Ken Stern

From: Ken Stern <sternk@ajc.org>
Sent: Friday, October 29, 2004 1:40 PM
To: [redacted]; DEIDRE BERGER; andy baker; Mike Whine; [redacted]
Subject: definition of antisemitism

Hi, everyone.

What follows is a proposed definition of antisemitism, for the meeting with [redacted] EUMC in about 10 days.

I reviewed the various emails from this past summer, crafted a definition, then reviewed it thoroughly with Mike Whine, [redacted] and [redacted] while I was in Israel earlier this week (and incorporated their good suggestions). [redacted] hasn't seen it yet, and Deidre just had a short opportunity to look at it.

I made a couple of minor modifications on the trip back -- for example, I expanded the langauge of blaming all Jews for the acts of a few to include acts by non-Jews in order to more easily reference the 911 conspiracy theories.

Please remember as you review this that the purpose is not to provide an academic understanding, or to rehearse prior OSCE language, or to create a human rights document, but rather to give an easy-to-understand guidepost to "bean counters," so when an incident occurs they can most easily say, "this is antisemitism, I must include it," or "this is not antisemitism." And as such it steers away from subjective matters, such as the level or character of the hatred of the actor, and focuses instead on the character of the act.

ALSO, since the US recently passed legislation requiring the State Department to make annual reports about global antisemitism, it would be useful to have a similar definition adopted by both ODIHR and the state department. I note no definition in the legislation, and given that the first report is due in slightly over two weeks, my guess is that the department is going to attempt to synthasize data others have provided. But perhaps we should speak with [redacted] about this, and see if State will adopt a definition as it works on the report that will be due in 2005.

Best regards,
Ken

The purpose of this definition is twofold: 1) to provide a common standard and guidance for organizations, including ODIHR, wishing to identify and catalog antisemitic incidents, and 2) law enforcement officials tasked with determining whether a crime is antisemitic.

I. Antisemitism is hatred toward Jews and is directed towards the Jewish religion, Jews as a people, or more recently the Jewish state. Antisemitism frequently charges Jews with conspiring to harm non-Jews, and is often used politically to give an explanation for why things go wrong. It is expressed in speech, writing, and action, and regularly employs stereotypes.

Contemporary examples of antisemitism include, but are not limited to:

Mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as a group, or about individual Jews representing all Jews – such as, especially but not exclusively, the legend about a world Jewish conspiracy, or of Jews controlling the media, government or other societal institutions; accusing the Jews as a people (or the state of Israel) of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews; or holding Jews collectively responsible for actions of the Israeli state.

Denying to Jews, because they are Jews, opportunities or services available to others.

Calling for, aiding, or justifying the killing, or injuring, of individual Jews, or the Jewish people (genocidal threats), in the name of a religion or an ideology.

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 allies during World War II (the Holocaust); or accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

Denying the historic link between the Jewish people and religion with the land of Israel.

Accusing Jewish citizens of OSCE countries of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

Denying the right of existence of a member state of the UN, namely the State of Israel, as a Jewish state, or requiring of it behavior not expected of any other nation, or using its perceived deficiencies to attack its basic legitimacy, or advocating sanctions against Israel not urged against any other contemporary state for similar alleged transgressions, or using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus, blood libel) to characterize Israel or Israelis; or comparison of contemporary Israeli behavior to that of the Nazis; however criticizing the policies of any Israeli government in the same manner and by the same standards that the policies of any other government are criticized, shall not be regarded as being antisemitic.

2. Criminal acts are antisemitic either when they are so by definition (for example denial of the Holocaust or distribution of antisemitic materials in some countries), or when the targets of attack, whether they be 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.