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NECA responds to the “No IHRA” campaign issued by the Academic Alliance Against Antisemitism, Racism, Colonialism, and Censorship in Canada (ARC), which partnered with Independent Jewish Voices (IJV) to repudiate the International Holocaust Remembrance Alliance Working Definition of Antisemitism.

Background:

The Canadian Association of University Teachers (CAUT), the Ontario Confederation of University Faculty Associations, and 24 Canadian University or College faculty unions / associations have passed motions repudiating the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism on the basis that it is, in and of itself, a restrictor of academic freedom. These campaigns against IHRA were in many cases justified based on the “No IHRA” report issued by the Academic Alliance Against Antisemitism, Racism, Colonialism, and Censorship in Canada (ARC) in partnership with Independent Jewish Voices (IJV). The following provides readers with an evidence-based response to the distortions, misinformation, and prevarications included in the ARC-IJV campaign to keep Jewish people from expressing their voices in academic settings.

The International Holocaust Remembrance Alliance Working Definition of antisemitism (IHRA) is the internationally accepted, **non-legally binding** definition of antisemitism developed through extensive consultations with numerous stakeholders. The definition is succinct: “[a]ntisemitism 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.” Importantly, IHRA aligns with the accepted definition of discrimination under Canadian federal and provincial anti-discrimination laws and was adopted by the Canadian government (as part of its anti-racism strategy) and several provincial and municipal governments. It is supported by 35 countries, the United Nations, the European Union, the Global Imams Council, Muslims Against Antisemitism (UK), the Council of Europe and by numerous universities. IHRA is meant to be used as an educational and administrative tool to assist in identifying incidents that may or may not be instances of antisemitism.

The Canadian Association of University Teachers and other unions’ primary objection to IHRA relates to the 11 examples that accompany the definition that illustrate what may

and may not constitute antisemitism. In particular, these trade unions object to examples that describe how hatred of Jews that appears in the guise of hostility toward Israel and/or Zionism may, in specific contexts, constitute antisemitism.

Problem 1: IHRA “seeks to redefine antisemitism to include criticism of the Israeli state”

The ARC-IJV report asserts that “[t]he International Holocaust Remembrance Alliance’s Working Definition of Antisemitism is the product of a growing ‘new antisemitism movement’ that seeks to redefine antisemitism to include criticism of the Israeli state.” They point out that “7 of the 11 illustrative examples refer to Israel.” Furthermore, they assert that “it appears as if this definition is more intent on silencing critics of Israel than it does halting antisemitic threats from far-right white supremacists.”

To illustrate the ways in which the application of IHRA might interfere with academic freedom, they draw a comparison between the statement that “Israel a racist state” would be prohibited under IHRA whereas it would be acceptable to call “Canada a racist state.” They assert that this is *de facto* a double standard.

Counter-arguments to Problem 1: IHRA “seeks to redefine antisemitism to include criticism of the Israeli state”

In responding to the ARC-IJV report it is important to explore the authors’ positionality vis-à-vis Jewish identity and antisemitism as implied from the content of the report. The report frequently references Independent Jewish Voices (IJV), an organization that, while it has every right to express its views in the public sphere, holds perspectives on Jewish identity including the role of Israel, that are not representative of the vast majority of Jewish communities of Canada (e.g., see 2018 Environics survey of Jewish Canadians). The result of only seeking the perspective of members of IJV, one that aligns with those who repudiate IHRA, denies the clear majority opinion of Canadian Jews from expressing their experiences of antisemitism. Here, the principle of “nothing about us, without us” must apply. The Jewish community overwhelmingly supports the IHRA definition and understands the difference between criticism of Israel and anti-Israel antisemitism. Denying Jews the right to define antisemitism, including the pernicious form that manifest as anti-Israel antisemitism is unacceptable.

Further illustrative of the authors’ biases, the report labels Israel a “settler colonial state.” Such statements while protected by academic freedom, summarily erase the thousands of years of history of the Jewish people in what is now modern-day Israel. The report also refers to “Occupied Palestine” rather than the accepted term “Occupied Palestinian Territories.” “Reference to “Occupied Palestine” is widely interpreted as reflecting the view that all of Israel should be considered part of Palestine. The consequence of such a statement is the denial of the Jewish people their right to self-determination in their indigenous, ancestral homeland.

Regarding the specific allegation that IHRA “seeks to redefine antisemitism to include criticism of the Israeli state.” The ARC-IJV report:

1. Omits the preface to the 11 examples of antisemitism provided that are critical to the appropriate use of IHRA. Specifically, the ARC report fails to mention the following statement from IHRA: “[c]ontemporary 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:” The wording is intentional and meant to communicate that IHRA is not prescriptive about what must be labelled as antisemitic but rather is conditional with IHRA being used to support a process by which each incident is considered in its context.
2. Omits a key element of IHRA that states that “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.” The authors repeatedly conflate antisemitism with criticism of Israel. IHRA is definitive on this point, yet the authors ignore this fact.
3. Misrepresents the specific example in IHRA that references calling Israel a racist state. The actual example is, “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.” A proper reading of IHRA reveals that there is nothing that prevents someone from stating that the State of Israel is a racist endeavour. Rather, it **could** be considered antisemitic (see point 1) if that claim was made as a means of denying Jewish people their right to self-determination (a right asserted by the United Nations to all peoples). Even in the latter instance of calling Israel a racist state, to be considered hate speech under Canadian law, the statement would have to have been issued with the intent to incite violence. The lack of precision in the ARC-IJV analysis of IHRA demonstrates either a willful desire to deny Jewish people their right to define antisemitism or a lack of scholarly rigour.
4. Denies that antisemitism can emerge from the left of the political spectrum in asserting that “it appears as if this definition is more intent on silencing critics of Israel than it does halting antisemitic threats from far-right white supremacists.” The contemporary and real lived experience of Jewish people reveals that antisemitism has increasingly emerged from both the right and left wings of the political spectrum. Antisemitism from the left is often veiled as criticism of Israel but relies on the same antisemitic tropes as has been employed in other forms of antisemitism (e.g., asserting that Israel [Jews] tells foreign governments what to do). Contemporary antisemitism often applies historic tropes used to discriminate against Jews as individuals among people to Israel as a state among nations.
5. Accuses IHRA of being vague. This critique is directed towards the definition devoid of its examples. However, it is imperative to include the examples when applying the definition to operationalize the definition effectively and avoid the problems of vagueness. These examples illustrate the ways that antisemitism actually operates in the real world and serve as a guide (not a prescription) for interpreting events that may be difficult to interpret for those who have not experienced or are not experts on antisemitism. The main definition is also consistent with Canadian Human Rights law.

Problem 2: IHRA is vague and not grounded in the “anti-racist and decolonial framework”

The ARC report claims that IHRA is vague and not grounded in the “anti-racist and decolonial framework” and therefore undermines efforts to recognize, protect, and advance equity, diversity, and inclusion of minoritized groups in Canada. They conclude that IHRA should be rejected as a valid definition and instead a definition of antisemitism proposed by Independent Jewish Voices should be adopted.

Counter arguments to Problem 2: IHRA is vague and not grounded in the “anti-racist and decolonial framework” (see Hirsh, 2018; Hirsh, 2024)

The authors claim that IHRA is not grounded in the “anti-racist and decolonial framework” and therefore should be rejected as a valid definition. There are many forms of racism that exist and all merit scholarly inquiry in the academy as well as condemnation. However, not all forms of racism fit the “anti-racist and decolonial framework” that was developed within a North American context. Antisemitism, anti-Jewish racism, is the oldest form of hate and pre-dates “colonization.” The inclusion of antisemitism as a unique form of racism, which may not fit extant frameworks that explain other forms of hate (e.g., anti-Black racism, anti-Indigenous racism), does not diminish the importance of addressing those other forms of hatred. Furthermore, the “anti-racist and decolonial framework” is a theoretical framework that, in the context of the academy, must be subject to interrogation and evidence. Research suggests that other theoretical frameworks may be just as valid questioning the ideological rather than scholarly approach promoted by ARC-IJV. Academic freedom means that any possible theory of racism and colonization must be scrutinized and subjected to rigorous study. The ARC-IJV report arrogates to a single theory that may or may not be supported by evidence, particularly when it is applied to the oppression and persecution of Jewish people. Imposing ideology rather than open scholarship and diversity of viewpoint is antithetical to the academy.

IHRA is the internationally accepted definition of antisemitism developed through a multi-year process of broad-based international consultations with numerous stakeholders. Independent Jewish Voices is free to promote whatever definition of antisemitism they wish. However, they do not represent the majority of Jewish people in Canada and have no authority to undermine the freedom of Jews to use the consensus definition of antisemitism. Moreover, IJV’s definition denies the existence of antisemitism from the left and ignores contemporary forms of antisemitism that employ historic tropes about Jews veiled as anti-Israel rhetoric.

Problem 3: IHRA is a restrictor of academic freedom

The main argument of the report for why IHRA should be repudiated, whether or not a university or union was asked to adopt the definition, is that it allegedly restricts

academic freedom. The ARC-IJV report speculates that the work and speech of various scholars who study the Israeli-Palestinian conflict will be labelled as antisemitic and therefore they will be cancelled or de-platformed. The report states, “[i]f adopted, the IHRA definition will place Canadian academics, especially those conducting anti-racist and decolonial scholarship, at great risk of being falsely accused of being antisemitic, which could result in intimidation, censorship, job precarity, and costly litigation.”

The report provides an example of how a talk planned to be given by Achille Mbembe was cancelled in Germany because he was labelled an “antisemite” for his criticism of Israel and support of the Boycott, Divestment, and Sanction movement against Israel. The authors also accuse “neoconservative” websites of doxxing scholars to silence critics of Israel. Furthermore, they state that the main victims of such attacks are “racialized” faculty.

The report references three Canadian examples documented by Independent Jewish Voices of instances where IHRA was used to restrict academic freedom or free speech: 1) accusations by B’nai Brith that Faisal Bhabha made antisemitic statements at a talk at Toronto Metropolitan University (formerly Ryerson University), 2) an event at the University of Manitoba, titled “My Jerusalem,” which discussed the move of the US embassy to Jerusalem, and 3) a campaign against a Toronto restaurant called “Foodbenders,” which prominently displayed pro-Palestinian symbols in its windows.

Finally, the ARC-IJV report asserts that research funding (e.g., tri-council funding) to scholars studying Israeli policies or the Israeli-Palestinian conflict could be imperilled if IHRA were implemented.

Counter arguments to Problem 3: IHRA is a restrictor of academic freedom

Suggesting that IHRA, in and of itself, is a restrictor of academic freedom is not justified by the facts. The ARC-IJV report contends that IHRA may lead to silencing and de-platforming of people critical of Israel and provides no respected expert scholars to make their point or provide no actual examples of how IHRA, and IHRA alone, has silenced scholars because they do not exist. The one illustrative example they provide of how Mbembe’s talk was cancelled because he was labelled an “antisemite” is not connected to the use of IHRA and occurred in Germany where anti-discrimination laws differ significantly from those in Canada.

Three Canadian examples are referenced in the ARC-IJV report from those documented by Independent Jewish Voices that are asserted as supporting the view that IHRA leads to silencing and de-platforming of people critical of Israel. In each of these cases, the remedies for findings of antisemitism were not solely predicated on IHRA. In all instances a process of examining the facts took place and remedies were proposed.

For example the University of Winnipeg: “My Jerusalem” event, which took place on a Jewish holiday and presented a set of speakers with a narrow set of viewpoints on the

US decision to move their embassy to Jerusalem and recognize the latter as the capital of Israel, resulted in a series of recommendations based on a committee process that "... considered a variety of evidence including a video of the My Jerusalem event, notes taken at the April 16 event, comment cards written at the April 16 event, written submissions provided by interested parties, and the definition of anti-Semitism from the International Holocaust Remembrance Alliance (IHRA)."

It is disingenuous to hold IHRA as solely responsible for the recommendations that emerged from the committee's analysis because they also employed the University's own Respectful Workplace and Learning Environment policy when reviewing the facts of the case. IHRA played a role in informing the committee about what "could" be considered antisemitic but not what was determined to be discriminatory. NECA does not support the cancellation of events or de-platforming of speakers in an academic setting. However, it does encourage viewpoint diversity and University leaders' assertion of their freedom of expression to speak out against problematic views that may harm the Jewish community of campus and to respond to instances of poor scholarship.

Without any evidence, the ARC-IJV report accuses "neoconservative" websites of using "McCarthyism" to silence critics of Israel. The intention appears to be to suggest that the left is being attacked by right wing Jewish zealots. Furthermore, they state, again without any evidence that "racialized faculty" are the main victims of this assault, forgetting that Jewish people are also "racialized" in Canada. This appears to be asserted to create divisions among racialized groups and raise the spectre of an organized group of individuals intentionally attacking minoritized groups and those on the left.

Moral panic is invoked to suggest that research funding could be imperilled by IHRA. Absent any evidence that any scholar in Canada has lost funding since Canada implemented its 2015 anti-racism policy, which incorporates IHRA, the authors make assertions that are false. Moreover, and more importantly, denying scholars the right to use IHRA in their research is a clear violation of academic freedom.

The ARC-IJV report conflates the use of IHRA with the adjudication of alleged instances of antisemitism based on IHRA. Such adjudication procedures, for example employed in the three examples provided in the ARC-IJV report, were conducted by people examining the facts and considering evidence not blindly applying IHRA, which is a non-legally binding definition. IHRA is not prescriptive as to what constitutes antisemitism, rather it encourages a careful and considered process. It cannot be blamed for its inappropriate use or for an outcome that relies on the judgment of adjudicators examining all the facts of a particular case. Without a definition of antisemitism (anti-Jewish racism) that reflects the way Jews are discriminated against in the real world, incidents of antisemitism can be dismissed, minimized, or even justified. This is unacceptable.

The ARC-IJV report also misrepresents the facts about the adoption of IHRA in Ontario. The Ontario government adopted IHRA as an “Order-in-council” rather than as Bill 168. The adoption of IHRA was not to circumvent democracy as the ARC-IJV report asserts, but rather to ensure that IHRA would **not** be legally-binding in Ontario.

The UK’s recent report from their Parliamentary Taskforce on Antisemitism in Higher Education categorically refutes the false assertion that IHRA stymies academic freedom (Understanding Jewish Experience in Higher Education, Parliamentary Taskforce on Antisemitism in Higher Education, 2023). IHRA was implemented in UK’s higher education system. The data presented by the Taskforce provides concrete evidence that IHRA is essential to combatting antisemitism on campuses. The report also states unequivocally, “[t]he International Holocaust Remembrance Alliance’s definition of antisemitism has neither compromised nor chilled free speech in any of the 56 Universities with which we engaged. This demonstrates that it is being used appropriately, as any suggestion that it should be a restrictor on academic freedom is to misread or misinterpret the definition. It is a working definition, not a legal definition and that is its strength.”

The repudiation of IHRA by ARC and IJV actually restricts the academic freedom of scholars who wish to study the definition and its implications, use the definition as an educational or administrative tool, and defend themselves when they are subjected to antisemitism. The notion that academic unions would ban any definition, whether it addresses antisemitism or any other phenomenon, is antithetical to the basic principles of open discourse in the academy and is a direct threat to academic freedom. This is an infringement on their rights under university policies and provincial human rights laws. Such actions likely violate university policies and Canadian human rights law. Furthermore, labelling speech or incidents as antisemitism does not violate academic freedom.

Consequences

If the CAUT and Canadian faculty unions’ assertions about IHRA were true there would be numerous examples of scholars being silenced for criticizing Israel in the classroom, conducting research on Israeli policies, or speaking publicly about the Israeli-Palestinian conflict. There is no evidence of any scholar being silenced by IHRA in Canada. In fact, it is the voices of those who wish to provide alternative viewpoints on Israel and antisemitism that have often been silenced.

NECA and the IHRA

NECA firmly supports academic freedom and supports the appropriate use of IHRA as a non-legally binding educational or administrative tool to assist in the identification of antisemitism when and where it occurs. NECA asserts that IHRA does not ban scholars

from speaking in antisemitic terms, rather it assists in identifying such speech as antisemitic. The remedies to such speech are outside the scope of IHRA.

The biased and unsubstantiated arguments of ARC-IJV's "No IHRA" campaign has led many faculty unions to pass motions / resolutions repudiating IHRA. Rather than protecting academic freedom, these motions *interfere* with the academic freedom of those faculty members who wish to conduct research using or teach about IHRA. Faculty unions must remain neutral on issues that could significantly harm the credibility of its members' scholarly activities as they work toward realizing the core mission of the academy, that is, in the search for knowledge and truth.

NECA supports the appropriate use of IHRA both to support education (e.g., among EDI staff, faculty, University leadership) about the complex ways that antisemitism can manifest in various contexts as well as one of numerous tools that can be consulted by, for example, University Human Rights offices, to consider whether allegations of antisemitism are justified. NECA urges Universities to rely on and implement their existing policies on discrimination when Jewish people experience antisemitism on Canadian campuses.

References:

Hirsh, D. (2017). Contemporary Left Antisemitism. United Kingdom: Taylor & Francis.

Hirsh, D. Editor (2024) The Rebirth of Antisemitism in the 21st Century: From the Academic Boycott Campaign Into the Mainstream. United Kingdom: Routledge.

<https://www.noihra.ca>

<https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

See report: "Understanding Jewish Experience in Higher Education":

<https://antisemitism.org.uk/lord-mann/>

<https://www.environmentalinstitute.org/docs/default-source/project-documents/2018-survey-of-jews-in-canada/2018-survey-of-jews-in-canada---final-report.pdf>

<https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html>

<https://www.un.org/securitycouncil/content/purposes-and-principles-un-chapter-i-un-charter#rel1>