

Report #2 of the Working Group on Jewish Life, Antisemitism and Anti-Israeli Harassment at Boston University

This second report consists of our recommendations for a definition of antisemitism to be used at Boston University to help understand, identify and remedy antisemitism and to comply with legal obligations. There is no current definition of antisemitism used by the University. It is felt strongly by most members of this group that the University needs one for guidance and to successfully combat antisemitism, as well as to train the University community to identify antisemitism with the goal of prevention.

The working group deliberated and voted to recommend IHRA as the University's definition, although not all members were present at that meeting. The IHRA definition was developed by the International Holocaust Remembrance Alliance, with thirty-five member countries and eight observer countries.¹

After a motion to rescind that definition was made, the working group engaged in extensive additional deliberation and voted on a motion to rescind. While the motion to rescind had support from half of the group's members, it did not pass for lack of a majority. Because there was a range of views on the committee regarding the recommendation, the working group feels it is important to include the main arguments made both in favor and against the IHRA definition.

The main arguments made by members of the working group favoring the IHRA definition are as follows:

- History at Boston University: It had been adopted by student government as a resolution at BU approximately fifteen months ago, and more than 1,500 signed the petition in its favor in May 2023.² Student authors of the petition and others have been waiting for BU administration to approve it.
- IHRA is the definition that the Department of Education Office of Civil Rights uses to adjudicate university compliance with Title VI.³ Therefore, failing to adopt and implement it may lead the university to be out of compliance with the law. It may also

¹ <https://holocaustremembrance.com>

² https://www.change.org/p/tell-boston-university-s-administration-to-adopt-the-ihra-definition-of-antisemitism?recruiter=1302031490&recruited_by_id=8f3e3d90-c816-11ed-85a7-6761fa4621ae&utm_source=share_petition&utm_campaign=share_petition&utm_term=petition_dashboard&utm_medium=copylink&utm_content=cl_sharecopy_35773885_en-US%3A9

³ [Executive Order](#) 13899 provides an interpretation of 'antisemitism' for the purposes of Title VI. [According to](#) The Department of Education Office of Civil Rights (the "OCR"), "The Executive Order... require[es] all federal agencies to consider the IHRA definition in enforcing Title VI" and "requires federal agencies to consider the International Holocaust Remembrance Alliance's (IHRA) working definition of anti-Semitism and the IHRA's contemporary examples of anti-Semitism in enforcing Title VI." The same Executive Order clarifies that "[i]n considering the [IHRA definition], agencies shall not diminish or infringe upon any right protected under Federal law or under the First Amendment."

impede members of the community who wish to comply with Title VI and/or who wish to be trained by the University on what many Jews regard as antisemitism. IHRA has also been adopted by the US State Department, forty-three countries worldwide and many other organizations as a way to identify antisemitism.

- IHRA protects Israelis from discrimination which other definitions do not. The charge of this working group is recommendations regarding antisemitism as well as anti-Israeli harassment, which makes recommending a definition that protects Israelis a high priority. IHRA is the only one of the definitions that reflects the intersection of national origin discrimination of Israelis and religion- and race-based discrimination of Jews. The IHRA examples some consider controversial are examples that address contemporary antisemitism, especially of the type pervasive on campuses today.
- Some members state that while the exact definitions of Zionism and anti-Zionism have been heavily discussed, particularly in recent months, it is important to distinguish a clear boundary between criticism of Israel and erasure of Jewish history, and the IHRA definition helps to do that. For example, anti-Zionism that is focused on criticism of the founding of the state of Israel and current or past Israeli governments does not carry inherent antisemitism. In contrast, anti-Zionism that intentionally misrepresents Israel as a white colonialist or apartheid state can often be an attempt to de-legitimize and erase Jewish indigeneity and connection to the region.
- Controversy exists regarding the definition of any type of bigotry against protected groups e.g., controversy over what constitutes ‘racism’ or ‘sexual harassment.’ Any controversy regarding some of IHRA’s examples is to be expected if the goal is to change the status quo in which antisemitism is pervasive. Further, having adopted ‘antiracism’ into its mission statement, BU holds itself to a higher standard than the one minimally required by Title VI. This is true not just as a moral proposition but also legally. BU needs to provide Jews and Israelis the same level of protection, inclusion, and belonging it provides other minorities.

The main arguments by members of the working group against the IHRA definition are as follows:

- Criticism of IHRA is mainly focused on the examples that are given with it, some of which are interpreted as conflating criticism of the state of Israel, its government, and policies with antisemitism. Accusations of antisemitism have been used to try to suppress legitimate speech on campuses. The inclusion of speech that is critical of Israel but not necessarily antisemitic in a definition of antisemitism helps fuel such suppression.
- In particular, the IHRA definition and examples have been used by some to attempt to shut down or restrict pro-Palestinian protests, including protests that do not use antisemitic language. It needs to be pointed out that this was not the intent of the authors of IHRA, but rather has been used in this way by various groups and policy-makers after

its inception. Kenneth Stern, one of the authors of the IHRA, has said that the definition was “never intended to be a campus hate speech code.”⁴

- Some members assert that the IHRA definition has been tainted by these uses of it to attempt to shut down free speech and/or protest, and so we should not recommend its adoption for these reasons.
- Adopting IHRA would be divisive and alienate part of the Jewish community on campus. Some Jewish faculty at BU oppose adoption of IHRA for the reasons listed above, including thirty-eight who signed a letter opposing IHRA.⁵

We hope that our recommendation to adopt IHRA’s definition of antisemitism at Boston University, taken together with the arguments in favor and those opposed, will be useful in helping the University educate the community on antisemitism and anti-Israeli harassment, and in charting a constructive path forward.

⁴ <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>

⁵ <https://bit.ly/ConcernedJewishFaculty>