

The EU's Combating Antisemitism Policy: Agenda Setting and the Making of a 'European Polity'

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Abstract

Antisemitism was on the rise after 9/11, yet, until 2015, there was weak policy to address it at the national and EU levels. The following examines why and how antisemitism policy emerged on the EU agenda culminating in the creation of the 2021 comprehensive strategy to combat antisemitism. Utilizing punctuated equilibrium theory, crisis literature and literature on Commission entrepreneurship, the article explores why, although other violent attacks had occurred against Jews, it would take the double attacks in 2015 to bring attention to antisemitism within the Commission. Leadership at the EU level, NGOs working with EU institutions, a working definition of antisemitism, along with pre-existent EU legal bases in antidiscrimination law, would help promote antisemitism policy to the EU level. The EU's adoption of antisemitism policy demonstrates both Commission agenda setting and prioritizing antisemitism due to its threat to EU fundamental ideals, thus promoting a 'European polity' based on values.

Keywords: antisemitism; democracy promotion; race; social policy; integration theories

Introduction

How do we account for the emergence of a co-ordinator's office and the EU comprehensive strategy to address antisemitism when policy to deal with antisemitism, both at the member state and EU levels, remained dormant at the start of the 21st century, even though antisemitism was on the rise (Elman, 2014; Whine, 2021, 2022)? The following will examine why and how addressing antisemitism emerged on the EU agenda, and what the addition of this policy tells us about agenda setting in the EU, European integration and the creation of a European polity as EU institutions promote value-oriented policy.

In January 2015, murderous attacks at satirical newspaper Charlie Hebdo in Paris and at a Kosher supermarket where four Jews were killed, and the shooting less than a month later in Copenhagen, targeting a synagogue, captured the attention of Europeans and European leaders. The Commission saw these lethal attacks not just menacing for the Jewish community but also a threat to free speech and European democratic values (von Schnurbein, 2022). As a result, the Commission created a co-ordinator for combating antisemitism, and that office crafted the comprehensive strategy to combat antisemitism in 2021, and subsequent initiatives. Most EU member states were not particularly engaged in the issue (Whine, 2021), so why and how did this new policy area find its way onto the EU agenda?

I hypothesize that antisemitism emerged on the EU agenda due to (1) very public and violent attacks in Europe against Jews (and related targets) across member states; (2) concern within EU institutions over radicalization, the rise of far-right parties and democratic backsliding; (3) strong political leadership devoted to addressing antisemitism from key

EU officials; (4) legal underpinnings in EU treaties and directives developed in the past 20+ years to deal with antidiscrimination, within which antisemitism could be addressed; and (5) influence of international and NGOs/civil society organizations and the European Union for Fundamental Rights (FRA) to define antisemitism and present data highlighting the importance of addressing antisemitism. To explore this hypothesis, I utilize EU agenda setting and crisification literature, as well as an understanding of EU law to explore the mechanisms that pushed antisemitism onto the EU agenda. I apply qualitative methods¹ to examine the adoption of antisemitism policy at the EU level utilizing EU documents, speeches, interviews with key EU officials and leaders in NGOs engaged in informing and creating the comprehensive strategy, and data on antisemitism.

I argue that punctuated equilibrium theory (PET) and ideas within crisification literature provide a lens to understand why antisemitism emerged onto the EU agenda. PET emphasizes how focus events bring attention to ignored problems, and a subsequent push for policy solutions. Similarly, crisification literature acknowledges the impact of both slow-moving crises and punctuated crises. Punctuated crises are similar to focus events discussed in PET, but crisification literature acknowledges the special impact of events that affect core values, in this case, the link between antisemitism and how it threatens democracy and security. PET and crisification literature may explain why antisemitism emerged onto the EU agenda, but not how. To answer that question, I utilize literature on the Commission that highlights the entrepreneurial nature of the Commission stemming from Commission interaction with NGOs to assist in policy-making, the role of political leadership, the use of EU law and the Commission's embrace of fundamental democratic values like non-discrimination. Antisemitism policy adds to our understanding of EU antidiscrimination policy because it is outside of the common market, unlike how gender and LGBTIQ rights emerged (MacRae, 2013). Antisemitism policy is instead linked to values and security.

The professed values of Europe include freedom, equality, rule of law, respect for human rights and other democratic ideals (Rehn, 2005; Williams, 2010). The lack of cultural, ethnic and racial inclusion across member states and at the EU level has limited the EU's ability to meet these lofty European values (Williams, 2010). Antisemitism represents a lack of inclusion and has been a stain upon Europe for centuries culminating in the systematic murder of 6 million Jews. Antisemitism is antithetical to EU foundational values and the policy adoption to address antisemitism demonstrates how EU institutions, specifically the Commission as an agenda setter, are promoting a value-oriented polity. With the rise of the far right, radicalization and conspiracies surrounding the pandemic, antisemitism has reemerged as a dangerous tool to undermine democracy, making the adoption of policy to address antisemitism essential (Anti-Defamation League, 2021; Directorate-General for Justice and Consumers et al., 2021; European Commission, 2021a). In the past, the EU addressed antisemitism in a very limited way, under the broad umbrella of racism and xenophobia, not defining what it is, thus missing the 'particular and singular attributes' of antisemitism (Elman, 2014; Whine, 2009, p. 65). A separate policy on antisemitism acknowledged the unique nature and specific needs of Europe's Jewish communities (Buga, 2023).

¹Sebastian Princen (2015) argues that documents, speeches and interviews are commonly used tools to study agenda setting.

The comprehensive strategy is exceptional, not only protecting against discrimination but also cultivating the Jewish community with its purpose of fostering Jewish life. Educating Europeans about what Judaism is and Jewish contributions to European society are core components of that part of the strategy. Although there are other strategies to protect certain communities, it is the only strategy fostering a specific community and supporting/protecting a particular culture or religion. Scholars suggest that ethnicity and race are more protected in the EU due to the Race Equality Directive (RED), whereas religion is protected to a lesser extent but culture is not protected (see Bell, 2007). Jews can be considered part of a race, ethnicity, religion or culture. The EU does not delve into this definition; however, antisemitism policy focuses not only on discrimination (Jews as a race or ethnicity) but also on the health of the community (religion and culture).

The strategy strives to 'achieve concrete improvements for the Jewish people and their future in Europe'², which potentially could become a model for EU policies protecting other groups (European Commission, 2021a, p. 4). The EU's policy prescription on addressing antisemitism led to the creation of national strategies and co-ordinators within member states to address antisemitism that had not existed prior. Moreover, the EU's policy became a model as US officials consulted with the EU co-ordinator and member state antisemitism co-ordinators to inform the creation of a US national strategy.

The following will examine agenda setting literature, as well as literature on the Commission and its role as a policy entrepreneur to help understand why and how addressing antisemitism and fostering Jewish life became a policy goal. The EU's response to the rise of antisemitism demonstrates how EU institutions shape integration around value-oriented policies. I will also examine contemporary antisemitism, history of the EU and antisemitism policy, and recent significant changes that culminated in the creation of the comprehensive strategy.

I. The Commission as an Agenda Setter

A political agenda is a reflection of issues that political leaders give serious attention to (Kingdon, 1995), whereas agenda setting refers to the process by which issues gain political traction and political leaders incorporate those issues into policy (Princen and Rhinard, 2006). EU agenda setting and specifically why, how and which issues are placed on the EU agenda help us understand EU priorities and the process of integration. With addressing antisemitism policy, the role of various actors, including the Commission, Commission leadership and NGOs, played an important role to push the issue onto the EU agenda and promoting integration, demonstrating the EU as a polity in which supra-national organizations, like the Commission, play an active role (Caparaso, 1996; Hix, 1994; Kassim et al., 2013).

Scholars examining EU agenda setting have applied theories and models from both American politics and EU studies. Pollack (1994), applying such theories, argued that the EU expanded into more policy areas promoting integration. His study found that policy type shaped how issues emerged onto the EU agenda. He utilized Lowi's (1964) policy typology, which distinguishes between distributive, redistributive and regulatory

²The European Union Court of Justice (EUCJ) case 336/19 *Centraal Israëlitisch Consistorie van België and Others in 2020 on Kosher slaughter* puts into question the court's willingness to uphold religious freedom.

policies. Policy addressing antisemitism spans regulatory (i.e., regulation of hate speech) and distributive (i.e., funds and programmes for education and security). Pollack (1994) argues that distributive policies were the result of the 'Commission's policy entrepreneurship', whereas regulatory policies were a result of functional spill-over related to the internal market (p. 95). With antisemitism policy, the Commission played an entrepreneurial role to push the issue onto the agenda of other EU institutions and onto member states. Antisemitism, however, unlike other regulatory policies, did not impact the internal market because there is little issue with discrimination against Jews in the workplace (European Commission, 2021a).

Pollack's (2003) later work applied principal-agent theory to examine the conditions under which states delegate power and allocate discretion to the EU. Principal-agent theory is applicable when member states are active in a policy area. Moravcsik's (1993) work on liberal intergovernmentalism asserts that member states are the main actors in European integration. Liberal intergovernmentalism might explain why earlier antisemitism was not dealt with at the EU level, because it was not seriously dealt with at the national level. However, what happens when member states are not dealing with a policy issue, like antisemitism? How would the policy find its way onto the EU agenda?

Princen and Rhinard (2006) examine how issues arrive on the EU agenda and focus on issues coming 'from above', from heads of government or the European Council vis-à-vis member states, and 'from below', through low-level EU officials and experts in working groups and other epistemic communities within EU institutions. Princen and Rhinard (2006) with their inclusion of politics 'from below' acknowledge that member states are not the only avenue for agenda setting in the EU. In the case of antisemitism policy, it was not being strongly dealt with at the national level nor in any intensive way at the EU level; thus, a lack of experts working in the EU discussing the issue resulted in a lack of experts from 'above' and 'below' in EU policy circles. At the national level, France, for instance, in 2014 created the Inter-ministerial Delegation for the Fight Against Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH) but did not address antisemitism separately and did not adopt the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism until 2019. Germany did not create a Commissioner for Jewish Life in Germany and the Fight Against Antisemitism until 2018. Within the European Parliament, an informal working group on antisemitism was organized in 2012, but no resolutions specific to antisemitism were passed until 2017. Outside of the EU, antisemitism was being discussed across several transnational NGOs and in international organizations such as the IHRA, Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe where policy expertise could be found, yet the issue was still not seriously taken up by the Commission until 2015 (Whine, 2021, 2022).

The application of PET helps to understand why antisemitism emerged onto the EU agenda. PET asserts that 'long periods of stability and incremental change are punctuated by outbursts of policy activity and radical change' and can bring attention to issues that were previously ignored (Princen, 2013, p. 854). When a policy was ignored, policy-makers try to create more radical change to accommodate for lost time (Princen, 2013).

PET's use of 'large-scale events' as a motivating factor to affect change is similar to how crises have shaped integration (Börzel and Risse, 2018; Rhinard, 2019). Rosenthal et al. (1989) define crises as 'threats to core values or essential societal structures'

(cited in Rhinard, 2019, p. 2). Crisification literature examines the impact of crises. We often think of crises as something sudden, shocking and fast burning, yet the reality is that behind a crisis is often something simmering or a creeping crisis that has a seemingly punctuated final moment (Boin et al., 2021). A creeping crisis continues over time and does not have a clear start or end (Boin et al., 2021). Crisis is a social subjective construct and what may seem like a crisis may not necessarily be the last punctuated moment of a creeping crisis (Boin et al., 2021, p. 3). A punctuated event or 'crisis' can capture the attention of EU leaders and create a situation that pushes EU institutions, particularly the Commission, to create public policy innovations and to promote certain values as a policy entrepreneur (Kingdon, 1995).

For the Commission to be a policy entrepreneur, it also needs to engage NGOs/interest groups to utilize their policy expertise. As Mazey and Richardson (2001) assert, '(1) bureaucracies seek to establish stable relations with interest groups to create a stable environment, (2) interest groups see bureaucracies as a means to influencing policy and (3) interest groups look for new opportunities to affect policy' (pp. 71–72). A symbiotic relationship emerges between NGOs that are 'venue-shopping' to engage other levels of government, such as the Commission or European Parliament, that might be more willing to engage a policy and shape it in a certain way (Princen and Rhinard, 2006).

Creating the symbiotic relationship between EU institutions and NGOs also requires political leadership. Stone Sweet et al. (2001) explain that 'skilled social actors' play an important role in creating policy entrepreneurship that brings together various groups and seeks to establish a system on how to address a policy issue (p. 12). In this way, Commission leadership and organization shapes agenda setting and policy outcomes (Kassim et al., 2013; Peterson, 2017). Kassim et al. (2013) examine the internal workings of the Commission and its leadership. They employ the 'interactionist' approach from Elgie (1995), which argues that leadership depends upon 'personal attributes of the leader and the environment' (Kassim et al., 2013, p. 153). Personal attributes refer to the ambition and style of a leader, whereas environment includes institutional structures, historical forces and societal demands. Institutional structures relate to 'the resources of the Commission Presidency, and relations with other actors and levels of government' (p. 153), whereas historical forces suggest that current Commission actions are dependent upon actions taken in the past. Societal demands, in the context of the EU, do not refer to the electorate, because the connection between citizens and the Commission is non-existent, but rather member states, the European Parliament and interest groups play a role in shaping the actions of Commission leaders (Kassim et al., 2013). However, if there is no EU legal basis, Commission leadership will find it challenging to engage in new policy spaces. Thus, the legal context, or institutional structure and historical forces helped shape the environment in which the Commission could operate.

II. Values of the EU and a Legal Framework to Combat Antisemitism

Addressing antisemitism falls under antidiscrimination policy, a policy that promotes equality. From a legal/constitutional perspective, equality emerged as a 'common legal heritage of Europe' and has become a general principle in EU law (de Witte, 2010, p. 1716). As member states had equality as a common ideal, the European Court of Justice determined that equality could be used as a standard for EU legislation and administration

(de Witte, 2010). The EU has created antidiscrimination laws that have led to a ‘meaningful legal change in Europe’ (de Witte, 2010, p. 1718). However, equality in EU law does not address the ‘cultural complexity’ of European society (Bell, 2008, p. 42).

Since 1999, legal instruments related to antidiscrimination have provided rights to individuals to be protected against discrimination by both public entities and private individuals. The Treaty of Amsterdam created a legal competence for the EU to engage in fighting antisemitism, although the Article does not explicitly refer to antisemitism’. Article 13 EC (now Article 19 TFEU) stated:

... the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. [*Treaty Establishing the European Community (Amsterdam Consolidated Version), 1997*]

Following Article 13 was the creation of the RED, which was to create a ‘framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment’ (Council Directive 2000/43/EC of 29 June 2000). European Jews, as an ethnic/‘racial’ minority, have protection under the RED. The RED came about due to racist anti-immigration sentiment and as a response to the rise of the radical right, in particular the 2000 election in Austria that brought the radical right Freedom Party into a governing coalition (Givens and Case, 2014). Racism and xenophobia, particularly as it related to immigration, became the focus of subsequent directives (Geddes and Guiraudon, 2004). Article 13 and the RED, although not explicitly addressing antisemitism, created a legal basis for antisemitism to be addressed at the EU level.

In addition to Article 13 and the RED, the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law also established standards by which Jews, as a religion and ‘race’, could be protected under EU law. Moreover, Article 1(c) states that member states must ensure that ‘publicly condoning, denying or grossly trivialising crimes of genocide’, like the Holocaust to incite violence or hatred towards a group, is a punishable offense (Council of the European Union, 2008). The 2008 Framework became a basis for further EU policy related to antisemitism (Council of the European Union, 2018).

Reinforcing the EU’s legal responsibility and furthering protections against antidiscrimination, within which antisemitism could be included, were codified in the Charter of Fundamental Rights, which became enshrined in the Lisbon Treaty in 2009. These legal underpinnings, including Article 13 of the Amsterdam Treaty, the RED, the 2008 Council Framework Decision and the Charter of Fundamental Rights, created the institutional structure and historical forces to facilitate Commission leadership as an entrepreneur in antidiscrimination and antisemitism policy.

III. Why Antisemitism Emerged on the EU Agenda

Rensmann and Schoeps (2010) argue that the ‘EU evolved – among other things – as a moral and political counter-model to the antisemitic, totalitarian, ethnic nationalistic legacy that shaped the first half of the European 20th century’ (p. 3). Antisemitism is a political tool to further radical parties’ political agendas and undermine democracy

(Mudde, 2005, 2007; Rensmann and Schoeps, (2010). The EU is premised upon liberal democratic values and with the Charter of Fundamental Rights, equality. Thus, antisemitism coming from both the radical political left and right is problematic for the EU.

On the radical political left, anti-EU sentiment related to globalization, capitalism and neo-liberal economic issues was re-awakened during the euro crisis. Some antisemitic narratives characterize Jews as holding the strings of global capitalism, which feeds easily into the radical left's distrust of capitalism and particularly global capitalism (Rensmann and Schoeps, 2010). The radical left, following the World Conference Against Racism in Durban, 2001, conflated antisemitism with anti-Zionism and began to perpetuate an idea that Zionism was a form of racism and that Zionists or the State of Israel were merely oppressors (Hirsch and Miller, 2022). As a result, the radical left has used the Israeli/Palestinian conflict as a justification for using antisemitism in Europe as a political tool. Although political and ethnic tensions exist around the globe, Israel has been a lightning rod for the radical left. European Jews have incorrectly been targeted in retaliation for Israeli government actions, and this blame has become a political tool as antisemitism is a strongly held belief across Europe (European Union for Fundamental Rights, 2018b, 2021a). This type of 'new antisemitism' from the radical left portrays Israel as the 'collective Jew' (Bergman, 2010, p. 84; Hirsch and Miller, 2022). In this way, world problems are blamed on Israel and European Jews suffer as a consequence (Bergman, 2010).

On the other hand, the radical or far right uses antisemitism as a political tool supporting national protectionism and portrays Jews as outsiders and promoters of globalization (Rensmann and Schoeps, 2010). The contemporary far right emerged in the 1980s, finding support amongst those disaffected by the economy and immigration and finding inspiration in extreme nationalism (Camus and Lebourg, 2017). Support for the radical right and its nationalistic tendencies was intensified and reinforced across Europe with both the euro crisis of 2008 and the migrant crisis of 2015 (Algan et al., 2017; Vachudova, 2020).

Extremist Muslims have also adopted both the far right's definition of the Jew as the corrupt outsider and the left's anti-Zionism stance, denying the right of the State of Israel to exist and blaming European Jews for the actions of the State of Israel. Antisemitism is nothing new in Europe; how it is expressed and who is expressing it is somewhat new and more nuanced.

Prior to 2000, antisemitism was minimally addressed within the EU's general efforts to combat racism and xenophobia (Elman, 2014). In 1985, with the rise of the far right, a European Parliament Committee of Inquiry was formed to research 'pan-European fascism and racism' (Elman, 2014, p. 15). From the Inquiry, it was determined that 'Antisemitism in Europe is a limited phenomenon limited to a small minority' (cited in Elman, 2014, p. 16). In 1995, the issue of antisemitism was taken up again by the European Parliament Resolution on Racism, Xenophobia and Anti-Semitism, and a Commission survey in 1997 on racism was conducted, but racism was not defined to include antisemitism (see Elman, 2014). Defining antisemitism within a context separate and yet linked to racism has been a challenge for the EU. Much of the EU's inability to address antisemitism was due to its lack of legal mechanisms, a definition of antisemitism and data to demonstrate the frequency and severity of antisemitic acts.

According to some scholars, antisemitism in Europe was in decline until the 1990s (Bergman, 2010). However, the terrorist attacks of 9/11 spurred an upward trend of antisemitism as fallacious rumours about Jews plotting the attack spread across Europe (Elman, 2014; European Monitoring Centre on Racism and Xenophobia, 2003). In 2002, the European Union Monitoring Commission (EUMC) initiated for the first time an EU wide examination of antisemitism. The highly respected Centre for Research on Antisemitism in Berlin synthesized the information from all 15 member states and concluded that violent attacks against Jews and antisemitic acts were on the rise and were perpetrated not only by the far right but also from across the political spectrum, highlighting leftist anti-Zionism and radical Muslim extremists (European Monitoring Centre on Racism and Xenophobia, 2003). The report explained that the political left had used their disdain for Israeli policies towards Palestinians as justification for the use of violence and antisemitic tropes. Violent attacks and the desecration of synagogues were often the work of young Muslim extremists, and the report also showed pro-Palestinian demonstrations where Arab-Muslims and leftist groups marched together carrying antisemitic signs (European Monitoring Centre on Racism and Xenophobia, 2003). The EUMC wanted to bury the report because it implicated Muslims, who are also victims of exclusion and discrimination across Europe (Elman, 2014; Sclafani, 2022). The Centre for Research on Antisemitism in protest released the report to the press, forcing the EUMC to issue a new report reflecting the original findings.

In 2004, the EUMC published a report calling attention to the lack of a working definition of antisemitism. The EUMC brought together a small group of NGOs to formulate a definition of antisemitism and placed the definition on their website in 2005. In 2013, the FRA, previously the EUMC, quietly removed the definition from its website (Marcus, 2015; Sclafani, 2022). The FRA spokesperson when questioned why the definition was removed claimed, 'We are not aware of any definition (of anti-Semitism)' (cited in Marcus, 2015, p. 23).

Whilst there were weak attempts to address antisemitism, sporadic violent attacks against Jews were occurring in Europe. Most public were the 2006 kidnapping and murder of a Jew Ilan Halimi outside of Paris, the 2012 attack in Toulouse at a Jewish day school killing three children and a rabbi and the 2014 shooting at the Belgian Jewish museum killing four. These earlier attacks, data and attempts at a definition of antisemitism exposed a creeping crisis. Often times, these attacks were not seen as antisemitic but, rather, general acts of terror or extremism (Marcus, 2015). The crisis or punctuated moment that highlighted the rise of antisemitism would be the violent attacks in two member states against clearly Jewish targets in 2015 within a month – both crimes were perpetrated by European citizens that were Muslim second-generation immigrants. Radicalization was at the heart of both attacks and EU leaders realized that antisemitism was a pillar of the radicalization process (European Commission, 2021a; Sclafani, 2022). These double events brought urgency to the plight of the Jewish community. These attacks might explain why antisemitism emerged on the EU agenda, but it does not explain how.

IV. How Antisemitism Emerged on the EU's Agenda

The terrorist attacks in 2015 alone may not have caused the Commission to address antisemitism. Commission leaders' entrepreneurship would catapult the concern over antisemitism to the EU level. Jean-Claude Juncker, Commission President at the time, described his Commission as a 'political Commission', meaning that 'it would take political

responsibility for its actions, respond to the interests of citizens, and be prepared to defend the EU' (Kassim and Laffan, 2019). From 2014 to 2019, Frans Timmermans was Commissioner for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights. Timmermans' portfolio lent itself to promoting value-oriented policies related to democracy. He was a central leader within the Commission and, in practice, Timmerman's approval was required for any new Commission initiative (Peterson, 2017).

Timmermans' personal attributes or ambition, as Elgie (1995) and Kassim et al. (2013) discuss, compelled him to address antisemitism. Some of Timmermans' public speeches prior to becoming a member of the Commission alluded to his understanding of antisemitism and a sense of personal responsibility to address it (Timmermans, 2013). For instance, in a speech at the University of Tel Aviv, he spoke about his personal interest in antisemitism, even though he is not Jewish. He explained that when he purchased a home and learned that Jews had been hidden there during the war, he researched what happened to those individuals. He also adopted a gravesite of a World War II US Jewish soldier and researched the soldier's European family origins, gaining a deeper understanding of Jewish European history (Timmermans, 2013). In response to the attacks in 2015, he spoke in Brussels about Jewish concerns stating,

... this is a huge challenge to the very foundations of European integration We can talk till kingdom come about the euro, about internal markets, about whatever initiative we take, but if this fundamental value in European society, which is that there is a place for everyone whatever your creed is, whatever your background is, your race is, the choices you make in society if *that* is challenged we have to answer that challenge by a policy that offers hope and prospect[s] for everyone in European society. (BBC News, 2015)

From this speech, it is clear that values informed his approach to addressing antisemitism. Following the attacks, Timmermans organized the Annual Colloquium on Fundamental Rights on 'Tolerance and respect: preventing and combating antisemitic and anti-Muslim hatred in Europe'. At this event, Timmermans appointed co-ordinators to combat antisemitism and anti-Muslim hate. Timmermans' policy style was to bring in stakeholders and to promote dialogue and consultation (Sclafani, 2022). Timmermans' appointment of Katharina von Schnurbein as the co-ordinator for combatting antisemitism would ensure that policy innovation and entrepreneurship would continue; she too would be inclusive of various stakeholders (Bricman, 2022; Sclafani, 2022; Naftaniel, 2022). In 2019, the newly appointed President of the Commission Ursula von der Leyen, in response to the bombing at the synagogue in Halle, would create a step change, increasing the staff of the co-ordinator's office, adding the need to foster Jewish life and leading to the creation of the comprehensive strategy (Buga, 2023; von der Leyen, 2019; von Schnurbein, 2022).

Since its inception, the Commission co-ordinator and her team for combatting antisemitism have held many round tables and working group meetings. Round tables include registered Jewish umbrella organizations, NGOs and invited experts, and the Working Group, meeting twice a year, includes two representatives from each member state (i.e., a special antisemitism envoy or co-ordinator), one representative from the relevant ministry, depending on the issue being discussed, and one representative from the

elected national Jewish body, registered cross-national Jewish umbrella organizations and invited experts (von Schnurbein, 2022). The European Commission became the locus of activity bringing together NGOs working on this issue, which resulted in the creation of the comprehensive strategy, and the ad hoc Working Group became a permanent structure with the comprehensive strategy in 2021 (European Commission, 2021a, p. 6).

Jewish interest groups organized at the EU level and formulated 'regularized and institutionalized relations' with the Commission (Mazey and Richardson, 2001, p. 71). These interest groups have found a symbiotic relationship as the Commission uses the Working Group and round tables to shape policy and provide guidance and to give the policy credibility. Moreover, the round tables and working groups have brought together very diverse Jewish and non-Jewish groups to share best practices (Falek, 2022; Sclafani, 2022), and NGOs are able to learn about Commission actions and opportunities to mainstream combating antisemitism across different Directorate Generals (Bricman, 2022).

Participating NGOs have also applied for funding and are implementing programmes related to and funded by the EU to promote the goals of the strategy, such as Networks Overcoming Antisemitism (NOA) [Rights, Equality and Citizenship Programme (2014–2020) of the European Union, 2022]. The societal demands of NGOs and the desire of Commission leadership to address antisemitism created a symbiotic relationship to promote antisemitism policy. The Commission Working Group and round tables on antisemitism demonstrate the kind of institutional structures or resources that Kassim et al. (2013) discuss that allow for the Commission to be entrepreneurial in a policy area.

Antisemitism is transnational and Jewish organizations such as the World Jewish Congress, the European Jewish Congress (EJC) and B'nai B'rith International have organized across borders and have specifically set up offices in Brussels to work with the EU and especially the Commission. These groups and others have not stopped operating within member states. Yet, these organizations have made a concerted effort to function at the EU level and to work with the European Parliament and Commission. In fact, the EJC in 2012 (later in collaboration with B'nai B'rith International) established the European Parliament's Working Group on Antisemitism (WGAS) (European Parliament Working Group Against Antisemitism, 2022). The WGAS represents interest group organization 'spill-over' whereby interest groups organize at the European level and seek to work with EU institutions. This kind of collaboration between interest groups and the European Parliament is similar to US House Congressional Member Organizations (CMOs), whereby members of Congress organize around particular issues or polices and work with civil society organizations to formulate policy. The WGAS, like a CMO, demonstrates organizational structures found in the US Congress, making the EU similar to another democratic polity.

In addition to NGOs organizing at the EU level and providing technical expertise to the Commission and European Parliament in the area of antisemitism, the FRA and its use of data also helped strengthen the cause to address antisemitism. More recent FRA studies on antisemitism raised greater awareness and urgency to the issue amongst European leaders. Without data, the Commission and other EU institutions would have been unable to substantiate the exigency nor formulate policy without fully understanding the depth of antisemitism. In particular, the FRA 2018 survey of the perception of European Jews raised considerable attention within the EU. Striking findings included the following: 89% of European Jews surveyed felt that antisemitism increased in the past 5 years; 85% consider it to be a serious problem; and 28% of respondents experienced antisemitic

harassment at least once during the year prior to the survey (European Union for Fundamental Rights, 2018a). FRA and its predecessor EUMC have conducted several reports on antisemitism in the EU (European Union for Fundamental Rights, 2021a). Recent FRA reports have demonstrated increased intensity of antisemitism and a striking rise related to the Covid pandemic (European Union for Fundamental Rights, 2021b). These kinds of reports gave credibility to the Commission's actions and provided data to address antisemitism.

Although there were data, what exactly defines antisemitism? If there is no definition, how do you create policy? The 2016 IHRA definition provided guidance for the Commission, stating that:

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. (IHRA, 2020)

The IHRA definition includes examples of hatred and discrimination against Jews, Holocaust denial and incorrectly blaming European Jews for actions the Israeli government takes (Bergman, 2010; IHRA, 2020). The IHRA definition is very similar to the EUMC's definition that was posted on their website and later removed (Elman, 2014; Gould, 2020; Marcus, 2015). Although the IHRA definition is not legally binding, since 2017, the Commission and European Parliament adopted and began to utilize the IHRA definition in its policy design and legislative work [Directorate-General for Justice and Consumers (European Commission) et al., 2021]. Several, but not all, EU members have adopted the IHRA definition.³ The IHRA definition is important because violent antisemitic attacks in the past were not viewed as such; however, without a legal basis, the Commission could not substantiate its actions.

As Kassim et al. (2013) assert, policy actors are confined by their environments and historical forces, or what has been achieved prior can shape what leaders can do. The Commission was able to utilize the legal basis that already existed related to antidiscrimination within the EU to address antisemitism. EU antidiscrimination law is more effective than international human rights treaties, because of direct effect and primacy of EU law (de Witte, 2010). The Commission has legal monitoring mechanisms including the ability to bring infringement proceedings before the EUCJ (de Witte, 2010).

The Commission more recently has launched infringement proceedings related to antisemitism against countries that have not transposed the 2008 Directive that prohibits public condoning, denying or trivializing of genocides like the Holocaust and other types of hate speech, which must be treated like a crime (European Commission, 2021b; Wax, 2022). Focusing infringement proceedings on rule of law or fundamental rights has been a more successful tactic for the Commission (Bonelli, 2022). In the cases of Sweden and the Netherlands, both countries have started changing their laws to transpose the 2008 Directive following the start of infringement proceedings (Wax, 2022). Infringement is an important tool to ensure member state compliance with EU law and is a mechanism the Commission can use to move into the policy space of antisemitism and to promote integration and to uphold democratic values (Prete and Smulders, 2010).

³Denmark, Ireland, and Malta have not adopted the definition (IHRA, 2023).

Infringement proceedings are one example of how the Commission can hold member states accountable if they do not transpose EU law. EU antidiscrimination laws related to race, religion and ethnicity provided institutional structures and historical forces for the Commission to address antisemitism. The early 2000s laid the legal groundwork for the EU to address antisemitism, but it would be the 2015 punctuated crisis of violent attacks against Jewish targets in two member states that would lead the Commission to work with NGOs and to be entrepreneurial with the appointment of a co-ordinator on antisemitism.

Following the creation of the co-ordinator's office to combat antisemitism, major inroads addressing antisemitism have taken place across EU institutions, including the 2017 European Parliament Resolution on combatting antisemitism in reaction to actions the Commission had already taken and the data FRA provided (European Parliament, 2017). The Council in 2018, following the efforts being done in the Commission and Parliament, unanimously approved the declaration to address antisemitism and security of the Jewish community (Council of the European Union, 2018). The Council declaration encouraged member states to address antisemitism and to provide resources to promote and protect Jewish communities (Council of the European Union, 2018).

In 2020, the Council passed the declaration on mainstreaming the fight against antisemitism across policy areas, which was an initiative under the German Presidency. The 2020 Council Declaration unanimously pushed for member states to adopt national strategies, to transpose EU laws related to antisemitism and hate crimes both on and off lines into national laws, and recognized the increase of antisemitism related to the pandemic (Council of the European Union, 2020).

In 2021, the Commission published the strategy to combat antisemitism and foster Jewish life, a 10-year programme that covers various facets to protect the Jewish community and to promote Jewish life in Europe. The three main pillars of the comprehensive strategy include (1) preventing and combating all forms of antisemitism; (2) protecting and fostering Jewish life in the EU; and (3) education, research and Holocaust remembrance (European Commission, 2021a). Thus, NGOs will continue to work closely with the Commission to both formulate and implement the comprehensive strategy. Through the Working Group, the Commission has established a symbiotic relationship with NGOs, which has further helped the Commission achieve its goals to address antisemitism across member states. The co-ordinator's office has sought to uphold European values of inclusion and antidiscrimination and to foster Jewish life, going beyond the legal standards related to antidiscrimination.

Commission President Ursula von der Leyen in a speech stated, 'Our (EU) fight against antisemitism is more urgent than ever, antisemitism is on the rise across Europe Antisemitism is a poison for our democratic values and an attack on our way of life' (von der Leyen, 2021). Her speech was to address the troubling rise of antisemitism, especially during the pandemic, giving importance to addressing antisemitism. Similarly, Commission Presidents Juncker and von der Leyen have stated that the EU was built out of the ashes of the Holocaust (Juncker, 2019; von der Leyen, 2021). Von der Leyen, like Timmermans, also demonstrated a commitment to the policy: increasing the staff of the co-ordinator's office, speaking publicly about the rise of antisemitism and its threat to Europe, and promoting the comprehensive strategy and adding the notion of fostering Jewish life. Likewise, Margaritis Schinas, Commissioner for Promoting our European Way of Life, has demonstrated a commitment to the policy (Falek, 2022).

Conclusions

EU antisemitism policy provides important theoretical and policy implications demonstrating how the Commission acted as an agenda setter and policy entrepreneur creating a shift to prioritize antisemitism as an EU policy area. Antisemitism remained outside the EU agenda and was minimally addressed at the national level, even though it was increasing since 9/11. However, the two 2015 attacks would push the EU to face Jewish communities' concerns. As crisification and PET literature assert, flash points can create a situation whereby policy-makers take notice and address policies. The rise of the far right and radicalization, with their use of antisemitism, was a slow-burning crisis threatening the values of Europe but was not enough for the EU to engage in addressing antisemitism.

Although the double attacks were shocking, violent terrorist attacks had happened before, but no action was taken. Political leadership was necessary to take up the torch to address antisemitism. Frans Timmermans began leading efforts to address antisemitism and Muslim hate, appointing co-ordinators for each. Von der Leyen expanded the staff of the co-ordinator's office for antisemitism, and she added the notion of fostering Jewish life. The co-ordinator for antisemitism, Katharina von Schnurbein, has shown political leadership bringing together various NGOs and promoting policy that found traction in other EU institutions and member states. The Commission worked with various Jewish NGOs forming a symbiotic relationship, providing the Commission with the capacity to formulate antisemitism policy. However, without antidiscrimination legal protections within EU law, it would not have been possible for the Commission to address the policy area. Moreover, defining antisemitism and FRA initiatives to measure the extent and forms of antisemitism also facilitated policy formation and a sense of urgency. The environment within the Commission, having information and policy ideas from NGOs and legal underpinning within EU law, created an opportunity for antisemitism to emerge on the EU's agenda without member state demand.

The EU strategy is a significant and meaningful step to address antisemitism and demonstrates policy innovation that incorporates requests of several NGOs. It is impossible to end antisemitism, but it is imperative to establish the legal and policy applications to lessen it. As EU institutions push antisemitism onto the EU agenda, it makes the EU more like a European polity deepening integration beyond a free market, promoting values of inclusion and equality.

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Appendix A: Interviews

Interviewed by author:

- Bricman (2022)
- Buga (2023)
- Falek (2022)
- Naftaniel (2022)
- Sclafani (2022)
- von Schnurbein (2022)