



Religion & Ethics

OPINION

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How should antisemitism be defined? A reply to Peter Wertheim

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Nobody denies some critics of Israel might be motivated by Jew-hatred, but to deserve the label “antisemitic” there must be evidence of racist prejudice. (Tolga Akmen / AFP via Getty Images)

Peter Wertheim, the co-director of the Executive Council of Australian Jewry (ECAJ), has argued that “there is no credible alternative” to the working definition of antisemitism formulated by the International Holocaust Remembrance Alliance (IHRA). On the contrary, the definition is itself problematic and has been widely opposed.

Chairman of the IHRA Committee on Antisemitism and Holocaust Denial, Mark Weitzman, notes that the concern to clarify antisemitism “is not a simple question” and has defied the efforts of scholars in history, philosophy, religion, and political science in a vast academic literature.

However, for our purposes, it is not necessary to resolve this difficult question in order to recognise serious shortcomings of the definition that has been proposed.

It is worth pointing out that even the author of the IHRA definition, Kenneth Stern, though himself a Zionist, has expressed his concern about the “McCarthy-like” use of the definition, which he says is being “weaponized” by right wing Jews “to suppress — rather than answer — political speech.” Stern acknowledges that if he “had been born into a Palestinian family displaced in 1948”, he might have a different view of Zionism, “and that need not be because we vilify Jews.”

What of the IHRA definition itself? It states:

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 Canadian organisation Jewish Voices for Peace (JVP) has argued that the definition is “so vague and incomplete that it is hard to disagree with it”, but for that reason “it is equally useless” in identifying incidents of antisemitism. Of course, JVP acknowledges that antisemitism is a real problem which must be opposed in all its forms. But they insist that the IHRA definition is not the right way to do it. JVP believes that the primary goal of those promoting the definition is to divert attention from Israel’s crimes and “to ban or criminalize criticism of both Israel and Zionism, along with support for Palestinian rights.”

In the same vein, a report by Geoffrey Robertson QC claims that the IHRA definition is liable to suppress legitimate criticism of human rights abuses against Palestinians by defaming critics of Israel as antisemitic. Likewise, in 2017 dozens of academics signed a statement condemning the uses of the IHRA definition to silence discussion of Israel’s violation of Palestinian rights under the pretext of “concern about antisemitism.”

Among the examples of antisemitism — as per the IHRA definition — that Peter Wertheim identifies, is to deny Jewish people their right to national self-determination. And yet, as Peter Beinart has argued, this as a “tragic mistake” because this makes anti-Zionism Jew-hatred by definition. Jews are not alone in being denied national self-determination, but nobody suggests that opposing a Catalan or Québécois state makes you an anti-Catalan or anti-Québécois bigot. Analogously, Beinart argues, anti-Zionism is not inherently antisemitic because it is not bigotry to turn a state based on ethnic nationalism into one “in which no ethnic group enjoys special privileges.” As he puts it:

Anti-Zionism is not inherently antisemitic — and claiming it is uses Jewish suffering to erase the Palestinian experience. Yes, antisemitism is growing. Yes, world leaders must fight it fiercely. But in the words of [Arthur Hertzberg], “This is not the way”.

Beinart’s call to renounce the idea of an ethnically pure Jewish state in favour of a multi-ethnic one has provoked an “earthquake” of outrage. In response to Beinart’s argument against a “two-state solution”, Alan Dershowitz has charged him with “historical ignorance, wilful deception and arrogant rejection of democracy” and even suggested that Beinart is seeking the “final solution” for Jews.

Another detractor, Daniel Gordis, draws an analogy between Beinart’s argument and Holocaust denial:

there are certain fundamentals of Jewish history that are not discussable. Happy to discuss annexation; happy to discuss occupation; happy to discuss whether to call it West Bank or Judea and Samaria; happy to discuss how brutal or not brutal the Israeli occupation has been ... but when you say that the first thing in 2,000 years that has kept the Jewish people safe ought to be destroyed not by the Arabs, but by the Jews themselves, then I think you’re a traitor. I think you’re a traitor to the Jewish people ...

Wertheim acknowledges that not all critics of Israel are antisemitic, and writes, “The serious charge of antisemitism should never falsely be made in order to stifle political debate.” But is this anything more than an empty gesture when the IHRA definition creates a presumption that criticism of Israel is antisemitism rather than political disagreement?

Wertheim claims that supporters of boycott, divestment, and sanctions (BDS):

typically react with indignation when their views are denounced as antisemitic. They tell us it’s not racist to criticise the policies of any government, or to speak up for human rights; that some Jews (albeit a tiny minority) support BDS, so BDS can’t be antisemitic; that it cannot be racist to state a fact, and it’s a fact, so they tell us, that Israel is an apartheid State.

However, nobody denies some critics of Israel might be motivated by Jew-hatred, but to deserve the label “antisemitic” there must be evidence of racist prejudice. Of course, charges of antisemitic motives will appear more plausible if relevant political considerations are omitted.

Relevant considerations here include the fact that, according to Amnesty International and the human rights organisation B’Tselem, there are around 600,000 illegal settlers in Palestinian territories (counting 200,000 Israelis in occupied East Jerusalem). They include the fact that ten

per cent of the West Bank is annexed by an enormous wall, in violation of the Geneva conventions and in defiance of the International Court of Justice in 2004. It is also relevant that since 1967, more than 8,000 unarmed Palestinians have been killed by Israeli forces in the West Bank, including nearly 2,000 children (an average of two children a week). It is relevant that over 50,000 houses have been demolished since 1967 and a million olive trees have been destroyed. Amnesty International reports that water is stolen for Jewish settlements, and Palestinians endure daily humiliation at hundreds of checkpoints as part of Israel's oppressive "matrix of control."

Relevant considerations also include Israel's crushing blockade of Gaza since 2007, which the United Nations has called a "war crime", and which the International Committee of the Red Cross (ICRC) has condemned as constituting the "collective punishment" of the two million Palestinians who remain under what Yoram Dinstein has described as Israel's "belligerent occupation". This chorus of condemnations of Israel's conduct in Gaza has been joined by Sara Roy, Max Blumenthal, Gideon Levy, and Norman Finkelstein. These denunciations of Israel's devastating, disproportionate military assaults on Gaza cannot plausibly be ascribed to antisemitism.

Nor can recent concern over the shooting deaths of 200 unarmed Gaza protesters by Israeli snipers. In 2018, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that "large number of casualties among unarmed Palestinian demonstrators, including a high percentage of demonstrators injured by live ammunition, has raised concerns about excessive use of force by Israeli troops." Amnesty International commented that a report prepared by the United Nations Independent Commission of Inquiry on the protests in the Occupied Palestinian Territory "paints a damning picture of Israeli forces who deliberately shot at children, health workers, journalists, and people with disabilities, demonstrating a cruel and ruthless disregard for international humanitarian law." Can such criticism plausibly be attributed to antisemitism?

A further example of antisemitism offered by Wertheim is the claim "that the existence of a State of Israel is a racist endeavour — for example, by smearing Israel as an 'apartheid State'." Wertheim says, "this is a way of denying the legitimacy of a Jewish State and thus denying Jewish people their right to national self-determination." Furthermore, Wertheim claims, "All of Israel's citizens, Jews, Arabs and others, have equal voting, civil and religious rights" — hardly an "apartheid State." But the realities on the ground tell a different story.

In July 2018 Israel enacted its "Nation-State Law", which defines Israel as "the historical homeland ... [and] the nation state of the Jewish People", and stipulates that the "exercise of the right to national self-determination in the State of Israel is unique to the Jewish People." In fact, this law simply codified the pre-existing system of discrimination against the twenty per cent of Israeli citizens who are Palestinian. Indeed, a 2017 report by former United Nations Human Rights Rapporteur Richard Falk and Virginia Tilley found that the treatment of Palestinians corresponds precisely with the definition of apartheid under international law. Back in 2010, one of the more

unlikely candidates for the charge of antisemitism, Henry Siegman, former director of the American Jewish Congress and the Synagogue Council of America, wrote:

Israel's relentless drive to establish "facts on the ground" in the occupied West Bank ... seems finally to have succeeded in locking in the irreversibility of its colonial project. As a result of that "achievement", one that successive Israeli governments have long sought in order to preclude the possibility of a two-state solution, Israel has crossed the threshold from "the only democracy in the Middle East" to the only apartheid regime in the Western world ...

Wertheim claims that the IHRA definition corresponds with the way "antisemitism is understood by the vast majority of Jewish people", who are "the best qualified by history and experience to recognise it when they see it." But this criterion is also unsatisfactory, for reasons set out by the former Dean of UNSW Law School and Judge of the Federal Court of Australia, Ronald Sackville AO QC. The criterion relies on the likely subjective perceptions of Jews rather than "more or less objective standards." Moreover, this standard ignores the intense political and ideological pressure that is often brought to bear among Jewish communities. Peter Beinart points out that Jewish leaders frequently "serve both as defenders of local Jewish interests and defenders of the Israeli government." Indeed, ECAJ evidently fits this description, insofar as it claims to "represent the interests of the Australian Jewish community", but frequently engages in pro-Israel lobbying and advocacy.

Surely, among those prominent Jews who can "recognise [antisemitism] when they see it" is the American historian Norman Finkelstein, who is the son of Holocaust survivors and among the foremost scholarly critics of Israel. Perhaps we should heed Finkelstein's warning from 2006, that "the real enemies of the Jews" are "those who debase the memory of Jewish suffering by equating principled opposition to Israel's illegal and immoral policies with anti-Semitism."

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