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The Politics of the Gesture: The Anti-Semitism Awareness Act, Antiracism, and Intersectionality

Jonathan Judaken

Pamela Nadell hits the bullseye when she concludes her “Preface” by noting that the (re)introduction of the Anti-Semitism Awareness Act constitutes “the politics of the gesture.” Ostensibly aiming to reassure Jews, in fact the Anti-Semitism Awareness Act would not only chill free speech, but also unwittingly separate Jews from others who face racism in the United States today. While I heartily applaud most of Nadell’s intervention, I push back against her acceptance of the IHRA definition, which is part of the problem with the symbolic politics that now circumscribes the debates about antisemitism and (anti-)Zionism. In doing so, I consider some of the ways in which the politics of anti-antisemitism exemplified in the Anti-Semitism Awareness Act finds itself split off from antiracism. I conclude with the suggestion that dampening down Judeophobia entails a rethinking of its entanglement with xenophobia, Islamophobia, and Negrophobia, but congruently with a reconsideration of intersectional approaches to racism.

Responses to antisemitism and (anti-)Zionism are now part of a cultural code that distinguish the Left and the Right, the secular and the religious. What Anita Shapira once suggested about Israelis, I would contend is now a transnational phenomenon in the Western world. Reactions to antisemitism and anti-Zionism are “part of an ideological basket, tagging one’s political membership.”¹

Discourse about Israel and Zionism is now a wedge issue. For too many to the left of the Democratic Party’s mainstream, hyping Israel’s flaws and original sins is about virtue signaling; the Israeli or Zionist Other a foil for defining one’s progressive values. For too many on the Right, defense of Israel and Zionism often reflexively leads to denigration of Israel’s critics as antisemitic. Add to this mix that for the surging alt-

1. Anita Shapira, “Israeli Perceptions of Anti-Semitism and Anti-Zionism,” in *Anti-Semitism and Anti-Zionism in Historical Perspective*, ed. Jeffrey Herf (London: Routledge, 2007), 245.

right, the Jewish state is the vanguard of an ethno-religious nationalism to be copied elsewhere, even as this view sits paradoxically alongside conspiracy theories about Jewish global domination. Given the precipitous global rise in attacks against Jews and Jewish institutions, it becomes clear why many Jews feel isolated, caught in no-man's land. Once sure of American exceptionalism, post-Pittsburgh, Jews in America share the unease of their brethren elsewhere. What Shapira noted about Israelis is true of Jews generally: "The pendulum between existential anxiety and the dizziness of power are variations on a theme."² Campus politics have become a front line in this battle since these ideological and symbolic issues are starker in academia.

The result is a heightened surveillance of the academy by anti-anti-semitic watchdog groups, including stalwarts like the American Jewish Committee and the Anti-Defamation League, alongside even more alarmist newcomers like the Simon Wiesenthal Center, the Brandeis Center, and AMCHA. A side effect of the politics of the gesture is that while the professed purpose of these groups is to monitor incidents of antisemitism and to defend Jewish students' rights, they may inadvertently help stoke new cases by giving activists a megaphone. This is because today every episode involving Jews, Israel, or Zionism on a high school or college campus is quickly turned into a struggle over defining antisemitism and measuring its depth and consequences.

Nadell acutely explains why the alarmism is unwarranted. While students are occasionally exposed to Judeophobia and there are explosive clashes on some campuses, this does not make them "hotbeds" of antisemitism. She presents the data about how the overwhelming majority of Jewish students feel safe on campus. She also recounts her clear-eyed experience about how campuses generally respond in most cases of racism, whatever form they may take, even as she rightly acknowledges that Jews must always remain vigilant given the history of antisemitism.

The hyperbolic response of watchdog organizations is constituted by several factors that are in direct contrast to the goal of damping down what Nadell aptly calls the "volume control" when it comes to Judeophobia. First, fundraising for advocacy organizations is connected to amplifying the fear. Second, while little can be done directly to effect the politics in Israel, skirmishes won on the home front can symbolically contribute to a sense of participating in the actual conflict in the Middle East.³ Third, all of the watchdog organizations are unabashed

2. Ibid.

3. Shmuel Trigano analyzes the politics of the Zionist gesture in France in, "The Rebirth of the 'Jewish Nation' in France," in *The Jew in Modern France*, eds. Frances Malino and Bernard Wasserstein (Hanover: University Press of New England, 1985), 245–81.

supporters of Israel. Their support of state and national legislation like the Anti-Semitism Awareness Act consequently fortifies their base precisely because it constrains discussion around Israel/Palestine, making critique of Israeli policies hazardous because of the legal repercussions of the accusation of antisemitism.

This is wound into the problematic definition that is the heart of the Anti-Semitism Awareness Act. As David Feldman, Director of the Birkbeck Institute for the Study of Antisemitism has remarked, the IHRA definition is “bewilderingly imprecise.”⁴ Just examine its three parts to understand why this is the case. The first part offers a generic definition: “Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews.” What is meant by “a certain perception of Jews”? Is it precisely the perception that gets “expressed as hatred toward Jews”?

The focus on “perception” centers the discussion on attitudes, ideas, myths, images, and *misperceptions* about Jews. The emphasis is on the intentions of those charged, which are notoriously difficult to prove. How is one to dissect the antisemitic mental state of a student who draws an analogy between policies of the Nazis, for example, and those of the Israeli state; or a group of students who create a swastika out of plastic beer glasses and then give it the Nazi salute while engaged in underage drinking? Doing so requires an analysis of the context. The emphasis on prejudices or biases as opposed to outcomes leads down a blind alley, as many scholars of racism now concur. Nonetheless, if this generic definition is corralled to enforce civil rights law within educational institutions, “the overall effect will place the onus on Israel’s critics to demonstrate they are not antisemitic,” creating a situation that Judith Butler called censorship “in effect, if not in intent.”⁵

The second part of the definition provides a much more helpful focus since it is levelled at actions, albeit in a convoluted way: “Rhetorical and physical manifestations of anti-Semitism,” the definition continues, “are directed toward Jewish or non-Jewish individuals and/or their property,

4. David Feldman, “Will Britain’s New Definition of Antisemitism Help Jewish People? I’m Skeptical,” *The Guardian*, December 28, 2016, accessed March 31, 2020, <https://www.theguardian.com/commentisfree/2016/dec/28/britain-definition-antisemitism-british-jews-jewish-people>.

5. Feldman, “Britain’s New Definition of Antisemitism”; Judith Butler, “The Charge of Anti-Semitism: Jews, Israel, and the Risks of Public Critique,” in *Those Who Forget the Past: The Question of Anti-Semitism*, ed. Ron Rosenbaum (New York: Random House, 2004), 438–50.

toward Jewish community institutions and religious facilities.” The aim is now on antisemitic rhetoric and acts that target either Jewish individuals or their property, or Jewish communal institutions or religious facilities. That part is crystal clear. But it also includes acts or language directed against non-Jewish individuals and their property. In the latter case, what makes them antisemitic must ultimately rely on the nebulous first part of the definition.

To aid in cutting this Gordian knot, the IHRA definition shifts genre from a definition to a memo that makes up a third part. It lists eleven potential examples of antisemitism, the majority of which deal with criticism of Israel gone astray.

The IHRA definition was developed as a heuristic device in order to track incidents of Judeophobia, not for use in enforcing legislation that could quell free speech. This is why Kenneth Stern, who was more responsible for developing the definition than anyone, opposes its use in Title VI cases.⁶

Since the Anti-Semitism Awareness Act was drafted in order to provide a definition for legislating Title VI violations of the 1964 Civil Rights Act, it is not surprising that its fate is bound up with how our understanding of racism has shifted over time. In 1964, the conception of racism most prevalent then hinged on an understanding in “race relations theory” of prejudice or bias.

Today, scholars of anti-Black racism largely follow the insights on “structural racism” or “institutional racism” formulated by Kwame Toure and Charles Hamilton in *Black Power*. “Racism is both overt and covert,” they wrote. “It takes two, closely related forms We call these individual racism and institutional racism. The first consists of overt acts by individuals The second type is less overt, far more subtle, less identifiable in terms of *specific* individuals committing the acts” and more a product of policies and social practices with racially inflected outcomes. These might be in housing, health, wealth acquisition, rates of incarceration, or educational success.⁷

6. Kenneth Stern, “Written Testimony before the United States House of Representatives Committee on the Judiciary, November 7, 2017, Hearing on Examining Anti-Semitism on College Campuses.” See also Kenneth Stern, *The Conflict over the Conflict: The Israel/Palestine Campus Debate* (Toronto: University of Toronto Press, 2020), 149–172.

7. See, Ibram X. Kendi, *How to Be an Antiracist* (New York: One World, 2019), 220.

The Anti-Semitism Awareness Act ultimately falters in the effort to navigate between acts of individual racism and institutional racism.⁸ But to violate the 1964 Civil Rights act, what has to be established is a form of institutional culture so hostile, so “severe, pervasive, or persistent” that it hampers the success of Jewish students. As noted, there is little data to support that this is the experience of many Jewish students, which accounts for the paucity of cases under consideration. Moreover, antiracist activists throw down a heavy gauntlet when they claim that Jews do not suffer from systemic racism, as do Blacks and Latinx in the United States.

Indeed, one of the splits between antiracist activists and anti-antisemitism hinges on precisely this point. There are clearly mounting incidents of rhetorical and physical violence against Jews and Jewish institutions. Hate crimes against Jews still top the list of those targeted because of their religious identity.⁹ But Jews, least of all in the United States, do not suffer from structural forms of oppression or exclusion, as they once did.

Moreover, highly visible Jews with their hands close to the levers of power—like Stephen Miller, a key Trump advisor on immigration policy, or Jared Kushner, who was the face of American foreign policy on Israel—reinforce the association of Jews with white supremacy, and Jews with the height of privilege and power. This is dramatically compounded when many on the left link Israel and Zionism with colonialism, racism, and apartheid.

The result of these correlations is the exclusion of Jews from the struggle against racism. Jews are pigeon-holed into a bifurcated logic plainly articulated by French antiracist Houria Boutelja writing in *Jews, Whites, and Us*: “You [Jews] are condemned to the binary: West or Third World, whiteness or decolonization, Zionism or anti-Zionism.”¹⁰ Those like Boutelja who picture the Israeli/Palestinian conflict in a black/white frame, and reflexively figure the Palestinians as good and Israelis as evil, reduce a complicated situation to a binary logic.

8. See the article by Yair Wallach who argues that the IHRA definition is so focused on bias, and anti-Israel bias in particular, that it fails to address institutional racism and how this short-circuits the debates about the Labour Party: “How to Properly Protect British Jews from Labour’s Institutional anti-Semitism,” *Haaretz*, July 26, 2018, accessed March 29, 2020, <https://www.haaretz.com/world-news/premium-how-to-protect-british-jews-from-labour-s-institutional-anti-semitism-1.6315672>.

9. See the ADL report based on FBI data that notes that Jews were the most targeted religious group from 1991–2018, accessed March 31, 2020, <https://www.adl.org/news/press-releases/adl-urges-action-after-fbi-reports-jews-were-target-of-most-religion-based-hate>.

10. Houria Boutelja, *Whites, Jews, and Us: Towards a Politics of Revolutionary Love*, trans. by Rachel Valinsky (South Pasadena: Semiotext(e), 2016), 68.

The philosopher Alain Finkielkraut perceptively noted in *Au nom de l'Autre: Réflexions sur l'antisémitisme qui vient* (2003) that the antisemitism to come would be heralded in the name of egalitarianism, cosmopolitanism, tolerance, universalism, humanity, and human rights. It would target Jews as racist for desiring to protect their particularity and territorial sovereignty in the name of Zionism. Finkielkraut maintains that if Palestinians are not conceived in all the complexities of the conflict, but as a primal figure of the oppressed Other, antiracist exuberance could recode the old binaries of Nazis and Jews, segregation and integration, and good and evil, into a chorus of “never again” now aimed at Israel, and by extension at Jews. Antiracism, animated by the best of intentions, could result in the unintended consequence of the stigmatization of Israel, Zionism, and Jews in the name of humanism.¹¹

It is these concerns that undergird the Anti-Semitism Awareness Act. But it merely pits one form of the politics of the gesture against another in a clash far more likely to crank up the volume than dampen it.

To move beyond these impasses requires a rethinking of Judeophobia that takes seriously its entanglement with xenophobia and Negrophobia and homophobia, and other forms of oppression.¹² This reconsideration will reflect on the ways in which reductive forms of identity politics sometimes invoke intersectional antiracism in ways that reinforce conceptions of an essentialized identity, which are at the core of racism itself. For example, in the reductive calculus that Jewishness = whiteness, or Zionism = racism, thus depicting Jews as embodiments of privilege and power. In short, intersectional antiracism can have a Jewish problem.¹³

To insulate against this requires supplementing intersectional antiracism with an understanding of the entanglement of forms of *heterophobia*, to use Albert Memmi's term.¹⁴ This approach would flatly reject instrumentalized notions of oppression that can be simply calculated and made absolute, rather than appreciating how they are relative and relational. Most obviously, for instance, the history of anti-Jewish prejudice in the United States was always relative and related to the privileges that

11. Alain Finkielkraut, *Au nom de l'Autre: Réflexions sur l'antisémitisme qui vient* (Paris: Gallimard, 2003), 21–28.

12. See, Jonathan Judaken, “Introduction: Rethinking Anti-Semitism,” *American Historical Review* 123, no. 4 (October 2018): 1122–1138.

13. See, David Schraub, “White Jews: An Intersectional Approach,” *AJS Review* 43, no. 2 (2019): 379–407.

14. Memmi writes, “Heterophobia would designate the many configurations of fear, hate, and aggressiveness that, directed against an other, attempt to justify themselves through different psychological, cultural, social, or metaphysical means of which racism in its biological sense is only one instance.” See, Albert Memmi, *Racism*, trans. Steve Martinot (Minneapolis: University of Minnesota Press, 1999), 118–9.

came with the passport of whiteness in a country centrally defined by anti-Black racism, among other heterophobias.¹⁵ In the case of France, it is the fate of Jews and Arabs/Muslims, whose lives and destinies are entangled.¹⁶ These forms of racialized and minoritized oppression are nationally specific. Only by appreciating their entangled history can we understand how they work in different historical contexts.

Indeed, if the spirit of the Anti-Semitism Awareness Act is to jibe with the Civil Rights Act in order ensure that anti-Jewish hostility is protected against, then we have to move away from blunt definitional approaches to combatting Judeophobia. The relational and contextual approach to a Jewish antiracist politics that I sketch here serves to better identify antisemitism. It also moves Jews beyond the quagmire of competitive victimhood even as it functions to build alliances in the way we conceptualize heterophobia. Contrary to the alarmists, campuses already have excellent practices in place to protect students. What is called for now is a movement of antiracist solidarity that clearly places Jews into the “Beloved Community” that Dr. Martin Luther King preached. This is the key to the struggle against the antisemitism to come.

15. See, Karen Brodtkin, *How Jews Became White Folks and What That Says about Race in America* (New Brunswick: Rutgers University Press, 1999), and especially Eric L. Goldstein, *The Price of Whiteness: Jews, Race, and American Identity* (Princeton: Princeton University Press, 2006).

16. See, Maud Mandel, *Muslims and Jews in France: History of a Conflict* (Princeton: Princeton University Press, 2014); Ethan B. Katz, *The Burdens of Brotherhood: Jews and Muslims from North Africa to France* (Cambridge: Harvard University Press, 2015); and Jonathan Judaken and Ethan Katz, eds., “Judeophobia and Islamophobia in France before and after *Charlie Hebdo* and Hyper Cacher,” *Jewish History* 32, no. 1 (2018).