

## IHRA 101 FOR ADMINISTRATORS: WHY OFFICIAL DEFINITIONS OF ANY BIGOTRY DON'T BELONG ON CAMPUS

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The “IHRA” definition of antisemitism was announced in 2016 by the International Holocaust Remembrance Alliance.<sup>1</sup> IHRA adopted the text of a definition of antisemitism that had been created over a decade before, primarily to help data collectors across Europe gauge the level of antisemitism across time and borders.

The heart of the definition is a series of examples about what to include and exclude in their reports. Many of the examples were about Israel, because then, as now, there is a correlation between certain expressions about Israel and the level of societal antisemitism.

Since 2010, proponents of the definition have promoted it as a de facto “hate speech” code, targeting expressions about Israel, particularly on campus, going after texts faculty assign, speakers coming to campus, and political speech more generally. I was the lead drafter of the definition, and I’ve spoken out repeatedly about its abuse, most recently in testimony before the Senate Health, Education, Labor and Pensions (HELP) Committee.<sup>2</sup>

No student should be harassed, threatened, bullied, or assaulted. But the push has been to target and chill speech that some Jewish students might find offensive about Israel, and label it antisemitic. When the Trump Executive Order in 2019 mandated the definition be considered by government agencies in identifying antisemitism,<sup>3</sup> Jared Kushner made clear that the administration’s policy is that anti-Zionism is antisemitism, full stop.<sup>4</sup> But of course not all anti-Zionism is antisemitism,<sup>5</sup> and because Zionism is a political matter, you’ll find vast differences of opinion, including among Jewish students; for some Jewish students (although they are a minority) their Judaism leads them to anti-Zionism.<sup>6</sup>

Administrators should protect students from actual threats and such – of course that includes Jewish students. But administrators should not protect students from hearing views that might upset them, especially about political matters like Israel/Palestine.

Adoption of IHRA inherently chills speech, and puts administrators in an impossible position.

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<sup>1</sup> <https://holocaustremembrance.com/resources/working-definition-antisemitism>

<sup>2</sup> <https://www.help.senate.gov/imo/media/doc/06e69363-9e5d-54f9-8019-dbe95168b2a9/Stern%20Testimony.pdf>

<sup>3</sup> <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>

<sup>4</sup> <https://www.nytimes.com/2019/12/11/opinion/jared-kushner-trump-anti-semitism.html>.

<sup>5</sup> <https://www.inss.org.il/publication/anti-zionism-antisemitism-and-the-fallacy-of-bright-lines/>

<sup>6</sup> <https://www.npr.org/2025/03/03/nx-s1-5130288/this-synagogue-calls-itself-anti-zionist-heres-what-that-means-in-practice>

First, it violates academic freedom. People should be able to say things about Israel, even those some assert violate a definition. Adoption of IHRA is viewpoint discrimination.<sup>7</sup>

Second, adoption of any definition as official policy by a campus creates an expectation that that speech will be suppressed, punished, or at least chilled.

Third, if there's a definition of antisemitism, why not, to be fair, adopt the definition of anti-Palestinian animus?<sup>8</sup> And if you do that, what can administrators do when someone says "Palestine Will be Free from the River to the Sea" or "Israel has the right to a Jewish state between the River to the Sea?" There's also a definition of Hinduphobia.<sup>9</sup> Why not adopt that, and one for every other type of bigotry that some believe are associated with political speech? How would that work?

Fourth, many universities have adopted principles of institutional neutrality. Adoption of IHRA means the school has picked a side on the question of Zionism. It also has chosen Jews whose Judaism leads them to Zionism over Jews whose religious values lead them to anti-Zionism. Although the former group is larger in most places, adoption of IHRA means the school has improperly taken a side on a contentious internal religious debate.<sup>10</sup>

Fifth, what do you do as an administrator if there's a fundamental Christian group on campus, that believes in the Gospels? As some have noted, IHRA includes an assertion of Jews killing Jesus as one of its non-Israel examples.<sup>11</sup>

Sixth, what do you do about a student who asserts Israel is committing genocide? Does it matter if it's an Israel student, a Jewish student, or someone else?<sup>12</sup>

Seventh, what do you do if a comedian comes to campus and make a Jewish joke? Senator Rand Paul said he had a list of about 400 Jewish comedians who said things that might be violative of IHRA. (He cited Joan Rivers, who said 'I'm Jewish. I don't work out. If God had wanted us to bend over, he would have put diamonds on the floor.')

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<sup>7</sup>[https://scholar.google.com/scholar\\_case?case=869713356021495492&q=Students+for+Justice+in+Palestine+v.+Abbott&hl=en&as\\_sdt=6,33&as\\_vis=1](https://scholar.google.com/scholar_case?case=869713356021495492&q=Students+for+Justice+in+Palestine+v.+Abbott&hl=en&as_sdt=6,33&as_vis=1)

<sup>8</sup> <https://assets.nationbuilder.com/cjpme/pages/8808/attachments/original/1719954027/EN-factsheet-systemic-APR-2024-06-12.pdf?1719954027>

<sup>9</sup> <https://www.nbcnews.com/news/asian-america/house-bill-aims-condemn-hinduphobia-draws-concern-progressive-groups-rcna148202>

<sup>10</sup> <https://www.npr.org/2025/03/03/nx-s1-5130288/this-synagogue-calls-itself-anti-zionist-heres-what-that-means-in-practice>. See also discussion in Stern testimony, *supra*, pp. 6-7

<sup>11</sup> <https://www.timesofisrael.com/taylor-greene-antisemitism-bill-rejects-gospel-that-jews-handed-jesus-to-executioners/>

<sup>12</sup> <https://www.columbiaspectator.com/opinion/2025/08/08/in-israel-i-protest-my-government-can-i-do-the-same-at-columbia/>

<sup>13</sup> <https://www.youtube.com/watch?v=p9UKV5JhtEU>

Adoption of IHRA means that other schools will have faculty members like Columbia's Marianne Hirsch, a tenured professor from a family of Holocaust survivors. She's a genocide scholar who said she may quit because she doesn't know how she can teach with IHRA in place.<sup>14</sup>

One promoter of IHRA said "There are undoubtedly some Columbia professors who will feel they cannot continue teaching under the new regime. To the extent that they self-terminate, it may be sad for them personally, but it may not be so bad for the students at Columbia University."<sup>15</sup>

This is a clear admission that IHRA is being used to limit what professors can teach, similar to what happened in the McCarthy period.<sup>16</sup> International students who say or write things seen as antisemitic under the Trump administration are in danger of deportation.

It's the job of campus administrators to reject any official definition of antisemitism. Administrators must protect academic freedom, not define disapproved speech, let alone set up a mechanism where there's an expectation of monitoring and policing it. IHRA and academic freedom are incompatible.

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<sup>14</sup> <https://apnews.com/article/columbia-university-antisemitism-definition-68d44684f376b12162a28b88104e5d24>

<sup>15</sup> Ibid.

<sup>16</sup> See Stern testimony, supra, at p. 13, footnote 45.