



Beyond Definition: Why Australia's Royal Commission Must Focus on Fighting Antisemitism

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17 June 2026

The Royal Commission set up to strengthen social cohesion within Australia will succeed or fail to the extent it can establish public legitimacy for measures that weaken antisemitic sentiment and action. The legitimacy will flow from the policy coherence of the Commission process, institutional responses, and community endorsement. The three levels of legitimacy are closely linked and failure in anyone could negate the value of the Commission. Above all, the principal test on all three fronts will be the mobilisation of policies that reduce antisemitism.

Input legitimacy as the Foundation of Legitimacy

There is room to believe that the Royal Commission may have already undermined perceptions of procedural impartiality that scholars consider essential for input legitimacy. This is the need to ensure that the inquiry is seen as fair, inclusive and procedurally sound in the way it gathers and considers information, before it ever gets to findings or recommendations.

At the Commission's opening hearing on 24 February 2026, Commissioner Virginia Bell declared that the Royal Commission would apply the International Holocaust Remembrance Alliance definition of antisemitism as its analytical starting point, stating that "the definition itself is uncontroversial." Proceeding further, Bell acknowledged that "at least two" of the definition's eleven illustrative examples had drawn criticism but dismissed those concerns, stating that her "current view is that these concerns pay insufficient regard to the terms of the definition itself," a conclusion reached before the Commission had heard a single piece of evidence.

The decision to adopt the IHRA definition as an unquestionable basis for analysis is itself certainly questionable even if the Commission was guided to it by the terms of reference (Letters Patent) which mention the Federal government's acceptance of the definition. The contested nature of this definition is well established within academia and has remained hotly debated for the past five years. Stark and Yates highlight that the implementation of inquiry recommendations into durable policy reform becomes structurally impaired, irrespective of the quality of those recommendations, when input legitimacy is weak.

The IHRA Working Definition has been the subject of sustained and substantive scholarly critique since its adoption in 2016. Klug identified, prior to the definition's formalisation, the conceptual difficulties inherent in conflating hostility toward Jews with criticism of Israel's state conduct, a critique that the definitional debate has only intensified in the years since. Kenneth Stern, the scholar who led the drafting of the text that eventually became the IHRA definition, has stated unequivocally that the definition was not drafted and was never intended as a tool to

target or chill speech in institutional or policy contexts, and has publicly criticised its administrative application as a departure from its original purpose. The emergence of the Jerusalem Declaration on Antisemitism, signed by over 200 scholars of antisemitism, Holocaust history, and related fields, represents the clearest institutional expression of this dissatisfaction. Its authors explicitly designed it to address what they characterised as the IHRA text's conceptual ambiguities and its susceptibility to misapplication. A Royal Commission convened to strengthen social cohesion, adopting the IHRA definition without engaging these alternative frameworks, structures all future decisions under a definition whose scholarly legitimacy is itself actively contested.

The practical cost of this procedural deficit extends beyond institutional process. Where a commission's legitimacy is contested from the outset, the policy instruments it endorses become associated with the controversy rather than with the problem they are designed to solve. Antisemitic actors and movements have historically exploited perceived overreach in definitional politics to reframe themselves as defenders of free expression rather than perpetrators of prejudice. A commission whose procedural foundations are perceived as partisan risks inadvertently supplying that reframing with institutional credibility, weakening the very social consensus against antisemitism it was constituted to build.

Selective adoption

When stakeholders perceive such precommitment, institutional responses fragment along predictable lines. Klug and Stern both indicate that contested definitions in the field of antisemitism produce divergent institutional behaviour, with some actors adopting recommendations fully while others modify or reject them entirely, and where alternative formulations themselves become sites of contestation rather than convergence. This pattern predicts selective adoption across Australian universities, state agencies, and civil society organisations, producing a patchwork of policies rather than the unified national approach the Commission claims to seek. Stark identifies precisely this dynamic in his cross-national analysis of public inquiry outcomes, and in Australia, where social cohesion policy requires cooperation across federal, state, and territory governments as well as educational and community institutions, it is the most predictable structural consequence of procedural precommitment.

Selective adoption is further reinforced by instrumental politicisation. Political actors can exploit an unexamined definitional choice to characterise the inquiry as partisan, thereby shifting public debate from the substantive merits of recommended reforms to the legitimacy of the process that produced them. Feldman and Stern both illustrate this through the United Kingdom, where the Secretary of State for Education threatened universities with funding consequences for failing to adopt the IHRA definition and leading scholars publicly contested both its content and its imposition, transforming a policy instrument into a vehicle for political mobilisation. Once legitimacy becomes the object of contestation, legislative and administrative actors shift from assessing policy efficacy to protecting their institutional position. The result is delay, dilution, or outright rejection of reforms that require the kind of cross-jurisdictional trust that political controversy systematically erodes.

Community endorsement

Where selective adoption fractures institutional commitment, community endorsement determines whether what remains can function at all. Endorsement by affected communities is

a functional precondition for successful implementation in educational institutions, workplaces, and community settings. The Commission's mandate to reduce prejudice and strengthen democratic life cannot be executed through top-down reforms built on frameworks that affected communities regard as exclusionary. Where those communities perceive their exclusion from definitional deliberation, they will predictably withhold cooperative engagement and may actively mobilise against adoption. Stern highlights how the reception of the IHRA definition in university settings across comparable jurisdictions has demonstrated precisely how definitional contests catalyse organised opposition rather than produce shared standards. Communities who are asked to live under definitions they had no voice in creating have a reasonable basis for treating the resulting regime as something imposed upon them rather than constructed with them.

Community disengagement from a commission's framework has direct operational consequences for the reduction of antisemitism. Effective monitoring, reporting, and early intervention in antisemitic conduct depend on the willingness of affected communities, including Jewish communities, Arab and Muslim communities, and academic and civil society organisations, to participate cooperatively in the institutions the Commission establishes. Without that participation, the Commission's recommendations risk becoming procedural architecture without the community foundation on which their practical effectiveness depends.

The bigger picture

The dynamics of the three levels of legitimacy do not operate in isolation. They constitute a self-reinforcing cycle in which each failure compounds the next, diverging from the Commission's stated purpose. Procedural precommitment at the input stage narrows the range of communities and institutions willing to regard the Commission's framework as their own. That narrowing produces fragmented selective adoption across jurisdictions and sectors. Fragmented adoption erodes the community trust upon which effective implementation depends. The absence of community trust becomes visible to political actors as evidence that the Commission's work is contested, further diminishing the political will to act on its recommendations.

Stark characterises this as a recognised structural problem of public inquiry design, noting that the view that public inquiries are an ineffective means of lesson-learning is most likely to be confirmed when the conditions for procedural legitimacy were not established at the outset. In Australia, where implementation depends on cooperative federalism across governments, statutory bodies, and civil society sectors, this cycle is particularly damaging. Where foundational legitimacy is absent at any one level, the cooperative architecture begins to fail.

What is ultimately at stake is not procedural nicety but the material wellbeing of Jewish Australians. The purpose of the Commission is to reduce antisemitic sentiment and action, a concrete and measurable objective with direct consequences for Australian communities. Each layer of legitimacy failure translates into a specific operational gap. Weak input legitimacy produces a definitional framework that institutions will not uniformly apply, leaving accountability for antisemitic conduct inconsistent across jurisdictions. Selective adoption means that complaint and enforcement mechanisms will function robustly in some areas and barely at all in others, creating the conditions in which antisemitic conduct faces structurally different consequences depending on where it occurs. Failure of community endorsement deprives monitoring and early intervention systems of the community participation on which

their effectiveness depends. These are predictable consequences that follow directly from the legitimacy failures identified above.

The measure of the Commission's success cannot therefore be the quality of its final report but the degree to which antisemitism in Australia is actually diminished as a result. A procedurally compromised inquiry risks delivering a document of genuine analytical merit that nonetheless fails to move the policy landscape in any durable direction, and it is a failure that remains entirely avoidable if the Commission attends, with greater deliberateness than it has shown to date, to the procedural conditions on which legitimate and effective policy depends.

Conclusion

To overcome any erosion of confidence, the Commission should pay much more attention to how Australia can combat antisemitic sentiment and action. Defining antisemitism is not the same as effectively fighting it. The definitional question has already limited the Commission's capacity to establish input legitimacy. The precommitment made at the opening hearing has already shaped how the Commission is perceived, and any attempt to revisit or relitigate that choice now would deepen the legitimacy damage rather than repair it. Further debate about the definition is not a path toward credibility. It is a distraction from the substantive work the Commission was constituted to undertake.

What remains within the Commission's power is a decisive reorientation toward the question it was established to answer. The Commission should direct its remaining work toward identifying what substantively reduces antisemitic sentiment and action, drawing on evidence from comparable jurisdictions about which approaches have produced durable change. The communities this Commission was established to protect do not need a more refined definition of the harm they face. They need a national commitment to reducing it. That outcome is still achievable, but only if the Commission treats it as the primary objective of its remaining work.