

Background report on the history of the IHRA “working definition of antisemitism”

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Introduction

The goal of this background report is to provide a common set of historical information to assist the upcoming deliberations of the Council of Carleton University Academic Staff Association (CUASA) on the “working definition of antisemitism”, promoted by the International Holocaust Remembrance Alliance (IHRA).¹ The views expressed in the report belong to the author and not to CUASA, its members or employees.

1. How did CUASA arrive at this question?

Over the past year, the Council of CUASA has received several requests to consider the “working definition of antisemitism” adopted by the International Holocaust Remembrance Alliance plenary session on 26 May 2016 (the text is reproduced in Appendix 1).

For the purpose of this report, the “working definition of antisemitism” represents the whole text, which includes the “examples [that] may serve as illustration... to guide IHRA in its work”. As shown in this report, understandings of what is included in the “working definition of antisemitism” vary. This report signals the cases where institutions who use the definition explicitly exclude the examples.

a) One series of requests came directly from the adoption of the IHRA “working definition of antisemitism” by the Ontario Government.

In December 2019, the Legislative Assembly of Ontario read “An Act to Combat Antisemitism” (Bill 168), aimed at establishing “a whole-of-government approach in combating antisemitism”. MPP Will Bouma, the initiator of the private Bill, stated to Parliament that the Bill, “if passed, would require the government of Ontario to be guided by the working definition of anti-Semitism and the list of illustrative examples of it, adopted by the International Holocaust Remembrance Alliance plenary on May 26, 2016, when it interprets acts, regulations and policies designed to protect Ontarians from discrimination and hate amounting to anti-Semitism.” In February 2020, the bill entered the second reading stage, and was referred to the Standing Committee on Justice Policy.² On 26 October 2020, the Government of Ontario used an Order in Council to “adopt and recognize” the IHRA definition.³

The Ontario Confederation of University Faculty Associations (OCUFA) wrote a statement about the implications of the Order in Council for Universities and their members. They protested the fact that the Ontario government had not waited for the results of the deliberations of the Parliament. In addition, they objected to the text of the definition, arguing mainly that it restricted free speech and academic freedom by “conflating” criticisms of the State of Israel with Anti-Semitism.⁴ Following OCUFA’s statement, CUASA’s External Relations Officer, Dr. Raj Singh, in consultation with the members of CUASA’s Steering Committee, wrote to the Government of Ontario on behalf of CUASA members to oppose the “working definition of antisemitism” and to urge them not to adopt Bill 168. He wrote that “We believe Israel, as a state, should be held to the same standards as all other states, and that human rights must be respected by all states. The current Bill suggests otherwise.” On 30 October 2020, CUASA’s bulletin to its members mentioned the letter.⁵

In his next report to the Council of CUASA, on 16 December 2020, Dr. Singh introduced a motion asking CUASA to “oppose the move to enshrine the current IHRA definition” by the Government of Ontario, in the name of academic freedom; the definition, he wrote, “includes criticism of Israel among its list of potentially antisemitic acts”.⁶ Members of Council questioned the prerogative of the Steering Committee in this matter, and the discussion of the motion was reported to the Council meeting of 28 January 2021.⁷

On 10 January 2021, the Chair of the Max and Tessie Zelikovitz Centre for Jewish Studies, Dr. Deirdre Butler, wrote to CUASA about the potential of the motion to be divisive. She indicated that the definition itself had been “misread”: it did not limit academic freedom, as the preamble to the examples expressly states that “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic”. Dr Butler presented “a selection of some of [her] own experiences ... of anti-Semitism on campus” and offered her assistance towards a

“constructive conversation around issues of Anti-Semitism”.⁸ Members of Council also received the letter of a student calling for a similar revision.⁹

On 25 January 2021, B’nai Brith Canada published a call for “Carleton University to ‘act responsibly’ and to reject a resolution against the leading definition of antisemitism”, stating that CUASA falsely claimed that the IHRA definition placed Israel above criticism.¹⁰

At the Council meeting of CUASA on 28 January 2021, the External Relations Committee asked Council to “take some time to allow for discussion and take in as much information as possible before putting forth a revised motion.”¹¹

b) A second series of requests have come from debates around the adoption of the definition by university administrations in Canada.

In February 2021, B’nai Brith Canada published on their website an objection to the comments of a Carleton University Faculty member, Dr. Nahla Abdo, about the State of Israel, the activities of the Max and Tessie Zelikovitz Centre for Jewish Studies, as well as the IHRA definition. Dr. Abdo had spoken about these matters at a virtual event organised by Carleton University Students for Scholars at Risk on 10 February 2021. After the event, the Chief Executive Officer of B’nai Brith Canada, Michael Mostyn, met the President of Carleton University to discuss the event. In its post, published on 26 February 2021, B’nai Brith Canada urged Carleton University “along with all other Canadian universities, to adopt the IHRA definition of antisemitism to provide a guardrail that safeguards Jewish students and faculty from unjustified attacks.”¹² As the report shows in section 4, B’nai Brith has referred to the IHRA definition to criticise activities on several other campuses in Canada.¹³

In April 2021, Dr. Abdo sent a collective letter to CUASA members expressing opposition to the IHRA definition, signed by a number of Carleton Faculty.¹⁴ The letter was founded on the “support for academic freedom for all faculty members, including faculty members who research and write about freedom and justice for the Palestinian people”. It referred to OCUFA’s position, and to the objections of many individual Faculty Associations across the country. In June 2021, CUASA received a petition, which counted 107 signatures. The petition was part of a larger campaign across Canadian campuses, called #NoIHRA, led by the organisation International Jewish Voices of Canada.¹⁵ In parallel, in April 2021, several Jewish Faculty of Carleton University participated in a petition by “Jewish Faculty in Canada Against the Adoption of the IHRA Working Definition of Antisemitism”, signed by more than 150 people. The petition argued that “On campuses where this definition has been adopted it has been used to intimidate and silence the work of unions, student groups, academic departments and faculty associations that are committed to freedom, equality and justice for Palestinians.”¹⁶

c) The IHRA definition and CUASA’s general understanding of the relation between the definitions of racial discrimination and of Anti-Semitism

A wider recognition of the damage caused by the unequal treatment of minority citizens followed from the public demonstrations of Spring 2020, in Canada and elsewhere. Separately, CUASA and the University have responded to these concerns by the introduction of measures aimed at achieving a greater level of representation and more effective safeguards.

These initiatives have coincided with the debates over the adoption and usage of the IHRA definition. The IHRA definition has its origins in an attempt to engage with the large question of racial discrimination (see section 3 of this report). Requests have been made to CUASA to address the role of Jewish people in these initiatives, and to ask how these initiatives may apply to their own problems caused by discrimination.

In June 2020, the Equity Committee of CUASA started working on a renewed program of education about racial discrimination, specifically for its officers and staff, and more generally for its membership. Its anti-racism working group conducted a survey during the Fall of 2020. The Committee defined its role as addressing “the rights of Black, Indigenous and People of Colour (BIPOC) community members and other marginalized communities at Carleton”. The question of the inclusion of Jewish CUASA members in this particular work was raised by members of Council in the Fall of 2020.¹⁷

Similarly, the University prepared an *Equity, Diversity, and Inclusion (EDI) Action Plan*, which was published on 23 March 2021. The authors included Anti-Semitism in the *Action Plan*. “In specified ways,” they wrote, “the document reflects how discrimination, harassment and hate crimes on the intersecting grounds of ‘creed and race’ (including Anti-Semitism and Islamophobia) form part of our societal context”. They recognised the work of the Zelikovitz Centre, as well as “the 2012 Carleton University ‘Report of Commission on Inter-Cultural, Inter-Religious and Inter-Racial Relations on Campus’”.¹⁸

2. Nature and activities of the IHRA, in Canada and Ontario

The adoption of a definition of Anti-Semitism is part of a larger set of actions of the International Holocaust Remembrance Alliance, an intergovernmental organisation created in 1998. The initial goal of the founder of the IHRA, the Swedish Prime Minister, Göran Persson, was public education about the Holocaust, in collaborative and shared endeavours. In 2009, the Canadian Government joined the organisation, which now counts 35 countries, and in 2013 Canada chaired the organisation. Government delegations bring experts to IHRA meetings, and several Canadian NGOs have served in this capacity, such as the Montreal Holocaust Museum and the Raoul Wallenberg Centre for Human Rights.¹⁹ The work of the IHRA is done by bi-annual plenary meetings, thematic conferences, as well as eight working groups and committees, each assigned to one theme. Beside “Education” and “Antisemitism” mentioned so far, there is: “Holocaust Denial and Distortion”; “Archive and Research”; “Genocide of the Roma”; “Holocaust, Genocides, and Crimes against Humanity”; “Remembrance”; and “Safeguarding of Sites”.

Canadians have chaired the IHRA committee on **education**, and several Canadian organisations have used its educational materials.²⁰ At Carleton University, the work of Holocaust education conducted in the Ottawa community by Carleton’s Max and Tessie Zelikovitz Centre for Jewish Studies refers to IHRA documents and mentions its definition of Anti-Semitism as one amongst others.²¹

Another aspect of the IHRA work is the **preservation of historical sites, the preservation of archives and the promotion of research to document the Holocaust**. This includes the

opening to the public of previously closed archives of the International Committee of the Red Cross and of the International Tracing Service, used by colleagues in the Department of History of Carleton University and the museums with which they work; as well as the restoration and preservation of sites of mass killing.²²

The IHRA coordinates and promotes activities of **commemoration**. In particular, it is the instigator of the Holocaust Memorial Day, an official event which was recognised by Canada in 2003. Carleton University has held several events around on that occasion since 2003.²³

Another aspect of IHRA actions concerns “**Historically - Informed Policymaking**”.²⁴ As part of this work, in May 2016, the IHRA Committee on Antisemitism and Holocaust Denial submitted to the plenary assembly of the IHRA a “working definition of antisemitism” which it borrowed from earlier work of one agency of the European Union, the European Monitoring Centre on Racism and Xenophobia (EUMC) (see Section 3 of this report below for more details). The goal of the Committee was to “equip [...] policymakers to address this rise in hate and discrimination at their national level.”²⁵ The plenary assembly adopted the document unanimously. Subsequently, the European Parliament recommended the adoption of the IHRA definition to its members states (2017), and the Secretary General of the United Nations “acknowledged the efforts” of the nations who had adopted the definition (2018).²⁶

As of August 2021, 32 countries have adopted the definition.²⁷ In the Summer of 2019, the Government of Canada included the IHRA definition as part of a new anti-racism strategy, written by the Department of Heritage and Multiculturalism after a two-year long consultation.²⁸ In agreement with the IHRA goal of informed policy-making, Statistics Canada used the “working definition of antisemitism” in compiling its report on hate crime (2019), a document to which Carleton’s *Equity, Diversity and Inclusion (EDI) Action Plan* refers.²⁹ In addition, Global Affairs Canada refers to the IHRA definition in the description of its international work of “promotion and protection of ... freedom of religion and belief.”³⁰ In Canadian civil society, many NGOs have also adopted the definition.³¹

3. Origins of the IHRA “working definition of antisemitism”

The history of the current “working definition of antisemitism” can be traced back to the activities of the European Union (EU), outside the IHRA and before its creation. In 1994, the European Monitoring Centre on Racism and Xenophobia (EUMC) was charged to document not only Anti-Semitism, but more generally what was then perceived as a growing trend of “racism and xenophobia”, starting with a report on Anti-Muslim discrimination (2002).³² In this instance, as in many Canadian cases, institutions charged to monitor discrimination have simultaneously documented the situation of several minorities.³³

The EUMC report on Anti-Semitism (2004) included a definition used to identify Anti-Semitic acts which was very similar to the current IHRA “working definition of antisemitism”. It suggested that the EU would need a common definition to conduct further work of collection and comparison. The report also stated that manifestations of Anti-Semitism increasingly referred to the State of Israel.³⁴ In 2004, based on these findings, the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe, on which a number of Canadian parliamentarians sit, officially recognised that manifestations of Anti-Semitism increasingly referred to the State of Israel (Berlin Declaration).³⁵

In the wake of the EUMC recommendation, scholars (under the direction of the expert on antisemitism at the American Jewish Committee, Kenneth Stern), NGOs, and EUMC employees worked together to produce a definition and some illustrations aimed at addressing these concerns.³⁶ Stern's definition included actions against individuals and communities, and six of the twelve examples referred to the State of Israel. The definition and examples appeared on EUMC documents and webpage until 2013.³⁷

The International Holocaust Remembrance Alliance adopted the same working definition, in 2016 (see section 2 above). Since 2016, the IHRA has become the main proponent of the definition.³⁸

4. Debates over the IHRA “working definition of antisemitism”, and controversies in Canada and abroad

In Canada, several controversies have occurred over the potential of the IHRA definition to curtail free speech and academic freedom on questions related to Israel and Palestine. In June 2020, B'nai Brith Canada organised a national petition to limit the teaching of Faisal Bhabba, Associate Professor at Osgoode Hall Law School in Toronto, after he had argued against the IHRA definition at a debate organised by Ryerson University's Centre for Free Expression and the Canadian Civil Liberties Association.³⁹ In the Summer of 2020, a controversy occurred when the University of Toronto rescinded the decision of its hiring committee for the position Director of Faculty of Law's International Human Rights Program. The offer to the preferred candidate, Dr Valentina Azarova, a legal specialist of Israel-Palestine affairs, was halted for a year, allegedly due to the influence of donors. In October 2020, a “Statement on Palestine Speech Suppression and University of Toronto Faculty of Law”, signed by both lawyers and academics, from Canada and abroad, expressed concern about the effect of “the institutionalization of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism”.⁴⁰ In April 2021, the Canadian Association of University Teachers adopted of motion of censure against the University of Toronto's handling of the hiring.⁴¹ In July 2021, a “petition demanding consequences for hateful speech on campus”, prepared by Jewish Faculty members of the University of Toronto, asked for the resignation of the President of the University of Toronto Faculty Association after his intervention at an event on the situation at the University of Toronto Law School.⁴²

Canadian organisations debating the merits of the “working definition of antisemitism” also refer to controversies outside of Canada, especially in the United Kingdom and the United States. The government of the United Kingdom expressed its support for the IHRA definition in December 2016. In February 2017, the Minister of State for Universities wrote to the CEOs of Universities UK to ask them to “disseminate” the definition, in order to “help clarify” instances of Anti-Semitism, especially when dealing with events concerning the State of Israel. In March 2017, Prime Minister Theresa May stated to Parliament that the letter of the of the Minister of State for Universities had urged university administrations to adopt the definition. By the Summer of 2018, there had been five documented cases of British universities cancelling or changing events, in reference to the IHRA definition.⁴³ In 2020, the Communities Secretary of the UK warned universities and municipal councils that had not adopted the IHRA definition: “I will shortly publish the list of those councils that have told my department that they will adopt

the definition and those who have explicitly refused to do so. Organisations like these should not expect to receive public money if they cannot demonstrate that they are fighting antisemitism.”⁴⁴

According to legal scholar Rebecca Gould, in a 2020 analysis of three separate cases of implementation of the IHRA definition in the United Kingdom, the IHRA definition has an “ambiguous legal status”, and “indeterminate applications ... arise from confusions regarding its legal status.” Dr Gould also suggested that “free speech violations are ... less likely to result in damaging litigation than are failures to uphold equality and diversity mandates. Hence, it is always safer for an institution to prioritize compliance with equality and diversity policies over the promotion and protection of free speech.”⁴⁵

In the USA, attempts were made to use the definition in litigious actions brought to the Department of Education against universities holding events critical of the policies of the State of Israel.⁴⁶ In December 2019, an Executive Order of President Donald Trump invited federally funded institutions to use the IHRA definition in their determination of discrimination under Title VI of the Civil Rights Act.⁴⁷

According to Kenneth Stern, the original author of the “working definition of antisemitism”, this new legal context might have led university administrations to suppress political speech for fear of litigation. In a newspaper article of January 2021, he wrote that “It was never intended to be a campus hate speech code, but that’s what Donald Trump’s executive order accomplished.” Stern also regretted the importance that the IHRA definition had taken amongst University members tackling issues of discrimination: “as long as the issue is IHRA YES or IHRA NO, it’s hard to have a rational discussion.”⁴⁸

It is with such controversies in mind that some Canadian associations, including the Canadian Independent Jewish Voices of Canada (IJC), support an alternative to the definition to the IHRA.⁴⁹ More generally, they suggest to “investigate a more responsible approach to preventing anti-Semitic behaviour”.⁵⁰ The alternative definition of IJC is also encouraged by CAUT, OCUFA, and the signatories of the June 2021 petition at Carleton University.

Appendix 1: The working definition of antisemitism⁵¹

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 leveled 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 endeavor.
- Applying double standards by requiring of it a behavior 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.

References

¹ The Chair of CUASA's External Relations Committee, in discussion with its Anti-Racism Working Group, made an open call to Council members to send relevant materials to answer the following question, and to ask for the cooperation of other CUASA members: "is there reason to think that the IHRA working definition and illustrative examples could be used to restrict CUASA members' academic freedom, and in particular the freedom to analyze and criticize state actors?". Raj Singh, report to the steering committee, 28 April 2021. See also CUASA, Report of the Committee of External Relations, 24 January 2021. In this report, the spelling of Anti-Semitism is the one used by Carleton's *EDI Action Plan* (2021) introduced below. However, it uses the IHRA spelling when it cites the "working definition of antisemitism".

² Bill 168, private members Bill sponsored by Conservative MP Will Bouma (Brantford-Brant), available at <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-168/> The bill was carried on division at its second reading, on February 27, 2020. During the debates in Parliament the official opposition, the NDP, announced that they would not oppose the bill. They added that the adoption of the definition would not be enough, and deplored "government's decision to eliminate funding for the directorate and to disband the advisory subcommittee on Anti-Semitism".

³ Government of Ontario, Order in Council 1450/2020, 26 October 2020, available at <https://www.ontario.ca/orders-in-council/oc-14502020>. By contrast to Bill 168, the Order in Council does not expressly mention the text of the examples included in the definition. An Order in Council is a "government order recommended by the Executive Council and signed by the Lieutenant Governor"; it is usually used to complement a law, in an emergency, or on a temporary basis; see [https://www.ontario.ca/page/orders-council#:~:text=An%20Order%20in%20Council%20\(%20OIC,commissions%20and%20set%20their%20salaries](https://www.ontario.ca/page/orders-council#:~:text=An%20Order%20in%20Council%20(%20OIC,commissions%20and%20set%20their%20salaries).

⁴ "OCUFA opposes Ontario government circumventing democracy and public debate on Bill 168", 28 October 2020, <https://ocufa.on.ca/press-releases/ocufa-opposes-ontario-government-circumventing-democracy-and-public-debate-on-bill-168/>

⁵ Raj Singh to Joel Harden, MPP for Ottawa Centre, 28 October 2020, shared by Raj Singh. With copies to Mina Rajabi Paak, Policy Analyst, Community and Government Relations, OCUFA: Will Bouma, MPP for Brantford; Robin Martin, MPP for Eglinton-Lawrence; John Fraser, MPP for Ottawa South; Gurratan Singh, Attorney General. The letter did not mention the Order in Council; rather, it urged the MPs not to adopt Bill 168.

⁶ External Committee Report to Council, 14 December 2020.

⁷ Minutes of CUASA Council, 16 December 2020. A discussion followed on the distinction between Anti-Semitism and what could be understood as fair and appropriate criticism of the State of Israel.

⁸ Deirdre Butler to Angelo Mingarelli (CUASA President) and Micheline White (Representative of the College of Humanities on CUASA Council), 10 January 2021. The letter included the support of the eight members of the Zelikovitz Centre Advisory Board. In a separate correspondence, member of the Board Dr Pamela Walker conveyed a similar argument. P. Walker to D. Marshall, 6 May 2021. Dr Walker referred to literature on the relation between White Nationalism and Anti-Semitism. The letter of Dr. Butler is mentioned in CUASA's Report of the Committee of External Relations, 24 January 2021, presented to CUASA's Council the same week.

⁹ Student Emma Calbeck wrote on 28 January 2021; see also the answers to Ms. Calbeck by Council member Ian Lee, 28 January 2021, and CUASA Chair of the External Relations Committee Raj Singh, 29 January 2021. Report of the External relations committee, 24 January 2021. Khaled Moammar, "a Palestinian victim of Israeli apartheid," published at the same time an "Appeal to Carleton University Academic Staff Association to condemn the misleading IHRA definition", One Democratic State, 26 January 2021, <https://onedemocraticstateca.wordpress.com/2021/01/26/appeal-to-carleton-university-academic-staff-association-to-condemn-the-misleading-ihra-definition/>

¹⁰ “Carleton University Resolution Targets Definition of Antisemitism, Warns Canadian Jewish Organization”, 25 January 2021, available at <https://www.algemeiner.com/2021/01/25/carleton-university-resolution-targets-definition-of-antisemitism-warns-canadian-jewish-organization/>. *The Algemeiner* is a New York based newspapers covering international Jewish affairs. The article cites Michael Mostyn, Chief Executive Officer of B’nai Brith Canada: “As a professional association, CUASA has an obligation to defend the rights of its entire membership, including Jewish members ... University campuses have been among the focal points of antisemitism in Canada in recent years, and this resolution threatens to make matters worse.”

¹¹ Minutes of CUASA Council, 28 January 2021. CUASA’s Steering Committee had suggested this course of action earlier in January.

¹² “Carleton University Should Condemn Antisemitism, Take Action on Professor’s Remarks”, 26 February 2021, available at <https://www.bnaibrith.ca/carleton-university-should-condemn-antisemitism-take-action-on-professors-remarks/>. A recording of the event, entitled “Challenging the Narrative: Is Anti-Zionism Anti-Semitic?” is available here: <https://www.facebook.com/913487872031282/videos/2501943523433504>

¹³ The B’nai Brith website documents instances of adoptions of the IHRA definition in Canadian civil and political institutions: <https://www.bnaibrith.ca/?s=ihra>. See also Ron Csillag, “Students, professors, offer differing views on IHRA definition”, *The Canadian Jewish News*, 26 March 2021, <https://thecjn.ca/news/canada/students-professors-offer-differing-views-on-ihra-definition/>

¹⁴ “No-IHRA-CUASA-Revised”, Letter to CUASA members, 19 April 2021, signed by 19 faculty members, emailed to members by Nahla Abdo, Department of Sociology and Anthropology. The definition, according to the letter, “intentionally equate legitimate criticisms of Israel and advocacy for Palestinian rights with antisemitism”. A copy of the later version dated 27 June 2021 was sent to the author by Dr. Singh. The petition cited, amongst others, Robert A.H. Cohen, “We need to decolonize our understanding of antisemitism”, 10 March 2021, available at <https://mondoweiss.net/2021/03/we-need-to-decolonize-our-understanding-of-antisemitism/>, who argues that the definition conflates “Jews, Zionism and Israel”. The letter did not refer to the the event organised by the Carleton University Students for Scholars at Risk, on February 10, 2021. The perceived intention to equate criticism of the State of Israel with Anti-Semitism was present in the letter circulated on 17 July 2018 by the organisation Jewish Voices for Peace, which stated that the IHRA definition “is worded in such a way as to be easily adopted or considered by western governments to intentionally equate legitimate criticisms of Israel and advocacy for Palestinian rights with antisemitism, as a means to suppress the former”; <https://jewishvoiceforpeace.org/2018/07/first-ever-40-jewish-groups-worldwide-oppose-equating-antisemitism-with-criticism-of-israel/>

¹⁵ Academic Alliance Against Antisemitism, Racism, Colonialism & Censorship in Canada (ARC), *Handbook for Academics: The IHRA Definition of Antisemitism & Canadian Universities/Colleges*. What you need to know. Available on the website of the IJV “Academic Campaign” <https://www.noihra.ca/academic-campaign>. The campaign includes a petition signed by “over 600 Canadian academics” as well as a list of Faculty Associations that have “taken position against the IHRA definition. Independent Jewish Voices of Canada maintains a list of “The IHRA definition at work”, which also includes European and USA cases. It is available at <https://www.ijvcanada.org/ihra-definition-at-work/#>

¹⁶ Available at <https://jewishfaculty.ca/>. The arguments of the petition are presented in Abigail Bakan, Alejandrol Paz, Anna Zalik and Deborah Cowen, “Jewish scholars defend the right to academic freedom on Israel/Palestine”, *The Conversation*, 11 April 2021, reproduced in the *CAUT Bulletin* of 23 April 2021; available at <https://academicmatters.ca/jewish-scholars-defend-the-right-to-academic-freedom-on-israel-palestine/>. The question of academic freedom was the subject of special deliberations at Carleton University, at the request of the Ontario Ministry of Training, Colleges and Universities. In August 2018, the Ministry requested that universities adopt a free speech policy. A *Freedom of Speech Policy* was approved by Carleton University Senate on 30 November 2019, which summarises existing University policies and mechanisms, to address complaints regarding freedom of expression and the ability to organise events. For the request, see “Backgrounder: Upholding Free Speech on Ontario’s University and College Campuses”, Issued on August 30 2018, <https://news.ontario.ca/en/backgrounder/49950/upholding-free-speech-on-ontarios-university-and-college->

campuses and “News release: Ontario Protecting Free Speech on Campuses”, 4 November 2019, <https://news.ontario.ca/en/release/54447/ontario-protecting-free-speech-on-campuses> For the ensuing debates on campuses, see James Turk, “A manufactured crisis: the Ford government’s troubling free speech mandate”, *Academic Matters*, OCUFA, Fall 2018; <https://academicmatters.ca/a-manufactured-crisis-the-ford-governments-troubling-free-speech-mandate/> available at <https://theconversation.com/jewish-scholars-defend-the-right-to-academic-freedom-on-israel-palestine-157674>. The Carleton University, Freedom of Speech Policy is available at <https://carleton.ca/secretariat/wp-content/uploads/Freedom-of-Speech.pdf>. The Higher Education Quality Council of Ontario confirmed that all universities of the Province had complied to the Ministry’s request: HEQCO, “Freedom of Speech on Campus 2019 Annual Report to the Ontario Government”, 4 November 2019, <https://heqco.ca/wp-content/uploads/2020/02/HEQCO-2019-Free-Speech-Report-to-Government-REVISED-3.pdf>

¹⁷ Minutes of CUASA Council, 21 October 2021.

¹⁸ <https://carleton.ca/edi-plan/wp-content/uploads/Carleton-University-EDI-Action-Plan-Full.pdf> On the occasion of the launch of the report, the President of the University, Benoit-Antoine Bacon, linked the report to the United Nations International Day for the Elimination of Racial Discrimination, and to the ongoing process of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. <https://www.un.org/en/observances/end-racism-day>. The Department of EDI works with an Advisory group, and with an interdisciplinary Black, Indigenous, People of Colour (BIPOC) Faculty Caucus; see Dan Rubinstein, “Carleton’s EDI Efforts Gain Momentum with New Student Support, Expertise, Courses”, 23 March 2021, available at <https://newsroom.carleton.ca/story/edi-efforts-gain-momentum/>. Another group, the Racialized and Indigenous Faculty Alliance (RIFA), previously known as the “BIPOC Caucus”, was formed in February 2020; see Karen Kelly, “Racialized and Indigenous Faculty Alliance Finds Strong Support on Campus” <https://newsroom.carleton.ca/story/racialized-indigenous-faculty-alliance/>. The report of the 2012 commission is available at <https://www.scribd.com/document/111306032/Carleton-University-s-Commission-on-Inter-Cultural-Inter-Religious-and-Inter-Racial-Relations-on-Campus-Report-August-2012>.

¹⁹ “Canada”, IHRA website, <https://www.holocaustremembrance.com/member-countries/canada>. The first name of the IHRA was “Task Force for International Cooperation on Holocaust Education, Remembrance and Research”.

²⁰ “CUASA Anti-Racism and BIPOC Community Members’ Experience Survey”, News from CUASA, 12 November 2021, <https://cuasa.ca/cuasa-anti-racism-and-bipoc-experience-survey/>

²¹ See for instance 2019 Teachers’ Workshop, available at <https://carleton.ca/jewishstudies/antisemitism/resources/resources-for-educators/2019-teachers-workshop/>

²² See for instance the mention of Lisa Leff (American University) giving the Wolfe lecture in Holocaust Studies on 27 January at the University of Dalhousie. Her topic: “The Archive Thief: The Man Who Salvaged French Jewish History in the Wake of the Holocaust.”, mentioned in the Digital Bulletin of the Canadian Historical Association, January 2020, <https://cha-shc.ca/english/publications/cha-publications.html/historians-corner-the-chas-digital-newsletter/historians-corner-january-2020> The Montreal Holocaust Museum does not mention the definition in its educational materials. The United States Holocaust Memorial Museum has adopted the definition; “United States Holocaust Memorial Museum Supports Working Definitions On Antisemitism And On Holocaust Denial”, 12 September 2016, <https://www.ushmm.org/information/press/press-releases/museum-supports-working-definitions-on-antisemitism-and-holocaust-denial>

²³ Holocaust Memorial Day Act (S.C. 2003, c. 24) available at <https://laws-lois.justice.gc.ca/eng/acts/h-5.4/fulltext.html>; the three provinces of Alberta, Manitoba and Nova Scotia recognised the day in 2000. “Canada”, IHRA website, <https://www.holocaustremembrance.com/member-countries/canada>. For the 2021 Carleton University events, see <https://newsroom.carleton.ca/story/international-holocaust-remembrance-day/>.

²⁴ “Our approach”, IHRA website, <https://www.holocaustremembrance.com/about-us/our-approach>. The definition of Anti-Semitism is one amongst four working definitions (Holocaust-related materials (2021); Holocaust denial and distortion (2013) antigypsyism/anti-Roma discrimination (2020), and there in one charter (International Museum charter (2021). Plenary conferences meet twice a year; they work in a consensual manner and the documents their members adopt are not legally binding.

²⁵ Global Affairs Canada (GAC), "Freedom of Religion or Belief", https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/freedom_religion-liberte_religion.aspx?lang=eng . The website of GAC equates this action with the participation in January 2017 in the High-Level Forum on Combating Anti-Muslim Discrimination and Hatred. https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2017-01-17-discrimination.aspx?lang=eng

²⁶ "Antisemitism Rising Even in Countries with No Jews at All, Secretary-General Tells Event on Power of Education to Counter Racism, Discrimination," United Nations Secretary General Statements and Messages. SG/SM/19252-RD/1022, 26 September 2018. <https://www.un.org/press/en/2018/sgsm19252.doc.htm> . American Jewish Committee, "Adoption of the Working Definition", <https://www.ajc.org/adoption-of-the-working-definition>, consulted 30 August 2021. Rebecca Ruth, Gould, "The IHRA Definition of Antisemitism: Defining Antisemitism by Erasing Palestinians," *The Political Quarterly* 91, no. 4 (2020): 825–831, n. 24. Gould was at the centre of one of the controversies presented in the study. When the IHRA plenary endorsed the definition, it specified that the illustrations were not a formal part of the definition, but an associated guide.

²⁷ Several regional governments, such as Scotland, South Carolina, and Ontario have also officially endorsed the working definition. American Jewish Committee, "Adoption of the Working Definition", <https://www.ajc.org/adoption-of-the-working-definition>, consulted 30 August 2021. Not all countries that have adopted the definition have adopted the accompanying illustrations.

²⁸ *Building a Foundation for Change: Canada's Anti-Racism Strategy*. Gatineau, Québec: Canadian Heritage= Patrimoine canadien, 2019. <https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html> The definition of Anti-Semitism used in the document refers to the IHRA definition; it does not mention the examples (p. 22). Beside Ontario, two provinces have adopted the definition: Quebec, by a vote in Parliament on 26 May 2021, and New Brunswick on March 24 2021 ;the text of the NB resolution does not include the examples; <https://www.gnb.ca/legis/business/currentsession/60/60-1/order-e/o210324e.pdf>

²⁹ Carleton's *Action Plan on EDI* cites the most recent Statistics Canada Police-reported hate crime, by type of motivation, Canada (selected police services), Table 35-10-0066-01 DOI: <https://doi.org/10.25318/3510006601-eng>. In turn, the document of Statistics Canada refers to B'nai Brith Canada, 2020, "Annual audit of antisemitic incidents 2019" which uses the IHRA definition, amongst other tools, to identify hate crimes; https://d3n8a8pro7vhmx.cloudfront.net/bnaibrithcanada/pages/394/attachments/original/1588351819/B%27nai_Brith_Canada_Audit_2019_ENG.pdf?1588351819 .

³⁰ Available at https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/freedom_religion-liberte_religion.aspx?lang=eng the website repeats Canada's endorsement at the IHRA plenary in 2016, and reproduces the definition, without the illustrations.

³¹ In March 2021, the website of the Centre for Israel and Jewish Affairs (CIJA), "the advocacy agent of Jewish Federations across Canada", listed the national and provincial Jewish organisations supporting the IHRA definition in Canada, as of March 2021; "Coalition of Canadian Jewish orgs send letter NDP supporting IHRA Definition of Antisemitism", 15 March 2021, Centre for Israel and Jewish Affairs (CIJA) website, available at <https://www.cija.ca/coalition-of-canadian-jewish-orgs-send-letter-ndp-supporting-ihra-definition-of-antisemitism/> In April 2021, the motion to reject the IHRA definition was not adopted by the NDP convention for which this list had been prepared.

³² The European Monitoring Centre on Racism and Xenophobia (EUMC - 1997) was replaced by by the Fundamental Rights Agency (FRA) in 2007; <https://fra.europa.eu/en/about-fra>

³³ Abella, Irving. The Canadian Encyclopedia, s.v. "Anti-Semitism in Canada", Last Edited January 07, 2021, <https://www.thecanadianencyclopedia.ca/en/article/Anti-Semitism/> Souissi, Takwa. The Canadian Encyclopedia,

s.v. "Islamophobia (Anti-Muslim Hate)", Last Edited July 13, 2021, <https://www.thecanadianencyclopedia.ca/en/article/Islamophobia>

³⁴ Allen, Christopher; Nielsen, Jørgen S. (May 2002). "Summary Report on Islamophobia in the EU after 11 September 2001" (PDF). *Vienna: European Monitoring Centre on Racism and Xenophobia*. Archived (PDF) Jørgen Nielsen is a professor of Islamic Studies at the University of Copenhagen. European Monitoring Centre on Racism and Xenophobia, *Manifestations of Antisemitism in the EU 2002 – 2003*, available at <https://web.archive.org/web/20091229152718/http://fra.europa.eu/fraWebsite/attachments/AS-Main-report.pdf> The main analyst, Alexander Pollack, is a historian and campaigners for human rights based in Austria.

³⁵ In 2007-2008, the Canadian Members of Senate were appraised of the text of resolutions by the OSCE Parliamentary Assembly: "Resolution on Combating Anti-Semitism And Other Forms Of Intolerance", which later became "Resolution On Combating Anti-Semitism, Racism, Xenophobia And Other Forms Of Intolerance, Including Against Muslims And Roma"; it included "concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions". *Journal of Senate*, 25 April 2007, 5 December 2002, 14 February 2008.

³⁶ Kenneth Stern, "Should a major university system have a particular definition of Anti-Semitism?", *Jewish Journal*, 22 June 2015, <https://jewishjournal.com/commentary/opinion/175207/>

³⁷ Gould, *op. cit.*, n. 65. It includes uses by the judiciary. *Handbook for the Practical Use of the IHRA Working Definition of Antisemitism*, available at <https://op.europa.eu/en/publication-detail/-/publication/d3006107-519b-11eb-b59f-01aa75ed71a1/language-en/format-PDF/source-185592396>

³⁸ The illustrations remained the same as the EUMC's, albeit in a different order. Also, amongst the main proponents of the IHRA definition internationally is the International Legal Forum "a nonprofit, proactive legal hub, centralizing efforts of lawyers, organization and activists worldwide, in their fight to promote justice, peace and equality in Israel and the Middle East", which published a booklet, *Legal Case Study Booklet* on IHRA definition in 2020, a study of Canada as a case study". Available at <https://www.ilfngo.org/ihra> and supports the "Academics for IHRA campaign".

³⁹ Faisal Bhabba, "Smearing, Silencing and Antisemitism", *Obiter*, 20 January 2021, available at <https://obiter-dicta.ca/2021/01/20/smearing-silencing-and-antisemitism/> Faisal Bhabba was also a panellist at the even organised by the Carleton University Students for Scholars at Risk, on February 10, 2021. See also "Petition to Bar Faisal Bhabba from Teaching "Human Rights" at Osgoode Hall Law School", https://www.bnaibrith.ca/petition_bar_faisal_bhabba/ In February 2021, three scholars of the University of Toronto asked their administration to adopt the "working definition of antisemitism" in order to address antisemitism on campus, in an open letter in the *Toronto Star*, which was followed by a Town Hall meeting in March 2021; Michael Mostyn, Stuart Kamenetsky and Howard Tenenbaum, "Opinion - University of Toronto must act now to uproot antisemitism", *Toronto Star*, 2 February 2021, <https://www.thestar.com/opinion/contributors/2021/02/02/university-of-toronto-must-act-now-to-uproot-antisemitism.html?rf>

⁴⁰ Available at <https://docs.google.com/forms/d/e/1FAIpQLSequFh6r-FJdpe875P--bXBnJ4jJOEw0A5yPwiFcK-E2GxRzg/viewform>.

⁴¹ On CAUT vote to censure the University of Toronto for its failure to resolve this case (April 21-23, 2021), see Raj Singh, Chair of External Relations Committee, Report to Steering Committee, CUASA, 28 April 2021. CAUT cites Shree Paradkar, "Controversies at U of T Law, York University highlight escalating suppression of moderate voices criticizing Israel", *Toronto Star*, 25 October 2020, available at <https://www.thestar.com/opinion/star-columnists/2020/10/25/controversies-at-u-of-t-law-york-university-highlight-escalating-suppression-of-moderate-voices-criticizing-israel.html>. See also, Masha Gessen, "Did a University of Toronto Donor Block the Hiring of a Scholar for Her Writing on Palestine?", *The New Yorker*, 8 May 2021, available at <https://www.newyorker.com/news/our-columnists/did-a-university-of-toronto-donor-block-the-hiring-of-a-scholar-for-her-writing-on-palestine>. For recent developments on this case, including offering the position to Dr. Valentina Azarova, which she declined, the revision of advancement practices at the University of Toronto, and the pause of CAUT censure, see Shanifa Nasser, "Censure against U of T temporarily suspended after school reverses course

in hiring controversy”, CBC News, 17 September 2021, available at <https://www.cbc.ca/news/canada/toronto/u-of-t-censure-university-of-toronto-azarova-1.6179705>.

⁴² “PETITION: Jewish Profs Need Your Support”, 9 July 2021, available at <https://www.bnaibrith.ca/petition-jewish-profs-need-your-support/>. The *CAUT Bulletin* also published a “Commentary / Criticizing Israel is not antisemitic — it’s academic freedom”, written by By Jasmin Zine, Greg Bird & Sara Matthews available at <https://www.caut.ca/bulletin/2020/12/commentary-criticizing-israel-not-antisemitic-its-academic-freedom>

⁴³ Gould, pp. 10-11; and 7. The Government decision was in the form of a press release.

⁴⁴ Francis Elliott, “Auschwitz Anniversary - Universities face cuts if they reject antisemitism definition”, *The Times*, 27 January 2020, available at <https://www.thetimes.co.uk/article/universities-face-cuts-if-they-reject-antisemitism-definition-95zfbtp7c> This article is cited in OCUFA’s position of October 2020.

⁴⁵ Gould, *op. cit.* The citation is from p. 5.

⁴⁶ See Kenneth Stern, “Written Testimony of Kenneth S. Stern, Executive Director, Justus & Karin Rosenberg Foundation, Before the United States House of Representatives, Committee on the Judiciary,” Hearing on Examining Anti-Semitism on College Campuses (November 7, 2017, cited by Gould, n. 94. The complaints were rejected by the Department of Education.

⁴⁷ “Executive Order on Combating Anti-Semitism”, 11 December 2019, White House, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-Anti-Semitism/> Title VI states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Available at <https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964>. Stern, “I drafted the definition of antisemitism. Rightwing Jews are weaponizing it”, 13 December 2021, available at <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>. In 2018, the Department of Education’s Office for Civil Rights had already announced that it was using the definition in its investigations of Anti-Semitism on campuses. (IJV, “The IHRA Definition at Work”, available at <https://www.ijvcanada.org/ihra-definition-at-work/>)

⁴⁸ “We need better ways to speak to each other about campus antisemitism and Israel”, *Jew Think*, 4 January 2021, available at <https://www.jewthink.org/2021/01/04/we-need-better-ways-to-speak-to-each-other-about-campus-antisemitism-and-israel/> The blog is based on his 2020 book, *The Conflict over the Conflict: The Israel/Palestine Campus Debate*. See also his article “I drafted the definition of antisemitism”, *op. cit.*

⁴⁹ “IJV Working Definition of Antisemitism”, available at <https://www.noihra.ca/our-definition>. The definition mentions the State of Israel once: “Finally, it should be noted that the State of Israel is a political entity like any other state. Its policies, actions and history can be judged and criticized, even harshly. Such criticism is not, by itself, antisemitic.” The IJV opposes the statement of the IHRA: “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”, arguing that “Israel is indeed a racist endeavour”. Another definition, the “Jerusalem Declaration” was developed in 2020, in reaction to the IHRA, by “a group of scholars in Antisemitism Studies and related fields, including Jewish, Holocaust, Israel, Palestine and Middle East Studies...under the auspices of the Van Leer Jerusalem Institute”; it is available at <https://jerusalemdeclaration.org/>, together with the list of signatories.

⁵⁰ This includes CUASA’s letter to the Government, Raj Sing to Joel Harden, *op. cit.*

⁵¹ <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>