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Frequently Asked Questions about Assembly Bill 446/Senate Bill 445 and the IHRA Definition of Antisemitism

Understanding the IHRA Definition

What is the IHRA definition of antisemitism?

The International Holocaust Remembrance Alliance (IHRA) defines antisemitism as a certain perception of Jews, which may be expressed as hatred toward Jews. It includes both rhetorical and physical manifestations directed toward Jewish or non-Jewish individuals, their property, and Jewish institutions.

The definition is accompanied by examples that illustrate how antisemitism appears today—from classic conspiracy theories to rhetoric that denies Jewish people the right to self-determination. It also includes an important safeguard: criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

The IHRA definition does not regulate speech or create penalties. It simply gives governments, educators, and institutions a consistent tool for identifying antisemitic bias when enforcing existing anti-discrimination and hate-crime laws.

Why is it considered the “gold standard” vs. other definitions?

The IHRA definition was developed through decades of international collaboration among scholars, diplomats, and human-rights experts. It was first adopted by the European Union’s racism monitoring center, later refined through the Organization for Security and Cooperation in Europe, and formally adopted by IHRA’s 35 member nations in 2016. Though other definitions, such as the *Jerusalem Doctrine*, exist and are promoted as alternatives, they have never been adopted for use or put into broad practice by any state or nation to date.

In the United States, the IHRA definition has been recognized under three consecutive administrations—Obama, Trump, and Biden—reflecting strong bipartisan support. The Obama administration first incorporated it into federal civil-rights guidance, the Trump administration expanded its use through a 2019 executive order, and the Biden administration reaffirmed it in the National Strategy to Counter Antisemitism. Across the country, 37 U.S. states and numerous

Democratic- and Republican-led cities and localities have adopted or endorsed the IHRA definition in their own policies, demonstrating its broad, nonpartisan acceptance.

Internationally, 45 countries and the European Union recognize the IHRA framework, as do thousands of local institutions, universities, and civic organizations worldwide. The definition's strength lies in its balance: it provides clarity for identifying antisemitism while fully protecting the principles of free expression and open debate.

Didn't Ken Stern, one of the original drafters of the IHRA definition, say it shouldn't be used in law?

Ken Stern contributed to an early draft of a working definition of antisemitism more than twenty years ago, developed for academic research—not the IHRA definition adopted internationally in 2016. As Rabbi Andrew Baker testified before the Assembly Committee on State Affairs, Stern's involvement is frequently overstated, and his later criticisms have been taken out of context. Rabbi Baker explained that Stern's role ended long before the definition was refined and adopted by the International Holocaust Remembrance Alliance—a process that involved governments, scholars, and Jewish organizations worldwide.

Rabbi Baker, who serves as **Director of International Jewish Affairs for the American Jewish Committee (AJC)** and has worked for years with the **Organization for Security and Cooperation in Europe (OSCE)** on antisemitism policy, emphasized that Stern's concern was not about the definition itself but about the potential for misapplication. Baker made clear that such fears have not been realized. In his testimony, he noted that **the IHRA definition has been used for nearly a decade in dozens of democratic countries “without stifling critical voices.”**

Stern's name is sometimes invoked to cast doubt on the IHRA framework, but his involvement with the modern definition was limited, and the concerns he raised have not borne out in practice. The IHRA definition has proven to be a reliable, balanced, and globally accepted tool for identifying antisemitism accurately while safeguarding free speech

What AB 446 / SB 445 Does — and Doesn't Do

What would AB 446 / SB 445 actually do?

AB 446 / SB 445 does not create new crimes or penalties. It directs Wisconsin agencies, local governments, and educational institutions to consider the IHRA definition when determining whether antisemitism was a motivating factor in a discriminatory act or hate crime. The definition functions as a guidance tool, much like other civil-rights frameworks that help investigators evaluate bias. It ensures antisemitism is recognized and addressed consistently under existing law.

What kinds of criticism or expression would still be allowed under this definition?

The IHRA definition does **not** prohibit criticism of Israel, political activism, or personal

expression. It only provides context for identifying antisemitic intent when evaluating acts that already violate existing laws or policies.

Under AB 446 and SB 445, individuals remain free to express their views—including strong criticism of the Israeli government, its leaders, or its policies—just as they would be free to criticize any other country. Examples of protected expression include:

- Displaying a bumper sticker or yard sign supporting Palestinian rights or criticizing Israeli policies.
- Participating in peaceful protests or demonstrations related to the Israel–Palestine conflict.
- Advocating for political, economic, or academic positions regarding the region, such as supporting or opposing boycotts.
- Engaging in open classroom discussions or publishing scholarly critiques of Israeli or Palestinian leadership.

These examples illustrate the bill’s core safeguard: **speech and belief are fully protected**. The IHRA definition is only *considered* when determining whether an act crosses into harassment, vandalism, discrimination, or violence motivated by antisemitic bias.

Does AB 446 / SB 445 criminalize criticism of Israel?

No. The IHRA definition explicitly states that criticism of Israel comparable to criticism of any other country is not antisemitic. AB 446 / SB 445 reiterates that principle and includes clear First Amendment protections. The bill safeguards open discussion and legitimate criticism of Israeli policies while ensuring that hate or harassment targeting Jewish people is recognized for what it is.

Will this law limit free speech or academic freedom?

No. AB 446 / SB 445 states that nothing in it may be construed to infringe upon any right protected under the First Amendment. Students, educators, and community members will continue to have full rights to express opinions about Israel, Palestine, or any other political issue. The law only applies when there is an underlying act of discrimination or hate. It helps institutions distinguish between legitimate political expression and antisemitic conduct.

Does this give Jewish people special legal protections?

No. The bill ensures that antisemitic bias—like racism, Islamophobia, or other forms of hate—is recognized and treated consistently under existing laws. As the Wisconsin Catholic Conference wrote in support, “No one should live in fear. Wisconsin laws must recognize when antisemitism is at work and be ready to combat it.” This is about fairness and consistency, not favoritism.

Could this law be misused?

Its very structure prevents misuse. The bill’s language and the IHRA definition both contain

explicit First Amendment safeguards and clearly distinguish between legitimate criticism and antisemitic conduct. Dozens of countries—including some of Israel’s strongest critics—have used the IHRA definition for years without silencing free speech. AB 446 / SB 445 promotes clarity and consistency, not censorship.

Application in Wisconsin

Why does Wisconsin need this law now?

Antisemitic incidents in Wisconsin have increased by more than 450 percent since 2015. Synagogues, schools, and community centers have faced threats and vandalism, forcing Jewish institutions to spend millions on additional security. AB 446 / SB 445 ensures that law enforcement, educators, and public officials have a clear standard for recognizing antisemitic bias when it occurs, making Wisconsin’s response to hate more consistent and effective.

How would this apply in practice?

AB 446 / SB 445 directs each state agency, local government, and public employee to **consider** the IHRA definition when determining whether an act was motivated by antisemitism. The bill does not require officials to reach a particular conclusion or impose new restrictions, just to consider it. It simply provides a consistent, internationally recognized reference point to help ensure that antisemitic bias is identified accurately and handled fairly.

In practice, this means that when investigating hate crimes, reviewing discrimination complaints, or developing educational policies, decision-makers can look to the IHRA definition as a guide to inform—but not dictate—their judgment. The bill does not apply to personal opinions or political debate unless a separate violation of law or policy occurs.

Why can’t antisemitism just be addressed within broader hate-crime strategies?

Existing hate-crime laws prohibit bias-motivated acts but don’t always define antisemitism specifically. Because antisemitism has unique historical and cultural expressions, a clear definition helps ensure that it’s recognized accurately—just as definitions of Islamophobia or anti-Asian hate help other communities. AB 446 / SB 445 brings antisemitism under the same clear standard of recognition already used to address other forms of hate.

Educational Impact in Wisconsin

How will AB 446 / SB 445 support education about antisemitism?

This legislation will serve as a rubric for teachers and administrators to distinguish between legitimate criticism of Israel (which the definition states is not antisemitic) and rhetoric that crosses the line into antisemitism, which aids in policy formulation and to develop reporting mechanisms for antisemitic incidents and discrimination, creating a safer and more inclusive environment for Jewish students and staff.

How will this affect universities and academic discussions?

This legislation and definition are *reference tools* for investigating harassment or discrimination, and guidance for developing policy, codes of conduct and professional and student development protocols - it is not a mandate to regulate campus debate or curriculum.

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What resources are available for educators and community leaders?

Wisconsin's [Holocaust Education Resource Center](#), along with [J-Hub](#) are the most Wisconsin-focused resources and services, including in-class support and lesson plans. On a national level, the [IHRA website](#) also hosts educator resources.

Broader Context: Zionism, Israel, and Jewish Identity

Is Zionism about Israeli politics or Judaism?

Zionism is not a political ideology tied to any one government. It is the belief that the Jewish people have the right to self-determination in their historic homeland. Zionism reflects a people's right to self-actualization, not support for a particular political agenda. While Israeli politics are subject to debate, Zionism itself is a part of Jewish identity and history. Denying the Jewish people's right to self-determination or applying double standards to Israel can constitute antisemitism under the IHRA definition.

Is criticizing Israel antisemitic?

No. Criticism of Israeli policy, including strong criticism, is not antisemitic. What matters is context and intent. When rhetoric employs antisemitic stereotypes, denies Israel's right to exist, or targets Jews collectively for the actions of Israel, it crosses into antisemitism. The IHRA definition helps distinguish between legitimate political disagreement and prejudice directed toward Jews.

How can some Jews criticize Israel without being antisemitic?

Jewish people, like members of any community, hold a wide range of political views. Many express disagreement with Israeli policies while still supporting Israel's right to exist as a Jewish state. According to an October 2025 Washington Post poll, 76 percent of American Jews believe Israel's existence is vital to the future of the Jewish people. Antisemitism arises when criticism delegitimizes Israel's existence or uses anti-Jewish stereotypes to describe Israeli policy.

Why do Jews need their own definition of hate?

They don't need a special definition—they need a clear and consistent one. Antisemitism has evolved over centuries, from religious persecution to racial pseudoscience to modern conspiracy theories. The IHRA definition provides a practical framework for recognizing this unique and persistent form of hatred. Defining antisemitism ensures that Jewish people are protected under the same principles that guard all communities from hate, discrimination, and violence.

Broader Impact and Support

Has the IHRA definition worked in other countries?

Yes. The definition has been adopted by 45 countries and hundreds of local jurisdictions worldwide. Governments in the U.K., Canada, France, and Germany have reported that it improves clarity and accountability without curbing free speech. Even governments that are frequently critical of Israel—such as Spain and Sweden—use the IHRA definition as a neutral, internationally recognized standard.

Who supports AB 446 / SB 445 in Wisconsin?

Support for AB 446 / SB 445 spans faiths, parties, and communities. It includes leaders such as Rabbi Noah Chertkoff of Congregation Shalom, Rabbi Andrew Baker of the American Jewish Committee, the Wisconsin Catholic Conference representing the state's Catholic bishops, and Forward Latino, a national Latino civil rights organization. This broad coalition underscores that antisemitism is not a partisan concern—it is a matter of human dignity and safety.

Does this legislation “lean” right or left?

Neither - hate is a middle of the road issue impacting all of us. Antisemitism isn't a political or partisan issue, it's a human issue affecting people across generations, income, education or political leanings. While antisemitism is often historically associated with the far-right, research shows a rapid rise in antisemitism manifesting across the political spectrum – largely driven by social media through conspiracy theories, Holocaust denial, or demonization of Israel. And the IHRA definition addresses all forms equally.

How does this bill help everyone, not just Jewish Wisconsinites?

By clarifying how bias is recognized, AB 446 / SB 445 strengthens Wisconsin's ability to address all forms of hate effectively. Clear definitions help law enforcement, educators, and policymakers respond to discrimination consistently and fairly. Addressing antisemitism also reinforces Wisconsin's broader commitment to equality, justice, and freedom for all communities.

What happens if Wisconsin doesn't act?

Without a clear definition, antisemitic incidents may be misidentified or undercounted, making it harder to protect affected communities and enforce existing laws. Adopting the IHRA

definition through AB 446 / SB 445 aligns Wisconsin with global best practices and affirms our state's commitment to fairness, safety, and accountability for all its residents.

Do most Jewish organizations support the IHRA definition or AB 446 / SB 445?

Reliable data show that *the majority of Jewish organizations and communities support the IHRA definition of antisemitism*. The IHRA definition has been formally adopted by the U.S. government, 45 countries, and hundreds of Jewish community organizations worldwide, including the American Jewish Committee, Anti-Defamation League, Jewish Federations of North America, the United States Memorial Holocaust Museum, and the Conference of Presidents of Major American Jewish Organizations.

In Wisconsin, the Milwaukee Jewish Federation, the Wisconsin Jewish Conference, and numerous local rabbis have expressed support for AB 446 / SB 445. Major faith and civil-rights partners, such as the Wisconsin Catholic Conference and Forward Latino, have also endorsed the bill as a fair and balanced tool for identifying antisemitism.

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