

Community Advisory on Public Safety Commission
Statement 24-01 - On the IHRA's Working Definition of Antisemitism

BACKGROUND

The CAPS Commission was recently accused of antisemitism for asking the Common Council to take up and pass a resolution urging the US government to call for a lasting ceasefire in Gaza. The accusation was based on the International Holocaust Remembrance Alliance (IHRA)'s "working definition of antisemitism." This definition represents one pole of a debate among scholars of Jewish studies about how to recognize antisemitism. The IHRA definition has been criticized by a variety of human and legal rights groups for listing several "examples" of antisemitism that regard speech made toward Israel, including holding what it calls "double standards" against Israel: "Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation." [1]

For implying that calls for change in US policy toward Israel may be antisemitic speech unless they also include a long list of condemnations of other states and non-state actors, the IHRA definition and its "double standards" example has been criticized by scholars and legal experts as confusing the public about antisemitism and threatening the rights of US citizens to exercise constitutionally protected speech against government policies. In its April 24 meeting, CAPS seeks to thoroughly investigate this accusation, promote civic discourse on the IHRA definition of antisemitism and explore how it might affect safety and marginalized people in our community.

ON BIGOTRY AND ANTISEMITISM

The CAPS Commission detests and condemns bigotry and hate speech against marginalized peoples, including Jewish people, and actively works to promote policies, programs and civic discourse that will improve the safety of all marginalized community members. For this reason, CAPS views any accusation of bigotry or hate speech against its work as warranting investigation.

Antisemitism is a real and legitimate threat in our community. In March 2022, CAPS passed *Resolution 22-01 - Condemning Antisemitism and Anti-Jewish Violence* [2] which documents several acts of antisemitism, including acts of violence, bigotry and intimidation, that have occurred in Bloomington in recent memory. That Resolution "condemns antisemitism and acts of anti-Jewish bigotry as morally reprehensible in themselves as well as serious threats to public safety, and it denounces the antisemitic sentiments that give rise to such acts as false, hateful and antithetical to core American values."

ACCUSATION AGAINST CEASEFIRE RESOLUTION

When CAPS passed a letter in February 2024 asking the Council to pass a resolution supporting a ceasefire in Gaza, it was carrying out its mission of advocating for policy change to improve the safety of all Bloomington's residents and visitors by amplifying the voices of the marginalized. The subsequent accusation of antisemitism against the ceasefire resolution [3], based in the "double standards" example of the IHRA, implicates not only CAPS, but also two thousand city residents who signed the resolution's online petition. [4]

The accusation especially implicates the local community members who wrote the original resolution draft and submitted it to the CAPS Commission and the Council - many of whom are Jewish or members of other marginalized groups. Furthermore, the accusation even implies that the Council is antisemitic for voting 9-0 for the final draft of the resolution. [5]

THREAT TO FREE SPEECH

Such assertions conflating political speech with hate speech are not isolated to Bloomington or to this topic. However, if such assertions of bigotry are not firmly rejected by public bodies such as the CAPS Commission, these statements may suppress the voices of Bloomington residents on important policies related to safety. "The IHRA definition has often been used to wrongly label criticism of Israel as antisemitic, and thus chill and sometimes suppress, non-violent protest, activism and speech critical of Israel and/or Zionism, including in the US and Europe," [6] This explanation, urging the United Nations to reject the IHRA definition, was included in a letter written and signed by over 100 Israeli and European human rights agencies in April 2023.

In encouraging greater use of the IHRA definition against its critics, the Israeli government recently recommended that "the battle against antisemitism should shift from the defensive to the offensive" by utilizing the definition and its "3 D's of antisemitism." [7] As Yousef Munayyer, a senior fellow at Arab Center Washington DC said in *The Intercept*, "This shift recognizes that 'defending' Israeli policies is not working since more and more people are recognizing the horrific treatment of Palestinians for the fundamental injustice that it is. Instead of defending these policies, the strategy calls for attacking critics of them." [8]

TWO RESPONSES TO THE IHRA DEFINITION

Two other definitions of antisemitism have been created in response to the IHRA definition. As James H. Rudy Professor of Political Science at Indiana University Jeffrey C. Isaac told the Indiana state senate in February 2024: "The [IHRA] definition is not as 'universal' as some have said. It has been challenged by hundreds of scholars of antisemitism, the Holocaust, and Israel—mainly Jewish scholars—in two very well-known documents, the Jerusalem Declaration on Antisemitism and the Nexus Document on Antisemitism." [9] In fact, the JDA and Nexus Document explicitly reject the IHRA's "double standards" example.

Citing international law, the JDA states, “Political speech does not have to be measured, proportional, tempered, or reasonable to be protected under Article 19 of the Universal Declaration of Human Rights or Article 10 of the European Convention on Human Rights and other human rights instruments. Criticism that some may see as excessive or contentious, or as reflecting a “double standard,” is not, in and of itself, antisemitic.” [10]

The Nexus Document says there are “numerous reasons” why such speech may not be antisemitic: “Paying disproportionate attention to Israel and treating Israel differently than other countries is not prima facie proof of antisemitism. (There are numerous reasons for devoting special attention to Israel and treating Israel differently, e.g., some people care about Israel more; others may pay more attention because Israel has a special relationship with the United States and receives \$4 billion in American aid).” [11]

THREAT TO JEWISH PEOPLE

Moreover, the confusion created by the IHRA definition could make it harder for Americans to recognize legitimate instances of antisemitism. As Daniel A. Segal, coordinating committee member of Jewish Voice for Peace Indiana, wrote in the *Indianapolis Star* in January 2024 urging the State of Indiana not to incorporate the IHRA definition into law, doing so “would undermine the struggle against antisemitism and thus make me and other Jews less safe in Indiana.” Segal further remarked that the bill “tramples our First Amendment rights as Americans, precisely as the ACLU of Indiana has recognized, while sowing confusion about antisemitism.” [12]

Additionally, the national ACLU recently wrote a February 2024 letter urging the US Department of Education to reject the IHRA definition because it “conflates protected political speech with unprotected discrimination, and enshrining it into regulation will chill the exercise of First Amendment rights and risk undermining the agency’s legitimate and important efforts to combat discrimination.” [13]

THREAT TO PALESTINIAN AND MUSLIM PEOPLE

Besides threatening the free speech rights of all Americans and threatening the safety of Jewish people by causing confusion about antisemitism, the IHRA definition also has been used to violate the rights of Palestinians and Muslims. Two legal and political rights groups in the US, Palestine Legal and JVP Action, oppose the IHRA because “Many of the most vocal proponents of the definition openly support its use as a censorship tool, and the definition is most often wielded to silence Palestinian human rights advocates - especially Palestinian and Muslim academics and students, who are frequently and falsely smeared as antisemitic solely for their speech in support of Palestinian rights.” [14]

REJECTION OF ACCUSATION OF ANTISEMITISM

CAPS recently released an Alternative Public Safety Report entitled “Safety for All, At the Expense of None,” which was named to help the community navigate situations when the safety of one group of people is presented as an obstacle to the safety of another group. The Commission rejects the assertion that human safety is zero-sum: By asking the US government to allow humanitarian aid to enter safely into Gaza and to take the first necessary step toward a lasting peace, the ceasefire resolution improves the safety of the residents of Gaza, Israel and Bloomington.

The Commission rejects this accusation and opposes the IHRA definition as: 1) endangering the First Amendment rights of all people in Bloomington, including Palestinian, Jewish and Muslim people, to speak on matters related to public safety, 2) a potential threat to the safety of the Jewish community by making it more difficult to recognize antisemitism. Furthermore, CAPS urges the City and all community members to oppose the IHRA working definition of antisemitism and any other definition of hate speech that sows confusion or threatens the rights of marginalized people to speak freely on matters related to safety.

PASSED by the Community Advisory on Public Safety Commission of the City of Bloomington, Monroe County, Indiana, this 24 day of April, 2024.



Co-Chair

April 29, 2024

Date

PASSED 6-0-0

CITATIONS

- [1] “Working Definition of Antisemitism.” *International Holocaust Remembrance Alliance*.
<<https://holocaustremembrance.com/resources/working-definition-antisemitism>>
- [2] Community Advisory on Public Safety Commission. *Resolution 22-01 - Condemning Antisemitism and Anti-Jewish Violence*. March 22, 2022.
<<https://bloomington.in.gov/sites/default/files/2022-03/Resolution%2022-01%20-%20pv%20-%200Condemning%20Antisemitism%20and%20Anti-Jewish%20Violence%20-%20signed.pdf>>
- [3] “Pro-Palestinian Messages Were Graffitied onto City Hall Last Week.” Local News, Staff Report. *The Bloomingtonian*. April 1, 2024.
<<https://bloomingtonian.com/2024/04/01/pro-palestinian-messages-were-graffitied-onto-city-hall-last-week/>>
- [4] “Bloomington Calls for a CEASE FIRE in Gaza” *Change.org*
<<https://www.change.org/p/bloomington-calls-for-a-cease-fire-in-gaza>>
- [5] “RESOLUTION 2024-08 A Resolution Calling For a Cessation of Hostilities and for Delivery of Humanitarian Aid to Civilians in Gaza” *Bloomington Common Council*.
<https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=13282>
- [6] “Human Rights and Other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism.” *Human Rights Watch*. April 20, 2023.
<<https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>>
- [7] “Antisemitism in 2023” Summary Report | January 2024, *World Zionist Organization, Israel Ministry for Diaspora Affairs and Combatting Antisemitism, The Jewish Agency for Israel*.
<<https://drive.google.com/file/d/1rpaRPo7Jalu6wuayjFN24bvSYKLPnQwp/view>>
- [8] Alice Speri. *The Intercept*. “Biden Embraces Antisemitism Definition That Has Upended Free Speech in Europe.” June 6, 2023.
<<https://theintercept.com/2023/06/06/antisemitism-definition-israel-palestine/>>
- [9] Jeffrey C. Isaac. *Democracy in Dark Times*. “Why the State of Indiana Should Not Codify the IHRA Definition of Antisemitism.” February 21, 2024.
<<https://jeffreycisaacdesign.wordpress.com/2024/02/23/why-the-state-of-indiana-should-not-codify-the-ihra-definition-of-antisemitism/>>
- [10] “The Jerusalem Declaration on Antisemitism.” *The Jerusalem Declaration on Antisemitism*.
<<https://jerusalemdeclaration.org/>>

[11] “The Nexus Document on Antisemitism.” *The Nexus Project*.
<<https://nexusproject.us/the-nexus-document/>>

[12] Daniel A. Segal. *The Indianapolis Star*. “Opinion: Why I, As a Jew, Oppose Indiana’s Bill Defining Antisemitism.” January 23, 2024.
<<https://www.indystar.com/story/opinion/2024/01/23/why-as-a-jew-i-oppose-indianas-bill-defining-antisemitism/72313170007/>>

[13] “Reject Definitions of Antisemitism that Encompass Protected Speech.” *American Civil Liberties Union*. Letter from the ACLU to the US Department of Education. February 6, 2024.
<<https://www.aclu.org/documents/reject-definitions-of-anti-semitism-that-encompass-protected-speech>>

[14] “Dismantle Antisemitism, Not Palestinian Rights: Oppose the IHRA Definition of Antisemitism.” *Palestine Legal*.
<<https://palestinelegal.org/s/Oppose-the-IHRA-Definition-of-Antisemitism.pdf>>

COMMUNITY SUPPORTERS

Bloomington Peace Action Coalition

Citizens for a Just Peace in Palestine and Israel

Palestine Solidarity Committee at Indiana University

Jewish Voice for Peace Indiana

APPENDIX

SUPPORTING STATEMENT FROM JVP INDIANA

JEWISH VOICE FOR PEACE INDIANA

Jewish Voice for Peace Indiana (JVP Indiana) applauds the Bloomington CAPS commission for its endorsement of and campaigning for the Bloomington City Council's principled pro-peace ceasefire motion. JVP Indiana knows that the CAPS commission has been attacked as "antisemitic" for this good work; we reject this charge and stand with the CAPS commission.

JVP Indiana knows that the false charge of antisemitism has been hung on the so-called IHRA working definition of antisemitism, which tells the lie that criticisms of the Israeli state and opposition to Zionism are, somehow, antisemitism. JVP-Indiana knows that this dishonest weaponization of charges of antisemitism is hateful and harmful to Palestinians. We also know it does nothing to make Jews safer; to the contrary, by creating confusion about antisemitism (in fealty to Zionism and the Israeli state), IHRA makes it harder to fight antisemitism and is thus bad for Jews as well as Palestinians.

That said, our main concern in rejecting IHRA, and its use in unfairly attacking CAPS, is that this definition supports hate against Palestinians. Zionism is a project of settler colonialism at the expense of Palestinians' lives and rights; opposing Zionism is a matter of supporting equality and freedom for Palestinians: this has nothing at all to do with antisemitism. Full stop.

Daniel A. Segal, for JVP Indiana