the content of the definition (Klug 2018: para. 10). These parts of the text introduce distinctions (e.g. between antisemitic and non-antisemitic criticism of Israel) that are important, not least for the political debate. However, due to their linguistic style, in particular several formulations with modal verbs indicating a possibility, they suffer from the same problems as the core definition.

An assessment of the eleven examples yields different results. There are some, which do indeed succeed in fulfilling the claim to illustrate the abstract term antisemitism using typical, recurring phenomena. These include: Example 1 (calling for the killing or harming of Jews); Example 2, which enumerates typical content found in antisemitic worldviews; Example 3, which illustrates that in antisemitism Jews as such are made collectively responsible for acts or behaviours of other Jews; Examples 4 and 5 (Holocaust denial and the accusation of inventing or exaggerating the Holocaust); or Example 11 (holding Jews responsible for actions of the state of Israel). These and further examples clearly and tangibly indicate phenomena, which must undoubtedly be classified as antisemitic, largely independent of the concrete concept of antisemitism the analyst adheres to. However, some of them cannot readily be derived from the core definition.

The examples thus, in turn, aggravate the basic problem of vagueness. This occurs on three levels: (1)

They introduce further levels of analysis or components of antisemitism not contained in the core definition; (2) some examples are ambiguous or only partly suitable, for instance because they pose problems of demarcation; and (3) the examples are often not interpreted in the manner envisaged by the explanatory notes ("taking into account the overall context").

1 Additional Components

Conspiracy theories, as one manifestation of antisemitism, and further aspects semantically characterizing antisemitism (including various stereotypes) are now mentioned as additional elements (which are not contained in the core definition). Some areas in which antisemitism may arise (public life, media, schools, workplace, religious sphere) are emphasized. Moreover, the definition treats one thematic subset very extensively by giving special attention to various aspects of hostility toward Israel together with notes on when such hostility is *not* to be considered antisemitic. The explanatory notes and seven of the eleven examples refer to Israel and the Arab-Israeli conflict. Other quite essential formative contexts and traditions of antisemitism, particularly right-wing extremism and Christianity, are mentioned only in passing or not at all.[16] This results in a tension between the core definition and the examples.

Thus, the aspects referenced in the explanatory notes and examples are not merely illustrations of the conceptual scope delimited (albeit vaguely) by the definition, but rather expand it. Accordingly, it is crucial and fraught with consequences in applying the definition whether one considers only the core definition or regards the explanatory notes and examples as part of it. And, as has been set forth, this is handled in different ways.

2 Problems of Demarcation

The tangible examples mentioned above, which are generally not called into question by the existing criticism are *as such* clear instances of antisemitism (Klug 2018). Other phenomena mentioned in the examples can only be classified as antisemitic using further information, as what is described is ambiguous

---

15 Michael Kohlstruck and I (2015: 18), for instance, tried to outline the direction that such a container concept of antisemitism might take for practical purposes of data collection without requiring a prior theoretical-political commitment: "'Antisemitism' as an umbrella and container term refers to all individual and collective phenomena in which a negative relationship toward Judaism is documented. Antisemitic phenomena are characterized by the assumption of an inner homogeneity of Judaism and the ascription of certain negatively valued properties or behaviours to Jews as such. A negative relationship to this category is espoused toward individuals, groups, property or institutions as far as they are associated with Judaism from an antisemitic perspective and are thus regarded as representatives." This definition, too, is afflicted by problems and uncertainties, for instance with regards to the role of stereotypically ascribing properties with a positive connotation and understanding "Judaism" as a primarily religious category, which would be far too narrow for an adequate concept of antisemitism. **16** Right-wing extremism is not mentioned separately but is at least alluded to in the example of Holocaust denial/relativization, which, however, is not limited to the political Right. Christian anti-Judaism is at least addressed in one example with reference to medieval Christian legends under the designation of "classic antisemitism". The Protestant tradition going back to Martin Luther with its formative influence on modern antisemitism is not mentioned at all.

and occurs in complex, overlapping constellations of conflicts, which often do not allow it to be readily assigned to *one* specific issue such as antisemitism. Classifying these phenomena as antisemitic requires further information about the context, for instance about the motives or ideological dispositions of the perpetrators (Kohlstruck and Ullrich 2015: 84)[17] or about the context-related significance of symbols and knowledge about them (e.g. swastika as a Nazi symbol or religious symbol), and their possibly different modes of reception (Ullrich 2013: 52, 85).

All difficult examples from the definition are ones that refer to Israel and the Arab-Israeli conflict. In all cases, the problem arises in particular because besides various non-antisemitic criticisms and hostile percep-tions that arise in the context of the actual Arab-Israeli conflict over territory, life opportunities etc., there always can be and there also are interpretations of the conflict that are in fact antisemitic. In this context, it is crucial how the examples are construed and which aspects are emphasized, e.g. *which formulations are perceived as particularly relevant verbal signals.*

The following explanatory note illustrates this:

> Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity.

At first glance, this is a correct formulation with respect to a subset of antisemitic phenomena. Antisemitism can use Israel as camouflage or be directed against the state of Israel as the "collective Jew". However, the sentence can also be understood to mean that criticism of Israel is antisemitic *when* Israel is understood as a Jewish collective. But the definition of Israel as Jewish is part of social reality and occurs in the self-definition of the state as the *Jewish* nation state, its symbols, its citizenship law, the claim of institutional politics in Israel to represent all Jews, and the pro-Israel positions of many Jewish organizations. Criticism of this Jewish definition of collectivity and the mechanisms of exclusion implied by it is not antisemitic as such (see also Brumlik 2007).

Similar interpretational difficulties also arise with respect to another example from the "Working Definition":

> 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.

Research has shown that there is a form of anti-Zi-onism that does not criticize Zionism and Israel as Jewish *nationalism*, but rejects it as *Jewish* nation-alism, demonizes it as a fundamental evil of the world, and fits it into a conspiratorial worldview. Interpreta-tional patterns that occur in this context, such as an

interpretation of Zionism as a mere manifestation of racism or the Manichaean contrast between Zionism as a powerful, "artificial", and thus illegitimate nation-alism vs. "the peoples" construed as "natural" and thus legitimate but oppressed by, among others, "the Zionists", "the USA" etc. match the semantic structure of antisemitism. Such interpretations are found in particular in Stalinist anti-Zionism (Holz 2001: Chap. XII) and its repercussions in the New Left, and parts of the Palestine solidarity movement (for the German-speaking countries Kloke 1994; Reiter 2001; Späti 2005; Ullrich 2008).

A different assessment is required for *universalist* (secular and antinational) criticisms of a national movement rooted in Jewish identity (a criticism which has long existed, for instance, in the labour movement, not least among non-Zionist Jews) or a Jewish, religiously motivated distant attitude toward Zionism and criticism of aspects of Zionism that can be considered racist. This includes, for example, the exclusively Jewish settlement policy, the policy of "Hebrew labour" in Mandatory Palestine that excluded others (mainly Arabs), or current practices of exclusion toward Palestinian citizens of Israel, Palestinians in the occupied territories or non-Jewish migrants, in particular African refugees.

Without further contextualization, the formulation quoted above would by definition exclude certain attitudes toward Israel from the spectrum of what can be said and would define post- or antinational viewpoints as antisemitic. Such accusations are often levelled against proponents of a bi-national vision for solving the Israeli-Palestinian conflict (which implies an end to a state that views itself as Jewish). This creates a double standard with respect to Israel in a different sense than is otherwise discussed.[18] However, the discussion for instance about the connection between racism and nation-states is a global one which can of course also be conducted with respect to Israel.

A comparable ambivalence emerges in another example:

> Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the inte-rests of their own nations.

---

[17] The same issue arose, for instance, with respect to the controversial classifica-tions of homicides (presumably) motivated by right-wing ideology. Occasionally, it is not easy to reconstruct whether a homicide is attributable to extreme right-wing views, organizational contexts and the like or, for example, to phenomena of group dynamics, youth violence, toxic masculinity or classical motives for murder such as greed, jealousy, etc. (Feldmann et al. 2016; Feldmann et al. 2018). [18] This is in any case an interesting aspect of the discussion about antisemitism in the con-text of the Arab-Israeli conflict. Whereas recognizing Israel's right to exist is often a prerequisite for being ascribed a legitimate (non-antisemitic) speaking position, the same does not apply to recognizing a "Palestinian right to self-determination".

The example refers to the classical antisemitic topos of Jewish separation and disloyalty, and is thus quite rightly included. However, if this example is to be used as a criterion, it places high demands on the sophistication of those assessed in view of the often strong loyalties of some Jews and Jewish organizations toward Israel. As a generalizing accusation against "the Jews", it would be a clear case of antisemitism. As an accusation against certain persons or organizations (the formulation allows for both), it would be more difficult to classify—it could be interpreted as antisemitic or as a more or less correct factual claim, a polemical exaggeration or the like.

In the case of other examples, the formulation is vague because it offers no workable distinguishing criteria:

> However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. (Ex. 8 argues the other way around: "Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.")

On the one hand, this sentence is an important clarification and indicates that there exists (possibly very harsh) criticism of Israel that is not antisemitic, as Israel—like any object of consideration—may *per se* be subject to justified criticism. On the other hand, the distinguishing criterion being offered is unclear and lacks an applicable standard. It is often observed that Israel is criticized particularly frequently and vehemently. But to what extent can criticism and the frequency of its utterance be considered "similar" in view of the very different characteristics of the objects of criticism? For instance, other democratic countries that are not occupying powers will not be criticized for a decades-old occupation policy. To the extent that the increased attention on Israel has its roots in the genocide of the European Jews and the subsequent attempts at national exoneration by reversing the roles of perpetrators and victims,[19] it is to be classified as antisemitic. However, without doubt the increased attention on Israel in the media and in politics also has other reasons. Israel's particular history (and present existence) and the geopolitical significance of the Arab-Israeli conflict also increase the likelihood of it being a subject of discussion and thus also the likelihood of an unequal distribution of criticism in comparison to other countries. The explanatory sentence is to be welcomed in its implicit moral demand to apply universal standards, as is Example 8, which reverses the argument. However, this demand is in fact not fulfilled universally (that is, also for conflicts without connection to antisemitism or Israel), as most political actors have restricted thematic, regional, and other areas of interest. Onesidedness, endorsing a certain perspective, double standards, and the like are not a sufficient criterion for identifying antisemitism.[20]

In some circumstances, this applies even to inappropriate or tasteless comparisons that are mentioned in one example:

> Drawing comparisons of contemporary Israeli policy to that of the Nazis.

Comparing Israel, individual Israelis or Jews with National Socialism is part of the standard repertoire of the antisemitic reversal of the roles of perpetrators and victims, in particular in antisemitism motivated by a deflection of guilt (also known as "guilt-defensiveness antisemitism"). At the same time, comparisons with National Socialism are a near-universal means of expressing political outrage, vilifying political opponents or, especially at present, when radical right-wing movements, parties and state projects are experiencing a revival, making more or less accurate analytical comparisons. Such comparisons are also present in intra-Jewish discussions (e.g. Stern 2017: 10), and radical right-wing actors in Israeli politics do exist. Assessing the content of such a comparison depends *inter alia* on the context in which it is uttered and on the potential for discursive resonance of that context. At least in Germany, such comparisons to National Socialism are not acceptable and often motivated by antisemitism, as they imply a relativization of guilt based on nationalist convictions. It is also obvious that this analysis does not apply to Israel or, for instance, the United States, where comparisons with National Socialism are usually drawn from the self-heroizing perspective of the liberators from National Socialism (Ullrich and Arnold 2015).

Thus, none of the examples problematized here are wrong. However, in view of their ambiguity, classifying the described types of occurrences as antisemitic requires additional information or, as the explanatory note in the "Working Definition" rightly but too tersely puts it: "taking into account the overall context".

3 On the Use of the Examples

In this sense, it is not so much the examples that are problematic, but above all their inappropriate and negligent use. Such use is further reinforced and popularized by other popular but even less analytically suitable rules of thumb such as the 3D test (demonization, double standards, delegitimization). If the examples are read bearing in mind the explanatory notes and taking into account the overall context, each individual assessment requires a precise analysis. In practice, the examples are often used as if they were unambiguous cases of antisemitism *as such* (Klug 2018: para. 11). Such use is inappropriate, as it lacks

---

19 This is a discursive strategy especially common and functional from a nationalist perspective in the successor countries of the perpetrators, especially Germany, but also in (extreme right-wing) political currents sympathizing with them in other countries. **20** This also illustrates that positions in the Arab-Israeli conflict can also be problematic for entirely different reasons not connected to antisemitism.

contextualization or reduces complex circumstances to a single dimension, namely antisemitism.[21] Especially in the case of multidimensional conflict situations, such as the Arab-Israeli conflict and its contested interpretations, this provides a gateway for using the "Working Definition" in a reductionist manner to morally discredit opposing positions with the accusation of antisemitism, which is highly sensitive, especially in Germany. Avoiding this would require consistently interpreting the examples within the context of the core definition, which, however, only allows for limited clarification in view of its weaknesses. Such clarification is sometimes methodologically complex, especially in cases of camouflaged antisemitism and so-called detour communication, but can be accomplished with the tools of reconstructive social research (e.g. Holz 2001).

D SUITABILITY

In view of the broad acceptance of the "Working Definition" in various fields, the claim to create a broadly applicable definition of antisemitism seems to be empirically fulfilled. However, the analysis has also shown that the definition cannot be regarded as a comprehensive definition of antisemitism applicable in all possible fields of action in government and civil society. Its concrete language that dispenses with technical terms, the clear and tangible formulation of many examples, and thus the accessibility of the "Working Definition" as well as some of the distinctions drawn are certainly advantageous for various areas of practice. The "Working Definition" clearly fills a need in a field characterized by a high degree of conceptual insecurity and lack of orientation (Engel 2009; Klug 2012; Kohlstruck and Ullrich 2015). But plus and minus are two sides of the same coin: *The very low level of precision and the internal contradictions as well as the glaring gaps are not an acceptable price for accessibility. Using the definition requires complex contextual knowledge and can lead to reductionist interpretations if the definition is applied schematically. It fails in its claim to solve the problems of general conceptual clarification and universal practical applicability, at the same time.*[22]

21 If, for instance, a Palestinian from East Jerusalem criticizes her precarious legal status, her treatment by the Israeli border authorities upon entry into Israel and the like as manifestations of a racist state, one may agree with this assessment or not. But this assessment itself does not yet imply the minimal requirement for definitions of antisemitism formulated above (negative relationship to a they-group conceived of as Jewish). This would require a more complex discussion of this person's worldview. **22** The cause for the definition's success may lie in an aspect of every definition that cannot be elaborated upon here extensively for pragmatic reasons: its symbolic or signaling function. Its concrete form also serves to form an identity and to reduce complexity in political conflicts, and thus as a political and moral commitment that both calls for a positioning and suggests certainty for action. This function of the definition as a "statement against antisemitism" was also emphasized in the interview by the IHRA representative.

IV SUMMARY AND IMPLICATIONS FOR FUNDAMENTAL RIGHTS

Systematic gaps, lack of clarity in formulations, contradictory and error-prone application in practice, and an unclear legal status of the "Working Definition of Antisemitism" cause confusion. This also has implications for fundamental rights. One particularly severe such implication is the possibility resulting from these uncertainties of the definition being instrumentalized in dealing with disfavoured positions on Middle East policy (Stern 2017), which are rashly classified as antisemitic due to an imprecise and inappropriate usage of the definition that is also prefigured in parts of the text. After all, the text devotes much less space to other contexts in which antisemitism occurs, such as religion or right-wing extremism. The text is thus not only an anti-antisemitic signal but also a signal for Middle East policy.

Particularly when abridgments of fundamental rights, such as freedom of speech or freedom of assembly are justified with reference to the "Working Definition" (the prevention of public events and denial of premises for pro-Palestinian groups, and the public designation of some groups as antisemitic by state institutions[23] are particularly relevant in this context), the legal requirements for any such abridgment, namely, the legal principles of clarity and determinacy of norms would need to be fulfilled. It has been set forth in detail that the text of the "Working Definition" does not satisfy these principles. The assessment of individual incidents or actions using the "Working Definition" is based more on the implicit preconceptions of those applying it or on hegemonic interpretations adopted without reflection than on clear criteria. Thus, decision processes that refer to the definition are subject merely to a fiction of intersubjective guidance that precludes arbitrariness. The use of the definition instead provides procedural legitimacy for decisions, which are in fact taken according to different criteria that remain implicit. The ongoing dissemination and institutional recognition of the definition objectifies its claim to validity and promises orientation for actors in the field although in fact this remains a mere promise.

The structural problems of the core definition are aggravated when the supplementary examples related to Israel are understood as examples of antisemitism as such, contrary to the explanatory notes in the text ("taking into account the overall context"). This is not a weakness of the definition but rather a consequence of its inappropriate use as a "list of symptoms" or "checklist", which is facilitated by its vague formulations. If pointed political statements with respect to Israel are merely subjected to a schematic assessment that should instead take into account the overall context, accusations of antisemitism may be levelled without good reason and may nevertheless legitimize drastic measures. This development, which has been virulent in recent years, can be interpreted as a juridification and securitization of the political debate on the Arab-Israeli conflict. The "Working Definition of Antisemitism" thereby provides a gateway for the stigmatization and public disadvantaging of disfavoured positions in the Israeli-Palestinian conflict. In view of its quasi-legal status, this must be regarded as a threat to freedom of speech.

---

23 Most recently in the German parliament's resolution on the boycott movement BDS (http://www.bundestag.de/dokumente/textarchiv/2019/kw20-de-bds-642892), which classifies the movement as antisemitic with reference to the "Working Definition". In this resolution, the parliament calls on the German government "not to support events of the BDS movement or of groups that actively pursue its goals" and "not to fund any projects that call for a boycott of Israel or that actively support the BDS movement" (http://dip21.bundestag.de/dip21/btd/19/101/1910191.pdf, own translation).

V OUTLOOK: RECOMMENDATIONS FOR DEALING WITH THE "WORKING DEFINITION"

Mainly due to its technical weaknesses, the deficient practice of its application, its nevertheless partly binding legal status, and its potential for political instrumentalization with problematic implications for freedom of speech, the use of the "Working Definition of Antisemitism" cannot be recommended.

With the formulation and adoption of the "Working Definition", the urgency of an acute threat to Jewish life was recognized at least symbolically, and institutions of the state and civil society were promised instruments for monitoring and fighting antisemitism. At the same time, the discussion received a necessary update through the inclusion of hitherto less examined aspects of antisemitism related to Israel, as the Arab-Israeli conflict is currently an important context for the occurrence of antisemitic phenomena. However, these positive aspects do not make up for the structural weaknesses of the text. Unfortunately, contrary to the expectation raised by the name "Working Definition", hardly any further elaboration or clarification occurred. But without a profound revision or rethinking, which would have to resolve the inherent contradiction ingrained in the multiple task of formulating a definition that is, at once, formally correct and generally binding as well as applicable in practice across sectors, the "Working Definition of Antisemitism" is not suitable for application.

A meaningful use is possible only, if at all, in very limited areas, namely in low-threshold pedagogical settings particularly because of the accessibility of some of the examples included. In this context, the definition may be useful as a sensitizing concept (Ullrich and Werner 2011: 436) for recognizing potential antisemitic phenomena. However, this only applies if the overall context, including the explanatory notes, is taken as a basis, and the examples are situated in the discourse and treated with sensitivity for the context. This does not apply if antisemitism is to be treated comprehensively or in depth.

A clearly formulated and thus more suitable definition of antisemitism for practical applications would be desirable.[24] A more manageable but no less important task would be to focus on a definition of *antisemitic incidents* for collecting data on the extent of and changes in antisemitic threats. This was, after all, one of the key concerns in the development of the "Working Definition". This need still exists, including with respect to various aspects relating to Israel, as the problem persists with data collection practices being highly inconsistent, sometimes even contradictory (Kohlstruck and Ullrich 2015). The analysis of the "Working Definition" can be instructive for this purpose especially for giving up inappropriate claims as they can hardly all be satisfied at the same time. Thus, such projects should focus not on universal solutions but on developing context-specific instruments, which necessarily requires making choices in particular about the main purpose of the definition and thereby the target groups and context of application.

---

24 By contrast, such a claim is simply unrealistic for the research landscape with its different paradigms.

VI APPENDIX

A TEXT OF THE "WORKING DEFINITION" WITH EXPLANATORY NOTES AND EXAMPLES (IHRA)

In the spirit of the Stockholm Declaration that states: "With humanity still scarred by …antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils" the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:
"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."

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. 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.
– Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
– Applying double standards by requiring of it a behaviour 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.

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.

B ON THE RESEARCH PROCESS

The expert opinion was prepared mainly on the basis of desktop research. An expert interview with a representative of IHRA was also used. I am grateful to Jannik Landmark (Center for Research on Antisemitism, TU Berlin) for his support in researching and processing information. An earlier version of the expert opinion was discussed with some colleagues, whom I thank for their valuable suggestions. The responsibility for all assessments lies solely with the author. Special thanks are due to Felix Pahl for the excellent translation.

B REFERENCES

Algazi, Gadi et al., "Zu Europa sagen wir: Vermischt Kritik an Israel nicht mit Antisemitismus", 21 November 2018, www.medico.de/17238/.

Bauman, Zygmunt, "Große Gärten, kleine Gärten. Allosemitismus. Vormodern, Modern, Postmodern", *Antisemitismus und Gesellschaft. Zur Diskussion um Auschwitz, Kulturindustrie und Gewalt,* edited by Michael Werz, Frankfurt am Main: Neue Kritik, 1995, pp. 44–61.

Becker, J. Matthias, *Analogien der 'Vergangenheitsbewältigung': Antiisraelische Projektionen in Leserkommentaren der Zeit und des Guardian,* Berlin: Nomos, 2008.

Bergmann, Werner, "'Nicht aus den Niederungen des Hasses und des Aberglaubens': Die Negation von Emotionen im Antisemitismus des deutschen Kaiserreichs", *Geschichte und Gesellschaft,* vol. 39 (2013), pp. 443–71.

Bergmann, Werner, and Rainer Erb, "Kommunikationslatenz, Moral und öffentliche Meinung: Theoretische Überlegungen zum Antisemitismus in der Bundesrepublik Deutschland", *Kölner Zeitschrift für Soziologie und Sozialpsychologie,* vol. 38 (1986), pp. 209–22.

Bergmann, Werner, and Rainer Erb, '"Mir ist das Thema Juden irgendwie unangenehm': Kommunikationslatenz und Wahrnehmung des Meinungsklimas im Fall des Antisemitismus", *Kölner Zeitschrift für Soziologie und Sozialpsychologie,* vol. 43 (1991), pp. 502–19.

Bergmann, Werner, and Juliane Wetzel, *Manifestations of Anti-Semitism in the European Union,* Wien, March 2003. http://www.hagalil.com/antisemitismus/europa/eu-studie.htm.

Brumlik, Micha, *Kritik des Zionismus,* Hamburg: Europäische Verlagsanstalt, 2007.

Elman, R. Amy, *The European Union, Antisemitism, and the Politics of Denial,* Lincoln: University of Nebraska Press, 2014.

Engel, David, "Away from a Definition of Antisemitism: An Essay in the Semantics of Historical Description", *Rethinking European Jewish History,* edited by Jeremy Cohen and Murray Jay Rossman, Oxford/Portland: The Littman library of Jewish civilization, 2009, pp. 30–53.

EP Working Group on Antisemitism, "IHRA Working Definition of Antisemitism", European Parliament Working Group on Antisemitism, n.d. https://ep-wgas.eu/ihra-definition/.

EUMC, "Working Definition of Antisemitism", 15 March 2019. https://fra.europa.eu/fraWebsite/material/pub/AS/AS-WorkingDefinition-draft.pdf.

European Parliament, "Motion for a Resolution on Combating Anti-Semitism", 1 June 2017. www.europarl.europa.eu/doceo/document/B-8-2017-0383_EN.html.

Feldmann, Dorina et al., "Klassifikation politisch rechter Tötungsdelikte: Berlin 1990 bis 2008", Berlin, 2018. https://doi.org/10.14279/depositonce-6417.

Feldmann, Dorina, Christoph Kopke, and Gebhard Schulz, "Todesopfer rechtsextremer und rassistischer Gewalt in Brandenburg (1990–2008)", *Rechtsextremismus und "Nationalsozialistischer Untergrund": Interdisziplinäre Debatten, Befunde und Bilanzen,* edited by Wolfgang Frindte, Daniel Geschke, Nicole Haußecker, Franziska Schmidtke, Wiesbaden: Springer Verlag, 2016, pp. 341–58.

Gould, Rebecca, "Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech", *Law, Culture and the Humanities, published online August 2018, pp. 1–34.*

Gould, Rebecca, "We Need Principles, Not Rules, to Fight Antisemitism: The IHRA Definition and the Politics of Defining Racism", *openDemocracy,* 19 November 2018. www.opendemocracy.net/en/opendemocracyuk/we-need-principles-more-than-rules-in-fight-against-antisemitism-on-ihra-definiti/.

Heilbronn, Christian, Doran Rabinovici, Natan Sznaider, *Neuer Antisemitismus?: Fortsetzung einer globalen Debatte,* 2nd edition, Berlin: Suhrkamp, 2019.

Holz, Klaus, *Nationaler Antisemitismus: Wissenssoziologie einer Weltanschauung,* Hamburg: Hamburger Edition, 2001.

Holz, Klaus. *Die Gegenwart des Antisemitismus: Islamistische, demokratische und antizionistische Judenfeindschaft,* Hamburg: Hamburger Edition, 2005.

IHRA, "Working Definition of Antisemitism", 26 Mai 2016. www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf.

Imhoff, Maximilian Elias, "Linker antiisraelischer Antisemitismus als Antijudaismus: Eine quantitative Studie", *Zeitschrift für Politik,* vol. 59, no. 2 (2012), pp. 144–167.

Jewish Voice for Peace, "First-Ever: 40+ Jewish Groups Worldwide Oppose Equating Antisemitism with Criticism of Israel," 17 July 2018. https://jewishvoiceforpeace.org/first-ever-40-jewish-groups-worldwide-oppose-equating-antisemitism-with-criticism-of-israel/.

JFDA (Jüdisches Forum für Demokratie und gegen Antisemitismus e.V.), "Grundsatzerklärung zur Bekämpfung von Antisemitismus", n.d. https://jfda.de/blog/2018/07/09/grundsatzerklaerung/.

Kloke, Martin, *Israel und die deutsche Linke: Zur Geschichte eines schwierigen Verhältnisses*, 2nd edition, Frankfurt am Main: Haag and Herchen, 1994.

Klug, Brian, "Interrogating 'new anti-Semitism'", *Ethnic and Racial Studies,* vol. 36, no. 3 (2012), pp. 468–82.

Klug, Brian, "The Left and the Jews: Labour's Summer of Discontent", *Jewish Quarterly,* Autumn 2018. https://jewishquarterly.org/2018/10/the-left-and-the-jews/.

Kohlstruck, Michael and Peter Ullrich, "Antisemitismus als Problem und Symbol: Phänomene und Interventionen in Berlin", *Berliner Forum Gewaltprävention Nr. 52,* 2nd edition, Berlin, 2015. www.berlin.de/lb/lkbgg/_assets/bfg-52-auflage_2-endfassung-druck-cmyk.pdf.

Labour Party NEC Code of Conduct, "Antisemitism", 5 July 2018. www.thejc.com/comment/analysis/jeremy-corbyn-labour-definition-antisemitism-1.466626.

Lerman, Antony, "Labour Should Ditch the IHRA Working Definition of Antisemitism Altogether", *openDemocracy,* 4 September 2018. www.opendemocracy.net/en/opendemocracyuk/labour-should-ditch-ihra-working-definition-of-antisemitism-altogether/.

Stadtratsantrag, "Gegen jeden Antisemitismus!: Keine Zusammenarbeit mit der antisemitischen BDS-Bewegung "('boykott, divestment and sanctions')", 2017. www.muenchen-transparent.de/antraege/4555554.

OSCE, "Berlin Declaration", 2004. www.osce.org/cio/31432.

Pawłowski, Tadeusz, *Begriffsbildung und Definition,* Berlin: Sammlung Gröschen, 1980.

Pfahl-Traughber, Armin, "Die EUMC-Arbeitsdefinition Antisemitismus in der Kritik", haGalil. http://www.hagalil.com/2017/07/eumc-arbeitsdefinition-antisemitismus/.

Porat, Dina, "Definitionen des Antisemitismus: Kontroversen über den Gegenstandsbereich eines streitbaren Begriffs", *Antisemitismus im 21. Jahrhundert: Virulenz einer alten Feindschaft in Zeiten von Islamismus und Terror, Europäisch-jüdische Studien: Beiträge,* vol. 36, edited by Bodo Kahmann and Marc Grimm, Berlin/Boston, pp. 27–50.

Rabinovici, Doron, Ulrich Speck, and Natan Sznaider, *Neuer Antisemitismus? Eine globale Debatte,* Frankfurt am Main: Suhrkamp, 2004.

Reiter, Margit, *Unter Antisemitismus-Verdacht: Die österreichische Linke und Israel nach der Shoah,* Innsbruck: Studienverlag, 2001.

Salzborn, Samuel, *Globaler Antisemitismus: Eine Spurensuche in den Abgründen der Moderne,* Weinheim: Beltz Juventa, 2018.

Salzborn, Samuel and Sebastian Voigt, "Antisemiten als Koalitionspartner? Die Linkspartei zwischen antizionistischem Antisemitismus und dem Streben nach Regierungsfähigkeit", *Zeitschrift für Politik,* vol. 58, no. 3 (2011), pp. 290–309.

Sehl, Markus, "Klare Antisemitismus-Definition für die Länder", *Legal Tribune Online,* 15 May 2019. www.lto.de/recht/justiz/j/bmjv-antisemitismus-definition-justiz-laender-judenhass-verfolgung-staatsanwaltschaft/.

Sharansky, Natan, "3D Test of Anti-Semitism: Demonization, Double Standards, Delegitimization", *Jewish Political Studies Review,* vol. 16, no. 3–4 (2004). http://jcpa.org/article/3d-test-of-anti-semitism-demonization-double-standards-delegitimization/.

Späti, Christina, *Die schweizerische Linke und Israel. Israelbegeisterung, Antizionismus und Antisemitismus zwischen 1967 und 1991,* Essen: Klartext, 2005.

Stern, S. Kenneth, "Written Testimony of Kenneth S. Stern before the United States House of Representatives Committee on the Judiciary: Hearing on Examining Anti-Semitism on College Campuses", 7 November 2017. https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-SternK-20171107.pdf.

Tomlinson, Hugh, "Opinion: In the Matter of the Adoption and Potential Application of the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism", 2017. http://freespeechonisrael.org.uk/wp-content/uploads/2017/03/TomlinsonGuidanceIHRA.pdf.

Ullrich, Peter, "Die Linke, Israel und Palästina: Nahostdiskurse in Großbritannien und Deutschland", Berlin, 2008. https://depositonce.tu-berlin.de/handle/11303/4721.

Ullrich, Peter, *Deutsche, Linke und der Nahostkonflikt: Politik im Antisemitismus- und Erinnerungsdiskurs,* Göttingen: Wallstein, 2013.

Ullrich, Peter and Sina Arnold, "Antizionistische Bildwelten: Ambivalenzen von Kritik an Israel und Antisemitismus in Deutschland und den USA", *Bilder kollektiver Gewalt: Kollektive Gewalt im Bild Annäherungen an eine Ikonographie der Gewalt,* edited by Michael Kohlstruck, Stefanie Schüler-Springorum, and Ulrich Wyrwa, Berlin: Metropol-Verlag, 2015, pp. 49–60.

Ullrich, Peter and Michael Kohlstruck, "Patterns of the Public Discourse on Anti-Semitism: The Example of the Reception of the Study 'Anti-Semitism as a Problem and a Symbol'", *conflict & communication online,* vol. 16, no. 1 (2017). http://dx.doi.org/10.14279/depositonce-5897.

APPENDIX

Ullrich, Peter and Alban Werner, "Ist 'DIE LINKE' antisemitisch? Über Grauzonen der 'Israelkritik' und ihre Kritiker", *Zeitschrift für Politik,* vol. 58, no. 4 (2011): pp. 424–41.

Unabhängiger Expertenkreis Antisemitismus, *Antisemitismus in Deutschland: Erscheinungsformen, Bedingungen, Präventionsansätze: Bericht des unabhängigen Expertenkreises Antisemitismus,* published by Bundesministerium des Innern, Berlin, 2011.

Unabhängiger Expertenkreis Antisemitismus, *Antisemitismus in Deutschland: aktuelle Entwicklungen,* Bundesministerium des Innern, April 2017. https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/expertenkreis-antisemitismus/expertenbericht-antisemitismus-in-deutschland.pdf?__blob=publicationFile&v=4.