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# In Defence of the IHRA Working Definition of Antisemitism

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*Fathom* is indispensable reading for anyone who wishes to understand Middle Eastern politics; well researched, balanced, deeply committed to Israel but equally ready to ask tough questions about its policies; a unique combination of values and realpolitik. **Shlomo Avineri**, Professor of Political Science at the Hebrew University of Jerusalem and member of the Israel Academy of Sciences and Humanities.

*Fathom* is a great publication that I thoroughly enjoy and always find useful. **Hussein Agha** has been involved in Palestinian politics for almost half a century. He was an Academic Visitor at St. Antony's College, Oxford and is co-author of *A Framework for a Palestinian National Security Doctrine*.

*Fathom*'s great: accessible and expert analysis on strategic, cultural and economic issues relating to Israel. Amidst a lot of a sloganeering, *Fathom* provides nuanced discussion. As such, it fills a real gap. **Amnon Rubinstein**, Israeli law scholar, politician, and columnist. A member of the Knesset between 1977 and 2002, he served in several ministerial positions.

The importance of the Israel/Palestine conflict for world peace is sometimes exaggerated, but for those of us focused on the conflict, for those of us who hope for peace here, even amidst the surrounding chaos, 'two states for two peoples' remains the necessary guiding idea. *Fathom* magazine is one of the key places where that idea is explained and defended; it deserves our strongest support. **Michael Walzer**, Professor Emeritus at the Institute for Advanced Study in Princeton, New Jersey, and editorial board member of *Dissent* magazine.

Many people have deeply held beliefs and passionate opinions about Israel and the Middle East. Very few people actually know about Israel and the Middle East. *Fathom* is an excellent source for those who wish to join the camp of those who actually know something about Israel, rather than just have an opinion about it. **Einat Wilf**, author and member of the Knesset for the Labour Party and Independence from 2010-2013.

For objective insights into Israeli politics, society and its relations with the wider world, few can match the scope and quality of BICOM's work. **Professor Clive Jones**, Chair in Regional Security School of Government and International Affairs, University of Durham.

As an Israeli concerned for Israel's future as the nation state of the Jewish people and for a peaceful resolution of Israel's conflict with the Palestinians people, I sincerely believe that *Fathom*'s Peace and Coexistence Research Project is a critical component of the ongoing struggle to maintain the political relevance of the Two-State solution. **Asher Susser**, Professor Emeritus of Middle Eastern History, Tel Aviv University, Israel.

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## INTRODUCTION: SEEING THE IHRA PLAIN

ALAN JOHNSON

The International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (see Appendix 1) has been endorsed by leaders of the European Union, the United Nations, the OSCE, and other international bodies. It has been formally adopted by over 30 countries, including most EU Member States. The UK government adopted the definition in 2016 and has since been joined, among many other organisations, by 253 local authorities, the UK Labour Party, the UK College of Policing, the Premier League and at least 29 universities, including Cambridge University. The definition has become, as Dave Rich of the Community Security Trust notes in an essay in this collection, ‘a modest, sensible and practical guide to antisemitism’.

The essays collected here, all but one published originally in the online journal *Fathom*, respond to four common myths about the IHRA definition. The aim is to help readers to see past these myths and to see the IHRA plain, without conspiracy theories about tricky Zionists and without outright falsehoods about the definition ‘preventing criticism of Israel’ or ‘preventing support for Palestinian statehood’.

### **Myth 1: ‘The IHRA prevents criticism of Israel by conflating such criticism with antisemitism’**

**Alan Johnson** notes that criticism of Israel, as of any nation-state, is *explicitly accepted as legitimate* by the IHRA definition, a fact so important, yet so routinely ignored by the critics of the definition as to suggest a deliberate repression on their part. But Johnson also observes that antisemitism has taken on radically different forms throughout history, with endless variations on a core demonology. Today, there is a new antisemitism focused on a demonology of the Jewish state and those who support its right to exist, ‘the Zionists’ or ‘Zios’. He explains why the Nazi analogy – the claim that the Jewish State is equivalent to Hitler’s Third Reich – is one of the most malevolent expressions of this new antisemitism. The IHRA examples, he contends, help us to grasp the nature of this new antisemitism and so to take steps to combat it.

**Andrew Baker, Deidre Berger and Michael Whine** put the record straight about the origins and authorship of the IHRA definition. They explain – in their letter of 19 January 2021 to the IHRA Secretary General and the EU Coordinator on Combating Antisemitism – the origins

of the definition after a rise in global antisemitism and an evolution in its form, and take the reader through the process by which the working definition and its accompanying examples came to be written.

The authors refute the oft-heard myth that Ken Stern was ‘the author’ or ‘primary drafter’ of the definition. ‘This is simply not true,’ they point out. ‘This mythical elevated status is primarily touted because he is a vocal critic of using the Working Definition and thus a helpful (witting or unwitting) ally for those who today seek to discredit the IHRA Working Definition.’ In fact, ‘virtually all others who were involved in its development believed then and continue to believe now that the adoption and use of the Working Definition is an essential component in the fight against antisemitism.’

**Dave Rich**, Head of Policy at the Community Security Trust (CST) replies to a letter published in *The Guardian* on 7 January 2021 from eight lawyers who claimed that the IHRA definition of antisemitism undermines free expression. The signatories also claimed that examples included in the IHRA definition have been ‘widely used to suppress or avoid criticism of the state of Israel.’ Rich argues that the letter rests on a ‘misrepresentation of what the definition says and does’, ‘unevidenced claims’ about its impact, and confusions about its legal status and power.

**David Hirsh**, senior lecturer in Sociology at Goldsmiths, replies to 40 UK-based Israeli academics, broadly from the anti-Zionist left, who issued a ‘call to reject’ the IHRA definition. ‘The IHRA highlights the possibility of antisemitism which is related to hostility to Israel’ he contends, ‘because that is a significant part of the antisemitism to which actual Jewish people are subjected in the material world, as it exists’. Calls to reject the definition, he argues, are ‘not concerned with the constructive work of describing and opposing antisemitism,’ but only with ‘the purely negative work of rejecting efforts to do so’.

**Bernard Harrison**, Emeritus Professor of Philosophy at the University of Sussex, and **Lesley Klaff**, senior lecturer in law at Sheffield Hallam University and Editor-in-Chief of the *Journal of Contemporary Antisemitism*, show that critics of the Definition tend to think that a subjective, intentional ‘hostility towards Jews as Jews’ is all that the term antisemitism can mean. This, they argue, is an impoverished and ahistorical reduction of the phenomena of antisemitism, a reduction that the Definition precisely, and to its credit, avoids.

This impoverished view identifies antisemitism as a *mental state*: an emotional disposition to feel hostility towards any Jew merely because he or she is a Jew. Certainly that is one of the things covered by the term ‘antisemitism’. But is it the *only* thing covered by that term?’ they ask. ‘We also use the word, surely, to describe something altogether different in nature – not a mental disposition at all, in fact but, rather, a cultural artefact: a *body of pseudo-explanatory political theory*. Antisemitism as a political theory is designed to explain why national or world

politics are failing to move in ways congenial to the antisemite and his friends. That failure (whatever form it may take, in the minds of this or that group of antisemites) is, according to the theory, the fault of the Jews, a people united in the pursuit of evil, who secretly control the world, and whose vast powers of conspiratorial organisation have allowed them to take control of institutions – the banks, Hollywood, International Finance, the State Department, the US Presidency, etc. – which, though they may appear to be reassuringly Gentile to the core, are in reality entirely Jewish concerns, secretly managed from behind the scenes, entirely for the benefit of the Chosen People.

Today, on campuses and elsewhere, that ‘pseudo-explanatory political theory’ often reaches for new terms of anathema: ‘the Zionists’ or ‘the Zios’ or ‘Global Zionism’. The old antisemitic stereotypes about those who control politics, finance and media, pull strings and manipulate events and who are therefore to be ‘smashed’ as an essentially and uniquely malign power can, today, come dressed up in new ‘anti-Zionist’ garb.

### **Myth 2: ‘The 2010 Equality Act makes the IHRA redundant anyway’**

**Lesley Klaff** and **Derek Spitz**, a barrister at One Essex Court Chambers, explain why the 2010 Equality Act does not render adoption of the IHRA definition redundant, as is sometimes claimed. In fact, the two are complementary. They argue that as the 2010 Equality Act offers no guidance as to what *constitutes* antisemitism, it is necessary to look for guidance outside it. The same consideration applies to university anti-harassment codes.

### **Myth 3: ‘The IHRA does not give us a precise enough definition of antisemitism’**

**Eve Garrard** examines the complaint that the IHRA does not give us a water-tight definition able to tell us definitively which people, language, acts and practices are antisemitic in every single instance. With some help from Wittgenstein, Garrard explains why this demand is misconceived, mistaking how definitions work in general and how the IHRA definition is supposed to work in particular. The IHRA definition is very useful ‘so long as we’re not looking for a tight philosophical definition. It’s useful because it helps people to see what kind of thing antisemitism is, and thereby inform their judgement on new cases which may come their way, and adjust their behaviour accordingly.’ So, does this mean that the IHRA definition of antisemitism won’t do all our judging for us? ‘Yes’ she answers, ‘it does mean that; we’ll still have to work out which cases of criticism of Israel, for example, actually amount to antisemitism. The IHRA definition, particularly in the examples it provides, alerts us to the fact that antisemitism is in the offing; but our own moral capacities, and sensitivity to the individual context, will still be needed to tell us what we should say or do in the particular context we’re facing.’

#### Myth 4: ‘The IHRA singles out the persecution of Jews’ and ‘privileges one group over others’

A prominent opponent of the IHRA definition, David Feldman, argued in *The Guardian* that the adoption of the IHRA’s clear and specific protections against antisemitism by a university would ‘privilege one group over others’. Later, a group of UK-based Israeli academics agreed with Feldman, suggesting the IHRA should be opposed because it ‘singles out the persecution of the Jews’.

**David Hirsh** responds forcefully to these (frankly astonishing) arguments.

To Feldman, he responds: ‘Jews go to their institutions and ask for protection against antisemitism. Feldman answers that all students and staff should be protected from all racism. He responds to “Jewish Lives Matter” in a rather “All lives matter” way.’

To the Israeli academics, Hirsh asks a simple question: ‘If there is persecution of Jews, why not single it out? Why not describe it, hunt it down, expose it, oppose it, criticise it and educate about it?’ The IHRA definition of antisemitism, he notes, aims to educate people about the specific ways antisemitism comes at Jewish people today. Jewish communities ask institutions to adopt the IHRA definition as an act of good faith. Adopting IHRA shows that an institution is prepared to listen and to learn about how contemporary antisemitism works. If there is trouble down the line, if there are cases of antisemitism, if there are complaints, then it is there, as a framework that might help. The IHRA is not a special privileging of Jews, or of a concern with antisemitism, it is a way of taking it seriously.’ Hirsh makes the obvious point: ‘To say that antisemitism matters is not to say that other issues don’t matter.’

**The IHRA working definition** itself, with its accompanying examples, is included as an appendix, along with a letter published in *The Guardian* on 22 January 2021 from **95 leaders, officers and members of UK university Jewish societies**, rejecting the arguments of David Feldman et al, explaining why the IHRA protects Jewish students and why UK universities should adopt it.

*Professor Alan Johnson is Editor of Fathom and author of Institutionally Antisemitic: Contemporary Left Antisemitism and the Crisis in the British Labour Party.*



## THE ORIGINS OF THE WORKING DEFINITION

RABBI ANDREW BAKER, DEIDRE BERGER & MICHAEL WHINE

19 January 2021

Dr. Kathrin Meyer, Secretary General, IHRA

Ms. Katharina von Schnurbein, EC Coordinator on combating antisemitism and fostering Jewish life

Dear Kathrin and Katharina,

As adoption of the IHRA Working Definition of Antisemitism increases in both Europe and the United States, opponents of the definition have frequently cited the critical views of one of the early drafters to claim that it is being misapplied or used in ways that were not originally intended.

Since we were among that small group involved in the original development and drafting of the definition, we want to set the record straight.

The IHRA Working Definition (adopted in May 2016) is based on an earlier version developed in 2004/2005 and issued by the European Monitoring Centre on Racism and Xenophobia (EUMC) in March 2005.

(The EUMC was replaced by the EU Agency for Fundamental Rights in 2009.) The drafting and development of the EUMC Working Definition of Antisemitism was a months long collaborative process, involving a score of individuals. We were among those who were part of this from the very beginning. This group included our colleague at the time, Kenneth Stern, who has since identified himself—or is described by others—as the “author” or “primary drafter” of the Working Definition. This is simply not true. But most troubling is the fact that this mythical elevated status is primarily touted because he is a vocal critic of using the Working Definition and thus a helpful (witting or unwitting) ally for those who today seek to discredit the IHRA Working Definition. Virtually all others who were involved in its development believed then and continue to believe now that the adoption and use of the Working Definition is an essential component in the fight against antisemitism.



Let us summarize for the record how the Working Definition came to be.

In 2001–2002, we witnessed a resurgence in antisemitic incidents in Europe including violent attacks on Jewish targets. Most occurred in Western Europe, and many were identified as coming from parts of local Arab and Muslim communities. This coincided with the breakdown of the Middle East peace process and was reflected in the anti-Israel and antisemitic activities that were an unfortunate consequence of the UN World Conference on Racism in Durban in 2001. European governments were slow to recognize these attacks or to identify them as antisemitic in nature. As they continued, there were calls for regional security and human rights organizations to address them. This resulted in the Organization for Security and Cooperation in Europe (OSCE) organizing its first conference on antisemitism in 2003, and the EUMC commissioning its first study of antisemitism in the EU that same year.

In 2004, the OSCE organized a second, high level conference in Berlin, which resulted in the Berlin Declaration on Antisemitism, supported by all 55 OSCE participating States. It declared that antisemitism had taken on “new forms and manifestations” and stated that events in Israel and the Middle East, “can never justify antisemitism.” Also, in 2004, the EUMC (having concluded that the report it commissioned the previous year was inadequate) conducted its own study, relying on data from its own monitors in EU Member States and in person interviews with Jewish leaders in Europe.

The new EUMC report presented in the spring of 2004 revealed that European Jews had a high level of concern and anxiety in reaction to their firsthand observations of growing antisemitic incidents. The information provided by the EUMC’s monitors was limited in some cases because there was scant data on antisemitic hate crimes and limited polling data on anti-Jewish attitudes. In its own internal review, the EUMC acknowledged that it was hampered by the lack of a common and comprehensive definition of antisemitism and challenged by a lack of clarity in understanding those “new forms and manifestations” of antisemitism as it relates to Israel. EUMC Director Beate Winkler and AJC Director of International Jewish Affairs Rabbi Andrew Baker agreed that summer to work together to develop such a definition.

Baker turned to his AJC colleagues, including Deidre Berger in Berlin and Ken Stern in New York, and to other longtime collaborators, including Michael Whine of the CST in London. Academic experts, including Dina Porat and Yehuda Bauer in Tel Aviv and Jerusalem were brought in, along with leaders and representatives of several major Jewish organizations. Ken played the vitally important but limited role of being the communications hub as various drafts and proposed language were circulated, slowly moving toward a consensus agreement where his role ended.

All agreed the definition should include both a core paragraph defining the basic nature of antisemitism and clear examples of its traditional and more contemporary forms.

Mike Whine took over the final drafting job and, with this in hand, the focus turned to Vienna. The three of us were joined by the leadership team of the recently established Tolerance and Non-Discrimination Unit at OSCE's Office of Democratic Institutions and Human Rights (ODIHR), which had responsibility for implementing the commitments spelled out in the OSCE Berlin Declaration. Together we worked with the EUMC Director and her specialists, as further changes and revisions were made. We were wellaware that with the inclusion of examples relating to Israel, there would be challenges, and some would say that they could be used to label critics of Israel as antisemitic. But we also recognized how egregious some of these attacks had become and the importance of including this section. This was to be a guide for better understanding antisemitism, not a speech code etched in stone. To strike the necessary balance, we added the important, conditional phrase, "depending on the context." In a further measure to allay these concerns, the EUMC considered it important to state explicitly that criticism of Israel is not antisemitic.

In January 2005, we concluded the final drafting of what became known as the EUMC Working Definition of Antisemitism, and in March 2005 it was formally released. In promoting and circulating the Working Definition, its use was neither defined nor circumscribed. We understood then—as we do today—that it is first and foremost an educational tool for those who need to know what antisemitism is. This includes government, Jewish community, and other civil society monitors responsible for recording antisemitic incidents. It includes those in authority who are responsible for identifying and responding to antisemitic hate crimes and other antisemitic events, such as police, prosecutors, and judges, among others. And it includes the public, whose understanding of the problem is essential to marshal the full force necessary to combat it.

It was called a working definition for a reason. This was not meant to be a tool for academic researchers, but for those, briefly identified above, who would put it to use. They would be the ones to determine its value and its longevity.

In 2007, the US Special Envoy to Monitor and Combat Antisemitism, a newly appointed Congressionally mandated position, applied the EUMC Working Definition to his work and posted it on the State Department website. It was endorsed by Parliamentarians at the 2009 Inter-parliamentary Coalition for Combating Antisemitism (ICCA) London Conference, and at successive ICCA Conferences in Ottawa (2011) and in Berlin (2015). It was recommended for use by the OSCE Chairperson-in-Office in 2014.

Over fifteen years have passed since the EUMC issued its working definition. It has been slightly modified and further amplified as the IHRA Working Definition of Antisemitism. It has been endorsed by leaders of the European Union, the United Nations, the OSCE, and other international bodies. It has been formally adopted by over thirty countries, including most EU Member States. It has become an essential, educational tool for law enforcement.

We are heartened by the Working Definition's increased use and international recognition as the authoritative definition of antisemitism. While the threat of antisemitism in all its various forms is, sadly, as great as it was fifteen years ago, this proper and comprehensive definition is now an essential element in our common fight against it.

Rabbi Andrew Baker

Deidre Berger

Michael Whine, MBE

*Rabbi Andrew Baker is Director of International Jewish Affairs at the American Jewish Committee and since 2009 the Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism.*

*Deidre Berger is a consultant and former Director of the AJC Berlin Ramer Institute for German-Jewish Relations.*

*Michael Whine is the former Government and International Affairs Director of the Community Security Trust, Senior Consultant World Jewish Congress, and UK Member of ECRI Council of Europe.*



## COMMON MISREPRESENTATIONS OF THE IHRA DEFINITION

DAVE RICH

*On 7 January 2021 The Guardian published a letter from eight lawyers who claimed that the IHRA definition of antisemitism, which the UK government has instructed UK universities to adopt, undermines free expression. The signatories also claimed that examples included in the IHRA definition have been ‘widely used to suppress or avoid criticism of the state of Israel.’ Dave Rich, Director of Policy at the Community Security Trust and a leading expert on left-wing antisemitism, argues that the letter rests on a ‘misrepresentation of what the definition says and does, ‘unevidenced claims’ about its impact, and confusions about its legal status and power. The IHRA definition, he contends, offers universities ‘a modest, sensible and practical guide to antisemitism that would help Jewish students to play a full part in campus life’.*

The campaign against the [International Holocaust Remembrance Alliance](#) (IHRA) working definition of antisemitism has been running for long enough that it is now possible to identify its common themes. These include repeated misrepresentation of what the definition does, and does not, say about Israel and antisemitism; unevidenced claims about the definition’s alleged impact on free speech; confusion of its legal status and power; and an appeal to authority by quoting others from within this same campaign.

A [letter](#) in *The Guardian*, signed by eight experienced lawyers, is a helpful example of how this works. It opens with the claim that, ‘The legally entrenched right to free expression is being undermined by an internally incoherent “non-legally binding working definition” of antisemitism.’ The letter then cites the Universal Declaration of Human Rights, the Human Rights Act 1998 and the Education Act 1986 before noting that the IHRA definition ‘has no legislative or other authority in international or domestic law.’

Given that this is the case, it is hard to see how a non-legal definition with no legal authority could undermine legally-guaranteed rights to free expression and academic freedom. Most universities understand this, even if these eight lawyers don’t: the University of Oxford, in announcing its recent adoption of the IHRA definition, stated that, ‘The IHRA definition does not affect the legal definition of racial discrimination, so does not change our approach to meeting our legal duties and responsibilities.’

There are other legal restrictions on free expression which these lawyers did not mention in their letter, including the Public Order Act, the Equality Act, the Protection from Harassment

Act, the Malicious Communications Act and so on. These all limit free speech, including at universities, but the letter's signatories do not seem troubled by this. Instead, a definition that even they concede is 'non-legally binding' is, apparently, such a grave threat to free expression that it is worth a letter to *the Guardian*. Why is this the case?

The answer lies in their misrepresentation of what the definition says and does. They claim, as others have before them, that 'the majority' of the IHRA definition's 'illustrative examples' of potentially antisemitic speech 'do not refer to Jews as such, but to Israel. They have been widely used to suppress or avoid criticism of the state of Israel.' The implication is that the IHRA definition is more concerned with, or directed against, anti-Israel speech than anti-Jewish speech.

This is simply not true: of the 11 'illustrative examples' of potentially antisemitic speech listed in the IHRA definition, nine explicitly mention Jews or the Jewish people (seven mention Israel, of which five mention both Jews and Israel). Given that this is the case, the claim that 'The majority of these examples do not refer to Jews as such, but to Israel' is so obviously untrue that it is difficult to understand how a group of such experienced lawyers can put their names to it. Either they did not read the definition before writing to *the Guardian* about it, or they read it but decided to ignore what it actually says. Perhaps they hoped that the qualifier 'as such' would magically change the meaning of the word 'Jews' that precedes it. I'm not sure which of those three explanations would be the most damning.

The examples that mention both Jews and Israel include 'Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust'; 'Holding Jews collectively responsible for actions of the state of Israel'; 'Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis'; or 'Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.' Do the signatories of this letter really intend to claim that these examples suppress legitimate, non-antisemitic criticism of the State of Israel? If that is the case, let them try. They will struggle to persuade many people of their argument.

Immediately following their misrepresentation of the content of the definition comes their equally unsubstantiated claim of its impact. The Israel-focused examples in the definition, they write, 'have been widely used to suppress or avoid criticism of the state of Israel.' Widely used? You would be forgiven for treating the suggestion that criticism of Israel is widely suppressed, either in our universities or elsewhere, as a laughable fantasy. One example that is sometimes put forward by people who claim otherwise – and it appears to be the only one from a British university – is the cancellation of a meeting at the University of Central Lancashire in 2017 that was part of that year's Israel Apartheid Week. But one swallow does not make a summer, and anti-Israel events still take place at British universities on a regular basis, including but

not limited to Israel Apartheid Week, even during a pandemic, in the years since that single meeting was cancelled. So much for widespread suppression.

More likely is that they object to the examples stating that it ‘could’ be antisemitic to deny ‘the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour’; and ‘Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation’; and perhaps the one that says ‘Drawing comparisons of contemporary Israeli policy to that of the Nazis’ is antisemitic. The IHRA definition says that these examples ‘could’ be antisemitic; implying that sometimes they could not be. Perhaps the lawyers who wrote this letter believe that these examples of anti-Israel speech could never, in any circumstances or context, be evidence of antisemitism. Again, if that is what they believe, let them argue the point. But they should represent the definition fairly and accurately in doing so.

Much of the current anger in academia over the IHRA definition stems from the fact that the secretary of state for education in a Conservative government, Gavin Williamson, is trying to force universities to adopt it. There is a respectable argument to be made about the autonomy of universities in this respect; but those who write in opposition to Williamson’s efforts rarely limit themselves to that point of principle. Instead, this letter, like the [article](#) it cites by Professor David Feldman in the same newspaper last month, ranges much further than an objection to ministerial overreach and extends firmly into a hostile critique of the definition itself.

Meanwhile, antisemitic [incidents](#) at British universities are at record levels and Jewish students, as represented by their national Union and local Societies, are asking their institutions to take stronger action against it. The IHRA definition, understood and used correctly, can be a useful tool in this work: the European Commission’s [handbook](#) on practical uses of the definition recommends its use in universities ‘to identify and intervene against antisemitism’ and ‘to create safer places for Jewish students, as problems can be identified and better solved at an early stage’. This is what the adoption of the IHRA definition by universities would actually involve: a modest and sensible use of a practical guide to antisemitism that would help Jewish students to play a full part in campus life. Is that really something worth opposing in the letters page of *the Guardian*?

*Dave Rich is Deputy Director of Policy at the Community Security Trust.*



## IT WAS THE NEW *PHENOMENON* OF ISRAEL-FOCUSED ANTISEMITISM THAT REQUIRED THE NEW *DEFINITION* OF ANTISEMITISM.

DAVID HIRSH

*40 UK-based Israeli academics, broadly from the anti-Zionist left, have issued a 'call to reject' the IHRA Working Definition of Antisemitism. David Hirsh, author of Contemporary Left Antisemitism, reviews and rejects their arguments here. He points out that the phenomenon of contemporary antisemitism came before, and required, the definition: 'The IHRA highlights the possibility of antisemitism which is related to hostility to Israel because that is a significant part of the antisemitism to which actual Jewish people are subjected in the material world, as it exists'. Calls to reject the definition, he argues, are 'not concerned with the constructive work of describing and opposing antisemitism,' but only with 'the purely negative work of rejecting efforts to do so'. Too often that negative work gives succor to some of the core ideas of contemporary antisemitism.*

### **'ASANISRAELI': THE 40 INVERT IDENTITY POLITICS AND ADOPT THE LIVINGSTONE FORMULATION**

The 40 writers of the 'call to reject' the IHRA definition of antisemitism parade and mobilise their Israeli identities in an effort to give their position greater moral weight. Their message is aimed at licensing and encouraging their non-Jewish and non-Israeli colleagues to support a controversial position on antisemitism which the overwhelming majority of Jews and Israelis oppose.

They write not only 'asajew' but also as *Israelis*. And not only as Jews and Israelis, but as *antiracist* Jews and Israelis, as though this is a special and rare subcategory. The truth is that the 'call to reject' position on antisemitism is opposed by the overwhelming majority of antiracist Jews and Israelis. And most Jews and Israelis, just like anybody else, are against racism. And the 'call to reject' position is opposed by Jews who are against racism *because* they're against racism, not in spite of it. To campaign specifically against the racism that targets you yourself is not disgraceful and nor does it signify a softness on racism that targets other people.

Generally, with identity politics, people say that their 'lived experience' as members of a targeted group gives them some special insight, partially hidden from those outside, to the nature of the racism that they suffer.

Nancy Hartsock argued that a standpoint ‘carries with it the contention that there are some perspectives on society from which, however well-intentioned one may be, the real relations of humans with each other and with the natural world are not visible.’<sup>[1]</sup>

But the ‘call to reject’ inverts identity politics. Its claim is that membership of the targeted group gives them not a privileged view, based on experience, of the racism that Jews suffer, but rather... special inside knowledge of the self-serving and dishonest claims made by the majority of Jews! They write as though their standpoint requires them to bear witness against the majority of Jews and Jewish institutions and to warn non-Jews about Jewish cunning, dishonesty and selfishness.

Most Jews on campus say that they experience antisemitism and they would like it if their fellow scholars and students were better at recognising and opposing it.<sup>[2]</sup> But the ‘call to reject’ by the 40 is keen to inform colleagues that the claims of mainstream Jews that they experience antisemitism are fake and that their IHRA definition is cooked up by Zionists, racists and Tories in a bad faith effort to silence criticism of Israel and to smear the left.

In the 1999 report of the public inquiry into institutional racism in the Metropolitan Police, Britain formally accepted the principle that if somebody says they have experienced racism then the initial assumption should be that they are telling the truth. This *Macpherson Principle* is related to the principle that if a woman says she has been the victim of sexual violence or rape, then authorities and institutions should conduct their investigation on the same initial assumption, that the complaint is made in good faith.

By contrast, the *Livingstone Formulation*,<sup>[3]</sup> named in 2006 after the then Mayor of London Ken Livingstone, is the standard articulation of the opposite assumption. The *Livingstone Formulation* says that that when people raise the issue of antisemitism, they are probably doing so in bad faith in a dishonest effort to silence legitimate criticism of Israel. It warns us to be suspicious of Jewish claims to have experienced antisemitism. It warns us to begin with the sceptical assumption that such claims are often sneaky tricks to gain the upper hand for Israel in debates with supporters of the Palestinians. And this is the substantial position of the ‘call to reject’ the IHRA definition of antisemitism.

The *Livingstone Formulation* does not allege that Jews often misjudge what has happened to them, it alleges that they lie about what has happened to them. It is not an allegation of error, or over-zealousness, perhaps explicable by reference to the antisemitism of the past. It is an allegation of conspiracy. The 40 do not say that (other) Jews and (mainstream) Jewish institutions campaign for IHRA out of a genuine if misplaced fear of antisemitism, it says that they do so with an ulterior motive of re-describing criticism of Israel as antisemitism in order to make it appear illegitimate. This is not an allegation made against this or that Jewish person,



but against the overwhelming majority of Jews and their institutions.

A recent letter in the *Guardian*, signed by 95 leading Jewish student activists, states that they campaign for the adoption of the IHRA definition because they ‘seek to protect Jewish students and not the government of the State of Israel’. It went on:

The abuse we face is often cloaked in political discourse. When Jewish students who protested against Jeremy Corbyn’s visit to the University of Bristol described being called a ‘filthy zio’ and ‘a puppet of the Zionist lobby’, and being ‘repeatedly asked who was paying [them] to be there’, and told that they ‘should go back to where [they] belong’, they were not encountering criticism of the State of Israel; rather, they were experiencing naked antisemitism.<sup>[4]</sup>

Recently the old notion that Jews are rich and so side with the oppressors has re-emerged into the mainstream with the accusation that Jews pretend to have experienced antisemitism on the left, not only to silence Palestinians, but also to protect ‘capitalism’ itself.

The recent Equalities and Human Rights Commission (EHRC) report on antisemitism in the Labour Party<sup>[5]</sup> under Jeremy Corbyn’s leadership felt the need to re-state the Macpherson principle specifically in relation to antisemitism. The report says that to assume that allegations of antisemitism are made in bad faith for ulterior motives may itself be antisemitic:

Labour Party agents denied antisemitism in the Party and made comments dismissing complaints as ‘smears’ and ‘fake’. This conduct may target Jewish members as deliberately making up antisemitism complaints to undermine the Labour Party and ignores legitimate and genuine complaints of antisemitism in the Party.<sup>[6]</sup>

When this was done by officers of the Labour Party, says the report, it constituted ‘unlawful harassment’ under the Equality Act (2010). The EHRC Principle is that the practice of dismissing complaints of antisemitism as ‘smears’ and ‘fake’ may itself be antisemitic. The wording is important here because it still requires judgment of the specifics of the case. Of course it is possible for an accusation to be made that is in fact fake, or a smear, just as it is possible for a woman to invent a story of rape. But to dismiss such accusations without proper investigation, without empathetic consideration and without taking them seriously may well be antisemitic – or sexist.

The EHRC saw a need to make this principle explicit because, during its investigation, it often saw accusations of antisemitism being dismissed as ‘fake’ or ‘smears’ in ways which were antisemitic. In the Labour Party at that time, such dismissals of Jewish experience as fake and smears were among the key ways in which Jews were subjected to antisemitism. The fact that this targeting of Jews allowed exceptional clemency from antisemitism for the tiny minority

of Jews who explicitly disavowed allegations of Labour antisemitism does not make much difference. Mainstream Jews who said they had experienced antisemitism were dismissed as fakers and liars. The dismissal functioned as cover for the practice of refusing to look into the detail of what was alleged. Jews were treated not as individuals but only as instances of ‘the Zionists’. They were treated as though they were agents of Israel, the Board of Deputies, the Jewish Labour Movement, the Community Security Trust, the Chief Rabbi, and the Tory Party. To push the assumption that Labour Jews are really Tories, only pretending to be loyal to Labour, is to create a hostile environment for Jews. Something similar still happens routinely on our campuses.

### **IGNORING ACTUALLY EXISTING ANTISEMITISM: THE PHENOMENON IS REAL, THAT’S WHY THE DEFINITION IS NEEDED**

It is important to understand that the EHRC emphasised the accusation of bad faith in its report because its investigation found that the accusation of bad faith was a significant antisemitic phenomenon in the real world.

This method reflects my own understanding of what is at the heart of social science as an empirical and materialist discipline. The best social science begins by looking at the world, and only from that basis is it able to develop theories to help make sense of the world. To be sure, the process goes both ways: empirical observation informs concepts and concepts then help us to understand the world that we’re looking at.<sup>[7]</sup>

The IHRA definition is similar in this respect. It highlights the possibility of antisemitism which is related to hostility to Israel not because somebody thought it was a good idea in the abstract, but because that is a significant part of the antisemitism to which actual Jewish people are subjected in the material world, as it exists. The IHRA definition was written following the experience of antisemitism at the World Conference against Racism at Durban in 2001, where there was a largely successful campaign to designate ‘Zionism’ as the key racism on the planet after the defeat of apartheid.<sup>[8]</sup>

This kind of political antisemitism, which targeted Jews as Zionists and Zionism as racism, was gaining ground on campuses too in the first years of the century. It was also related to what three of the key drafters of the definition describe as a ‘resurgence in antisemitic incidents in Europe including violent attacks on Jewish targets. Most occurred in Western Europe, and many were identified as coming from parts of local Arab and Muslim communities.’<sup>[9]</sup> Of course the definition also kept an eye on the persistence of right wing fascistic antisemitism, especially in Eastern Europe at that time. Today’s populism, with its potentially antisemitic targeting of a metropolitan, educated, liberal, cosmopolitan elite, cast in opposition to a ‘white working class’, was not yet foreseen.

Any definition does not come first out of thought but out of an understanding of, and an effort to describe, *a thing which exists*.

The ‘call to reject’ describes things which it does not think constitute antisemitism but it is not interested in describing the *actual experience* of antisemitism on the left and on campus. It describes what it considers to be legitimate ‘criticism of Israel’ but it does not describe the lived experience of *actual* antisemitism. If it did, it would have to think carefully about how to help people distinguish one from the other, but then it would have stepped back into the realm of rational politics from the world of conspiracy fantasy. The ‘call to reject’ is not concerned with the constructive work of describing and opposing antisemitism, it is concerned with the purely negative work of rejecting efforts to do so.

It should be obvious, although it is not obvious to the signatories of the ‘call to reject’, that the *Macpherson Principle*, the Equality Act, the EHRC report and also the IHRA definition are resources for fighting antisemitism which mutually reinforce one another. They are each the products of distinct layers of experience and understanding. They also reflect the continuity, as well as the particularity, of antisemitism in relation to other forms of racism, bigotry and other structures of exclusion. The anger with which some people who consider themselves to be antiracist show against Jews who say they are victims of racism is significant. As are the ways in which these antiracists tend to forget the principles and understandings which are usually second nature when they think about other racisms and unjust structures of power.

Some critics say that it is an error for Jews to include rhetoric which is related to Israel in a definition of antisemitism. But the fault does not lie with the drafters of the definition, the fault lies with the actual phenomenon of antisemitism which the drafters are trying to encapsulate and describe. Antisemites come for Jews, accusing them of being agents of Israel and Zionism. This kind of antisemitism defines ‘Zionism’ as racism, apartheid, imperialism and Nazism. In this context, the plurality of the ways in which Jews define their own identities and how they define their own relationships to Zionism and Israel are not relevant. What matters is the identity which is thrust upon them, in a hostile way from outside and without their consent, by antisemitism. Racism constructs race. Anti-Zionism constructs this kind of antisemitism.

## **MISREPRESENTATIONS: THE 40 MISLEAD US ABOUT THE AMBITIONS OF THE IHRA DEFINITION**

The key thrust against IHRA in the ‘call to reject’ is the attempt to dismiss Jewish complaints of antisemitism as fake smears intended to chill freedom of criticism. The key claim in the ‘call to reject’ is the very thing that the EHRC report says is itself a significant manifestation of contemporary left antisemitism.

In truth the IHRA working definition is not a piece of magic which can tell you what is antisemitic and what isn't. It is a much less ambitious document than that. It does not legislate anything as antisemitic. What it does do is draw attention to the kinds of things that we know, from experience, are sometimes antisemitic. It says that if you see these kinds of things, then you should make a judgment about whether your specific case is antisemitic or not. It sets alarm bells ringing over certain kinds of discourse. The alarm bells tell you where to look, they do not make final or fixed judgments.

The 'call to reject' says that the definition 'constitutes an attack both on the Palestinian right to self-determination and the struggle to democratise Israel.' It is utterly obtuse to read the IHRA definition as designating support for either of these, the right or the struggle, as being antisemitic.

Given that the definition explicitly advocates suspicion of those who would *deny* the Jewish people the right to self-determination, is it even thinkable that IHRA would advocate equal suspicion of those who *refuse to deny* the Palestinian people the right to self-determination? The definition is an attempt, in good faith, to help people and institutions to learn how to recognise antisemitism. The 'call to reject' reading of the definition sees it only as a bad faith and dishonest attempt to enshrine double standards in favour of Israel; double standards being something else which IHRA explicitly highlights as being suspicious.

When Jews talk about antisemitism, anti-Zionists invariably try to re-describe what they say they have experienced as being *really* to do with Israel and Palestine. Imagine if somebody accused the Jews of being capitalist exploiters, and Jewish people responded by saying that this is a classically antisemitic attack. 'Ha!' replies the antisemites. 'Every time I criticise capitalist exploiters, somebody accuses me of antisemitism!' No, we do not accept the antisemitic attempt to re-describe opposition to antisemitism as one side of a discussion about the rights and wrongs of capitalist exploitation.

The truth of course is that supporting Palestinian self-determination has nothing to do with antisemitism. Unless you think that it is conditional on denying Israeli self-determination; unless you think it requires you to support the antisemitism of Hamas and Hezbollah; unless you think it requires you to set up a hostile environment for Jews around the world under the assumption that they might be racist, imperialist, pro-apartheid or Nazis.

And the second claim, that the IHRA definition designates campaigns to make Israel more democratic as antisemitic, is even more deliberately obtuse than the first. Supporting Israeli democracy is nothing to do with antisemitism; unless you think that any possible Israel is necessarily undemocratic.

The IHRA working definition of antisemitism says: ‘...criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic’. The definition of antisemitism specifically protects criticism of Israel, and if the writers of the ‘call to reject’ were worried that their criticisms of Israel could be treated as antisemitic, they would campaign for the definition, for that very reason. If there really was some vicious and all-powerful Israel Lobby running around trying to silence criticism of Israel, and getting Tories to do its dirty work, the IHRA definition would be an important protection against those ends.

## MISQUOTATIONS

Here is the key passage from the ‘call to reject’.

To illustrate, one example of antisemitism is ‘[to claim] that the existence of a State of Israel is a racist endeavour.’ Another antisemitic act, according to the document, is ‘requiring of [Israel] ... a behaviour not expected or demanded of any other democratic nation.’ Surely, it should be legitimate, not least in a university setting, to debate whether Israel, as a self-proclaimed Jewish State, is ‘a racist endeavour,’ or a ‘democratic nation.’

This is misleading.

First, note how the IHRA *actually* introduces all its examples of antisemitism: ‘Contemporary examples of antisemitism... could, taking into account the overall context, include...’. Note those two key words: ‘could’ and ‘context’.

The definition, then, does not simply designate any of the examples as *definitely* antisemitic. Rather, it offers examples which *could*, taking into account the overall context, be antisemitic. It says that if you see things like this, then make a judgment. Think about context; who has said it, what they’ve said, how they’ve said it, to whom they’ve said it, what was the intention, how could it have been understood, etc. Make a judgment, for these are the kinds of things that are, in some contexts, by experience, be antisemitic.

Second, consider how the 40 misquote the IHRA definition to advance their case. The ‘call to reject’ letter of the 40 presents the IHRA definition thus:

‘one example of antisemitism is ‘[to claim] that the existence of a State of Israel is a racist endeavour.’

Here is the actual wording of the IHRA Definition:

*Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.*

The 40 have cut the all-important context to the ‘racist endeavour’ clause, which is the clause

about ‘denying the Jewish people the right to self-determination’. Once we add that clause back in, it is clear that the IHRA definition is inviting us to consider, as a possible example of antisemitism, after taking context into account, the claim that *any* possible state of Israel would *necessarily* be a racist endeavour. And that would be an extraordinary claim to make. It would be criticism, not of Israeli policy but of Jewish peoplehood *per se*, quite unlike that leveled against any other people, and it could, for sure, in certain contexts, be antisemitic.

Note: people doing research on Israel, on the life raft for the undead of Europe, or on the ethnic cleansing of Jews from new states across the Middle East which defined themselves as ‘Arab’, on the *Nakba*, on 1948, on 1967, on civic and ethnic nationalism, on post-colonialism, on the history of the Israel/Palestine conflict would simply *not be affected* by this example.

Another example of how the 40 mangle the presentation of the IHRA definition to their advantage concerns ‘double standards’.

The 40 present the IHRA Definition as saying that the following is antisemitic:

‘requiring of [Israel] ... a behaviour not expected or demanded of any other democratic nation.’

And here is what the IHRA actually proposes is (possibly, given the context) an example of antisemitism:

Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.

The 40 have cut the reference to ‘double standards’. This matters because double standards lie at the very heart of any racism or antisemitism. Racism and antisemitism is, precisely, the practice of requiring behaviour of one group that is not required of others, of relating to the target group differently and applying different criteria and assumptions to them.

## **STUNNING NAIVETY: THE 40 SHOW NO SELF-AWARENESS OF THE HISTORIES OF LEFT WING AND SCHOLARLY ANTISEMITISM**

The clause ‘surely, it should be legitimate, not least in a university setting...’ is revealing. There is a stunning naivety here about what is going on around these people on campuses and about the history of their own political and scholarly traditions.

Hundreds of examples and reams of analysis of left antisemitism have been flying around the public domain in Britain for years now. They have been accepted by the Labour Party as true; they have been condemned and detailed by the EHRC, they have been described in newspapers, books,<sup>[10]</sup> journals, scholarly papers, reports, documentaries, social media,

the Jewish press and the institutions of the Jewish community. The academic unions tore themselves apart over the campaign to boycott Israeli colleagues and the antisemitism which came with that campaign. Antisemitism on campus has been opposed by the Union of Jewish Students and the Community Security Trust, by academics and by students, by Government and by the universities themselves, many of which have adopted the IHRA definition because they think it helps, given their own specific experience. The Israeli scholars of the 'call to reject' have apparently not seen any of this. They have not written about it. They think it is all a conspiracy to silence them and to smear the left.

## ALL LIVES MATTERING THE JEWS

Perhaps the most eccentric claim in the 'call to reject' is the criticism that the IHRA definition 'singles out the persecution of the Jews'.

Well, if there is persecution of Jews, why not single it out? Is persecution of the Jews not something extraordinary and especially concerning? Why not describe it, hunt it down, expose it, oppose it, criticise it and educate about it?

Having spent pages describing how this talk about antisemitism is all got up as a Jewish and Tory conspiracy to prohibit criticism of Israel, towards the end we get a new claim: the problem is that their persecution is being 'singled out'.

Obviously, it is antisemitism, not opposition to antisemitism, which *singles out* Jews for special hostility and persecution. Antisemites are obsessed by Jews. They invariably think that they are the victims of the powerful and cunning Jews, they think Jews try to de-legitimise legitimate criticism of Jews by falsely designating it antisemitism.

To be generous to the authors of the 'call to reject', I suspect what they mean to say is that IHRA privileges opposition to antisemitism over opposition to other racisms. Why can't other victims of racism have their own special definitions too, and their own special examples? Antisemitism always asks why the Jews insist on being recognised as the Chosen People.

It is often said that Jews are 'white', are not excluded economically, are privileged, and so are not oppressed. Racism is a systemic and global structure of power, Jews are powerful, and so cannot be regarded as potential victims of racism. Through this lens is seen a *singling out* of Jewish persecution, a *privileging* of Jewish persecution, and that vision comes so very close to the charge that Jewish persecution is being *invented* for ulterior motives. In this discourse, antisemitism may not be invented, but it is no longer a real *racism*. So the worry is not that the IHRA definition privileges antisemitism over other racisms but that IHRA privileges antisemitism over racism.

However you interpret this claim of the 40, it is fundamentally an ‘all lives matter’ response to a ‘Jewish lives matter’ campaign.

And what is the problem with ‘all lives matter’? Simply put, it is a way of inverting, and subverting, a campaign against racism. It portrays ‘Black Lives Matter’ as a special pleading for black people to have more rights than white people, when really it is a campaign to address and reverse an existing injustice. The fact that ‘Black Lives Matter’ needs to be said is itself the indictment: it means that too often, black lives are treated as though they don’t really matter as much as white lives do. It is a mobilising slogan to address that situation.

The IHRA definition of antisemitism aims to educate people about the specific ways antisemitism comes at Jewish people today. Jewish communities ask institutions to adopt it as an act of good faith. Adopting IHRA shows that an institution is prepared to listen and to learn about how contemporary antisemitism works. If there is trouble down the line, if there are cases of antisemitism, if there are complaints, then it is there, as a framework which might help.

IHRA is not a special privileging of Jews, or of a concern with antisemitism, it is a way of taking it seriously. To say that antisemitism matters is not to say that other issues don’t matter.

## **GOVERNMENT PRESSURE AND UNIVERSITY AUTONOMY**

Finally I would like to address that point about Government pressure. Universities should be autonomous institutions, managed and run as communities of scholars. They are not institutions of the state, managed and run by Governments.

I have argued here that the IHRA definition should be adopted by universities and other institutions because it helps. It is useful. The Government thinks so too.

Universities are and should be autonomous, but they are not islands which exist outside of the law and outside of the culture. They are organically linked to both the world of politics and to the worlds of civil society at every level. Ideas and movements which impact on society in general often incubate and circulate in universities – for good and also sometimes for bad.

Universities are subject to the Equality Act and to the overseeing role of the EHRC, as they are required to obey tax law, health and safety law, and every other kind of law.

The force of the ‘call to reject’ case against Government intervention here is that it does not really consider the fight against antisemitism to be carried out in good faith. The authors of ‘call to reject’ do not object to other kinds of antiracist policy being supported by Governments, only this one. So really, we are back to the central case against IHRA, which is that it is part of a Zionist and Tory conspiracy to hurt the left and to support Israel.



As we have seen, the only way that this position is sustainable is to ignore what IHRA really says. The tentative and meek set of guidelines, originally proposed by Jewish institutions and then adopted by many states and non state actors, has to be portrayed as something hugely threatening and powerful.

Behind the ‘call to reject’ is an assumption that something very powerful is at work here. The text may be meek and inoffensive text, the safeguards and caveats may be present, the ‘could’ and the ‘context’, but it is framed by the 40 as threatening because of the way in which ‘it will be used’. The safeguards and caveats, they think, only go to demonstrate the cleverness of the plot.

The real question we should be asking ourselves is how is it that we find ourselves in the situation where opposing antisemitism is a Tory issue, and resisting attempts to oppose antisemitism is portrayed as a scholarly and left wing point of principle. Why, when it comes to antisemitism, are the Tories so easily in a position to lecture us on opposing this kind of racism? It’s a question of where we went wrong, not where they went wrong.

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[9] This is from an open letter written by three of the people who were centrally involved in drafting the definition. The ‘call to reject’ is not accurate when it refers to Ken Stern, who is now a critic of some of the ways in which he says the definition has been used, as ‘the lead drafter’ of the definition. See Baker, Berger and Whine in this eBook, pp 8-11.

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## IN DEFENCE OF THE IHRA DEFINITION

BERNARD HARRISON & LESLEY KLAFF

*In this essay Bernard Harrison and Lesley Klaff respond to two common criticisms of the International Holocaust Remembrance Alliance (IHRA) Definition of Antisemitism: that it is useless as a legal tool and illegitimately restricts freedom of speech. By drawing out the critical distinction between antisemitism as an emotional disposition – ‘hatred of Jews as Jews’ – and antisemitism as a delusive pseudo-explanatory political theory based on fear, a form of defamation ‘designed to explain why national or world politics are failing to move in ways congenial to the antisemite and his friends’, the authors successfully show that that which the Definition characterises as antisemitic is indeed so, and that ample means already exist in British statute law for giving legal effect to the clarifications it offers, not least the Public Order Act 1986 and The Equality Act 2010. They show that the mistake made by critics of the Definition is to think that a subjective, intentional ‘hostility towards Jews as Jews’ is all that the term antisemitism can mean, an impoverished and ahistorical reduction of the phenomena of antisemitism that the Definition precisely, and to its credit, avoids.*

The ‘[IHRA Definition of Antisemitism](#)’ is frequently cited in current political debate as the key to recognising and combating antisemitism.<sup>[1]</sup> But it has also been widely criticised, on two main grounds: the first, that it is useless as a legal tool; the second, that it illegitimately restricts freedom of speech.

The second of these criticisms is the fundamental one, on which the case for the first depends. It is that the Definition illegitimately conflates antisemitism and political criticism of Israel. Critics who pursue this line argue that antisemitism is best defined – in the phrase of Sir Stephen Sedley, writing recently in the *London Review of Books*<sup>[2]</sup> – as ‘hostility towards Jews as Jews’.

If that is what antisemitism is – and *all* it is – then it would appear to follow that no criticism of Israel, however ‘hostile’ or ‘extreme’, can be *antisemitic*. For criticism of Israel, even ‘hostility’ towards Israel, is criticism directed not towards ‘Jews as Jews’ but towards a *political entity: a state*. The IHRA Definition, however, expressly characterises certain criticisms of Israel (describing it as a Nazi state, or denying the right of the Jewish people to political self-determination, for instance), as antisemitic. Hence, so the argument goes, the IHRA Definition represents (perhaps not in intention but in effect) an attempt to restrict political debate by stigmatising certain political views as racist, when the views in question can in logic be nothing of the kind.

The first line of criticism that we mentioned above follows very simply from the success – if it succeeds – of the second one. The IHRA Definition consists of two main parts: first, a preamble, which offers a general characterisation of antisemitism, and second, a series of eleven putative ‘examples’, or instances, of antisemitic speech or conduct. The brief characterisation of antisemitism offered in the preamble reads in part, ‘*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.*’ Legal critics<sup>[3]</sup> have argued that this characterisation must necessarily *constrain the legal interpretation* of the ‘examples’ which occupy the bulk of the remaining text of the Definition. The wording of the preamble in their view must entail the legal consequence that nothing can be considered antisemitic unless it can be shown to manifest ‘hatred towards Jews as Jews’. Thus, claiming that Israel is a Nazi state, or that Jews are more loyal to Israel than to their countries of citizenship, could be shown to be antisemitic, by the terms of the IHRA Definition, only if it such claims could be shown to arise from *hatred towards Jews in general* on the part of those making them.

If this criticism stands, what it shows is that, legally speaking, the utility of the IHRA Definition is vitiated by a requirement to prove *intent* (in this case, intent to express hatred of Jews in general). Such requirements are in practice very difficult to meet and, indeed, make it difficult to devise legal restraints, not merely upon antisemitic speech and action, but upon racist speech and action of any kind. It was for this very reason that the MacPherson Report 1999, which reported on the racist killing of teenager Stephen Lawrence in 1993, emphasised ‘outcomes’ rather than ‘intention’.

These arguments no doubt seem powerful enough at first sight. But they depend for their validity on a single premise: that antisemitism is ‘hostility towards Jews as Jews’ – and *is never anything else but that*.

That premise is highly contestable. In effect it identifies antisemitism as a *mental state*: an emotional disposition to feel hostility towards any Jew merely because he or she is a Jew. Certainly that is one of the things covered by the term ‘antisemitism’. But is it the only thing covered by that term? We also use the word, surely, to describe something altogether different in nature – not a mental disposition at all, in fact but, rather, a cultural artefact: *a body of pseudo-explanatory political theory*. Antisemitism as a political theory is designed to explain why national or world politics are failing to move in ways congenial to the antisemite and his friends. That failure (whatever form it may take, in the minds of this or that group of antisemites) is, according to the theory, the fault of the Jews, a people united in the pursuit of evil, who secretly control the world, and whose vast powers of conspiratorial organisation have allowed them to take control of institutions – the banks, Hollywood, International Finance, the State Department, the US Presidency, &c. – which, though they may appear to be reassuringly Gentile to the core, are in reality entirely Jewish concerns, secretly managed from behind the scenes, entirely for the benefit of the Chosen People.

Whereas antisemitism as an *emotional disposition* is rooted in contempt, antisemitism as a *political doctrine* is rooted in fear, not to say panic. It is this kind of antisemitism that led, in the hands of the Nazis, to the mass extermination of the bulk of European Jewry between 1933 and 1945. One does not commit vast resources of manpower and militarily valuable material to the murder of extraordinary numbers of civilians – many of them one's own fellow-citizens and the vast majority of them of no political significance whatsoever – because one happens to *despise* them. One does it because one *fears* them; regards them as constituting a serious, collectively motivated enemy force, albeit one working in secret, and disposing, through its quasi-demonic powers, of modes of operation beyond the power of the simple Gentile mind to unravel.

That all of this is nonsense is evident merely from its content. Jews – of all people – are certainly not up to running the World Conspiracy attributed to them by the night terrors of the political antisemite. But nobody could be 'up to' such a thing. 'The world' is simply too big, too complex, too diverse, to be 'run from behind the scenes' by anyone. The world we live in is no doubt, at all times and in many ways, a mess. But there is nothing 'behind' that mess; and if you want to know who is 'responsible' for it, go look in the mirror.

Nonsense as it is, however, political antisemitism has demonstrated its profound attractions for minds attuned to conspiracy theory by repeatedly reinventing itself as a strand in European politics over the past two millennia. In this process it has shown itself as attractive to minds of that type on the left of politics as to their homologues on the right. Most recently it has resurfaced, in connection with Israel, as a way of 'making sense' of the strained relationship between the West and the Islamic world. From the standpoint of many minds on the left and centre-left of Western politics, these strains are entirely the fault of the Jews, and originate in the foundation of the State of Israel. It is commonplace for people who would like to believe that without the presence of Israel in the region all would be sweetness and light between the Islamic world and the West, to commit themselves to the view that Israel is in some sense an 'illegitimate state', which should never have been allowed to come into existence in the first place. Once on the table, such a claim requires reasons to back it up. The easiest and most obvious way of backing up the contention that Israel – alone among the nation-states of the world – *has no right to exist as a state* is to claim that its conduct as a state *outdoes in evil* that of any other state in the world. Given the remarkable levels of evildoing achieved by a wide range of twentieth and twenty-first century regimes, from the Third Reich in Germany to the Pol Pot regime in Cambodia, or more recently the Assad regime in Syria, a detailed case for putting Israel, of all countries, at the head of the list would be difficult to assemble. Rather than making out a detailed case, therefore, those anxious to brand Israel as a 'pariah state' tend to choose the easier option of attempting to associate it as widely as possible, in suitably receptive minds, with things already widely considered to represent the nadir of evil. Such things include Nazism, the Apartheid regime in South Africa, racism, colonialism and war. Hence the frequently-heard

claims that Israel is a 'Nazi State,' a 'racist state,' an 'Apartheid state,' or a 'colonial-settler state,' or that it is 'the main threat to peace' in the region, or possibly in the world.

These more specific claims, however, cut no nearer the truth than the more general claim they attempt to substantiate, that Israel is an illegitimate state. Considered as a candidate for any of these descriptions, Israel falls at the first hurdle. Israel is not a 'Nazi state,' because its government (unlike that of the late Saddam Hussein in Iraq, for instance, or for that matter that of Bashar al-Assad in Syria) is not in the hands of a single political party obedient to an inspired leader and committed to enforcing policies in broad alignment with those of the former *Nationalsozialistische Deutsche Arbeiterpartei*. It is not an 'Apartheid state' because it altogether lacks the legal and social apparatus of racial separation that characterised the Apartheid regime in South Africa. It is not a 'racist state' because its Jewish population embraces Jews of all racial origins and colours, and for that matter because its citizens are only about 70 per cent Jewish, the remainder being Arab, including Muslim and Christian, Druze, Circassian and others. There are Arab Israeli Members of the Knesset and Arab Ministers of Government, as well as Arab Israeli Supreme Court Justices. Many Druze, some Christian Arabs and a few Muslims choose to serve in the IDF. It is not a 'colonial-settler state' because it did not come into being as a result of any European project of colonialism, but as the result of the Jewish population of Palestine establishing its right to political autonomy in the face of an attempt, from which the European powers stood aloof, to exterminate it or drive it from the land by military force. It has manifestly proved in practice a far lesser threat to peace, even in the region, than great-power rivalries between Iran, Turkey and Saudi Arabia, or for that matter, than the so-called Arab Spring.

These accusations, in short, make no contribution to serious political debate. Rather, they are sonorous but empty phrases, good only for hurling during demonstrations or the rowdier kind of meeting. Moreover, they clearly reanimate central elements of the type of antisemitism that takes the form of a pseudo-explanatory political theory; notably the thesis that the collective goals of the Jewish community are both profoundly evil and profoundly inimical to non-Jewish interests.

The factual baselessness of the above claims, that Israel is a 'Nazi state', a 'racist state', and so on, evidently vitiates their claim to articulate 'political criticism' of Israel deserving the protection of the law guaranteeing political freedom of speech. In the absence of serious factual grounding, 'anti-Zionist' slogan-mongering of this type lapses from the category of political discourse into that of politically motivated defamation. It is defamatory in the strict legal sense of falsehoods calculated to undermine the reputation of the victim and to expose him or her to hatred and contempt: the 'victim' in this case being any Jew (or for that matter non-Jew) supportive of Israel who finds herself or himself publicly labelled, with consequences ranging from reputational damage to risk of personal assault, as a putative supporter of Nazism, racism, colonialism, Apartheid and war.

If we now examine the claims concerning Israel characterised as antisemitic by the IHRA Definition, we find that they correspond very closely to those we have just identified as defamatory. The list of things identified as *prima facie* antisemitic by the Definition via its ‘examples’ is in fact a very short one: denying the right of the Jewish people to exercise political autonomy; describing Israel as an essentially racist or Nazi state; asserting the existence of a Jewish Conspiracy; asserting support for Israel on the part of non-Israeli Jews to argue disloyalty to their actual nations of citizenship; and the singling out of Israel for condemnation in respect of conduct passed over or condoned in other nations. These are all contemporary versions of claims regarding Jews central to *political* antisemitism of the type disseminated by the Nazis: antisemitism manifesting itself in the form of a delusive pseudo-explanatory political theory.

That would seem to set the second ground of criticism of the Definition in a rather less flattering light. It would appear that the ‘examples’ section of the Definition in no way restricts critical political debate concerning Israel; it merely restricts, by characterising them correctly as antisemitic, certain lines of mendacious defamation, primarily of Israel, and secondarily of its supporters, Jewish and non-Jewish.

In the light of that conclusion, what are we to say about criticism one, that the IHRA Definition is useless as a legal tool? The main ground of this objection, according to the two recent opinions by British QCs cited earlier, is that given the supposed constraint over the legal interpretation of the eleven ‘examples’ exercised by the sentence of the preamble earlier noted that ‘*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews*’, acts stigmatised as antisemitic in the examples could be so regarded in law *only if they could in addition be shown to express hatred of Jews in general*. It is true that the Definition in its present form does not distinguish explicitly between antisemitism as an emotional disposition and antisemitism as a delusive pseudo-explanatory theory. But at certain points it certainly presumes the validity of that distinction. In the passage of further elucidation immediately following the preamble, for example, we find the following: ‘Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for ‘why things go wrong’’. This is a sentence that efficiently captures in outline the main contentions of antisemitism in its mode as a body of delusive political theory.

In any case, once the (fairly evident) distinction between the two types of antisemitism is above the table, it seems clear, for the reasons offered above, that what is morally and legally objectionable about the claims regarding Israel characterised as antisemitic in the ‘examples’ section of the Definition, is not that they offer instances of ‘hatred of Jews as Jews,’ but rather that they offer instances of *defamation*. This changes the legal landscape in two important respects. Firstly, in proving a charge of defamation there is no need to prove intent. A defamatory statement regarding X, whether X is an individual or a collectivity, may be published without any intention of harming X, but is not rendered any the less defamatory by that fact. By

the same token the publication of an antisemitic and defamatory false statement by someone innocent of ‘hatred of Jews as Jews’ does not cease to be antisemitic in virtue of *that* fact. The antisemitism here resides not in the *intention* but in the *content* of the act. And finally, returning briefly to the ground of criticism two, there is no freedom of expression defense to a charge of defamation.

The second change to the legal landscape introduced by placing defamation, rather than simply the expression of hatred, at the heart of antisemitic discourse, is that abundant resources *already* exist in British law for prosecuting the circulation of statements likely to attract hatred towards, or provoke actual assaults against, minority groups. Part III of the Public Order Act 1986, for instance, criminalises acts involving ‘words,’ ‘behaviour,’ or ‘material’ of a ‘threatening, abusive or insulting character,’ that are merely *likely*, given all the circumstances, to stir up racial hatred. No freedom of expression defense is available in such cases.

The Equality Act of 2010 similarly proscribes antisemitic acts of the sort stigmatised as such by the IHRA Definition, in virtue of its recognition that the word ‘Jewish’ refers to ‘a race,’ ‘a religion,’ or ‘belief.’ The Act protects Jews and others from ‘hostile environmental harassment.’ Section 26 defines ‘harassment’ in a way that does not require ‘intent’. It provides that ‘a person A harasses another B if (a) he engages in unwanted conduct relative to a protected characteristic, and (b) the conduct has the purpose or *effect* [our italics] of (i) violating B’s dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.’ Where such harassment is found to occur, there is no freedom of expression defense.

Online antisemitism, which the recent political storm over Brexit culminating in the General Election has revealed to be both menacing and endemic, may be actionable under both the Malicious Communications Act 1988 and the Communications Act 2003. The former makes it an offense to send indecent, grossly offensive, threatening or *false* [our italics] electronic communications, if the purpose (or one of the purposes) of the sender is to cause the recipient distress or anxiety. The latter criminalises use of a public electronic communications network to send a message (or other matter) that is grossly offensive or of an indecent, obscene or menacing character; or to send a false message ‘for the purpose of causing annoyance, inconvenience or needless anxiety to another.’ Again, where such an offense takes place, there is no freedom of expression defense.

It seems, then, that criticism one treads on ice as thin and as infirm as that trodden by criticism two. The IHRA Definition was not designed as a legal instrument, and in no jurisdiction has it been adopted in that role. It remains what it was designed to be: a means of clarifying, for the benefit of governments and administrators at all levels, what kinds of activity are to be considered antisemitic and why. It is possible – but that is a longer story – that some kinds of antisemitism are not caught by the Definition. But there seems little doubt, for the reasons offered above, that what it does characterise as antisemitic is indeed so. And there seems little



doubt, either, that ample means already exist in British statute law for giving legal effect to the clarifications it offers.

## REFERENCES

- [1] This paper offers a brief summary of the argument of a much longer and more detailed essay, 'The IHRA Definition and its Critics,' presented to the March 23–27, 2019 conference of the University of Indiana Institute for the *Study of Contemporary Antisemitism, Contending with Antisemitism in a Rapidly Changing Political Climate*, and scheduled to appear in a volume of conference proceedings under that title from Indiana University Press, to be published in 2021. The authors are, respectively, a non-Jewish philosopher and a Jewish academic lawyer.
- [2] Sir Stephen Sedley, 'Defining Anti-Semitism,' *London Review of Books*, 37 (2017): 9,8.
- [3] 'In the Matter of the Adoption and Potential Application of the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism': Opinion by Hugh Tomlinson QC. Available in full at [feespeechonisrael.org/ihra-opinion](https://www.feespeechonisrael.org/ihra-opinion); Geoffrey Robertson QC, 'Anti-Semitism: The IHRA Definition and Its Consequences for Freedom of Expression.' The full text is available at [doughtystreet.co.uk](https://doughtystreet.co.uk).

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## JEWS ARE ASKING FOR PROTECTION FROM THEIR UNIVERSITIES. DAVID FELDMAN'S 'ALL LIVES MATTER' RESPONSE IS NOT HELPFUL

DAVID HIRSH

*This is a response to an [article](#) by David Feldman, 'The government should not impose a faulty definition of antisemitism on universities', published by The Guardian on 2 December 2020. David Hirsh is author of Contemporary Left Antisemitism (Routledge 2018). This opinion piece first appeared at the Engage blog and is reproduced here with thanks to David.*

After recently co-writing a decent article on antisemitism, David Feldman, the Director of Birkbeck's Pears Institute for the Study of Antisemitism, has now reverted back to the politics that drove his meek complicity with the Chakrabarti whitewash of Labour antisemitism in 2016. And he didn't even get a seat in the House of Lords.

The Union of Jewish Students and other institutions of the Jewish community, as well as the government's independent advisor on antisemitism John Mann, have been campaigning for universities to adopt the IHRA definition of antisemitism. They say that the adoption of IHRA would give Jewish students and members of staff some confidence that they could hope for protection if they experienced antisemitism on campus.

And such antisemitism is commonplace in UK universities. Last week I was contacted by a student whose lecturer taught that IHRA was a pretext to silence criticism of Israel and by another whose Masters dissertation was failed because she wrote in the 'wrong' framework about Israel and Palestine. This kind of antisemitism is harder to sustain in institutions which have adopted IHRA.

In *The Guardian* [article](#), Feldman characterises the universities which make a point of not allowing IHRA to be part of their official armoury against antisemitism as '*refuseniks*'.

The *refuseniks* were overwhelmingly Jews in the Soviet Union who were refused permission to go to Israel, although there were others too who were refused permission to leave. They were denounced as Zionist agents of imperialism, they were purged from their jobs, they were deported to Siberia, they were imprisoned, murdered and tortured. The *refuseniks* were victims of antisemitism at the hands of a totalitarian state which called itself 'Marxist' and which demonised Zionism as the enemy of mankind.

Feldman turns this upside down. Today, for him, the *refuseniks* are the ideological descendants not of the Soviet Jews but of their oppressors, the apparatchiks and Party men who denounced

Jews as particularist, pro-apartheid and privileged.

Jews go to their institutions and ask for protection against antisemitism. Feldman answers that all students and staff should be protected from all racism. He responds to 'Jewish Lives Matter' in a rather 'All lives matter' way.

Feldman says that the adoption of clear and specific protections against antisemitism would 'privilege one group over others by giving them additional protections'.

In the 1840s in Germany, Bruno Bauer famously insisted that Jews should expect no special treatment. Progressives should not support equal rights for Jews until they had emancipated themselves from their own reactionary Judaism, and were prepared to fight for freedom alongside everybody else. The portrayal of the struggle against antisemitism as a demand for Jewish privilege is as old as antisemitism itself.

Bauer is famous because this ostensibly universalist attack on the special pleadings of the Jews was opposed with great clarity by Karl Marx himself, who argued against Bauer, and in favour of the democratic state unconditionally granting equal rights to Jews. It is ironic, (but who am I to judge?), that today's left has more in common with Bauer, who most of them have never heard of, than with Marx, who they think they idolise.

Feldman even seems to include Jeremy Corbyn's Labour Party, judged by the Equality and *Human Rights Commission* to have unlawfully harassed its Jewish members, as 'refusenik' with respect to IHRA.

The EHRC report on the Labour Party added a new explicit principle to IHRA, although in reality it was nothing more than a re-statement of the Macpherson principle with respect to antisemitism. Macpherson established that if somebody says they have experienced racism then you should begin by assuming that they're right.

Ken Livingstone says that if that person can be designated as Zionist, then the assumption should be reversed: you should begin by assuming that they are lying in the hope of delegitimising criticism of Israel and smearing the left.

The new EHRC principle is that this very standard response, the [Livingstone Formulation](#), is itself antisemitic. The practice of assuming that Jews are faking antisemitism in order to smear the left and silence free speech is itself antisemitic. It puts Jews outside of the community of rational discourse by refusing to engage with the truth of what they say, and attacking their imputed motivation instead. It is said that Jews 'weaponise' antisemitism; but really antisemitism has always been a weapon targeted at Jews.

Opposition to IHRA takes this antisemitic form. It is said that IHRA is an instrument which portrays itself as being about one thing but is really about another. It claims to be about antisemitism but it is really about accomplishing illegitimate Zionist interest by dishonest means.

So look at IHRA. Is it true that it silences freedom of speech? No. First, people are free to articulate antisemitic speech so long as it does not constitute harassment or incitement to violence. But Second, IHRA is a framework for thinking about what is antisemitic, not a machine which can automatically designate certain kinds of speech as antisemitic.

IHRA is explicit that criticism of Israel is not antisemitic. IHRA explicitly exhorts any judge to look at the complexities of context. Yet, say those who are afraid of IHRA, the text of the definition isn't the real definition. Those who push the definition (Zionists and Tories) are so slippery that the real meaning of their document is the opposite of what is actually written in the document. This is the only reading of the definition by which people who do not articulate antisemitic ideas, could be afraid of the IHRA definition. And of course this itself is an antisemitic reading of the definition.

David Feldman makes much of his worry that people who want to boycott Israel, that is who want to exclude Israelis from the global community of science, scholarship, sport, arts and business, might be accused of antisemitism. Yet we know that wherever the boycott movement has taken root over the last 20 years, antisemitic harassment, discourse and exclusions have followed. David Feldman has still not really recognised the poison that moved from the academic unions into the broader labour movement and which then fuelled Labour antisemitism. He still doesn't seem to understand how the Corbyn faction, which thought of itself as antiracist, ended up being found guilty of unlawful harassment of Jews by the commission which Labour itself had set up to strengthen the equality culture in Britain. Antisemitism came into the Labour Party via the boycott movement. The campaign to boycott Israel is antisemitic, but it is not designated as such by IHRA.

It is said that Palestinians should be allowed to describe their own oppression in whatever ways they see fit. And they are so allowed. But if some Palestinians choose to describe their own oppression in antisemitic ways then we, and our universities, have the right to say so. Nobody would argue that the Jewish experience of antisemitism gives Jews the right to adopt racism against others. When Jews do this, they are rightly criticised.

David Feldman finishes with a restatement of the description of antisemitism that he put forward in his *Jewish Quarterly* article with Ben Gidley and Brendan McGeever. There is antisemitism on our campuses, he says, but 'this largely reflects a reservoir of images and narratives accumulated over centuries and deeply embedded in our culture'. He does not explain why people who think of themselves as antiracists on our campuses today are picking up and running with the antisemitic tropes they find in that reservoir. Feldman's description is light on agency and the responsibility.

For Jews in universities it is no consolation that the antisemitism they face is simply a matter of the existence of a cultural reservoir full of things that can hurt them. What they need is

assurance from their colleagues and from their institutions that these landmines from past conflicts will not be scattered around campus now, by people they work with, study with and are taught by. They want the people who scatter them around to be held responsible. Antisemitism is the problem, not the specific tropes that antisemites pick up and weaponise against us. And the IHRA definition is a small element of the the work of designating those reservoirs as toxic.

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## WHY THE 2010 EQUALITY ACT DOES NOT MAKE THE IHRA DEFINITION OF ANTISEMITISM REDUNDANT

LESLEY KLAFF AND DEREK SPITZ

*David Feldman and others have argued against the adoption of the IHRA definition of antisemitism by universities on the grounds that the 2010 Equality Act and university harassment codes render it redundant. This is to seriously misunderstand the 2010 Equality Act. The Act itself offers no guidance as to what constitutes antisemitism, so it is necessary to look for guidance outside it. The same consideration applies to university anti-harassment codes. The case for the necessity of the IHRA is put by Lesley Klaff, a senior lecturer in law at Sheffield Hallam University and Editor-in-Chief of the Journal of Contemporary Antisemitism, and Derek Spitz, a barrister at One Essex Court Chambers who acted for the Campaign Against Antisemitism in the Equality and Human Rights Commission's Investigation into Antisemitism in the Labour Party.*

### INTRODUCTION

The CST report [Campus Antisemitism in Britain 2018-2020](#), published in December 2020, revealed a significant rise in antisemitic incidents affecting Jewish students, student societies and lecturers in the past two academic years, with the total number of incidents for 2019-20 being the highest CST has ever recorded. It is because of this increase in campus antisemitism, and the reported failure of universities to recognise antisemitism in their institutions because of incomplete or inappropriate definitions, or even no definition at all, that the Secretary of State for Education, Gavin Williamson, wrote to all vice-chancellors in October 2020 imploring those that had not already done so to sign up to the IHRA Working Definition of Antisemitism by the end of the year. The Secretary of State's letter was subsequently supported by the Government's Independent Advisor on Antisemitism, Lord John Mann, the Shadow Education Minister, Kate Green, Britain's Jewish communal bodies, and the Union of Jewish Students.

The response of British universities has so far been underwhelming. At the time of writing (mid-January 2021), only 48, among them Cambridge, Oxford and UCL, have adopted the working definition out of 130. This is because there has been considerable pushback against IHRA's adoption by some academics and some student societies on various grounds, including the often repeated and incorrect claim that the IHRA definition is a threat to free speech and academic freedom on campus.

Another line of argument against the adoption of the IHRA working definition by universities has emerged since the publication on 29 October 2020, of the [report](#) of the investigation by the Equality and Human Rights Commission (the Commission) into antisemitism in the Labour Party. This line of argument, which has been [advanced](#) by Yair Wallach of SOAS, [David Feldman](#) of the Pears Institute, and Seth Anziska of University College London, is misinformed. It claims that the damning findings of the EHRC Report about antisemitism in the Labour Party illustrate that the Equality Act 2010 (henceforth ‘the 2010 Act’) can be used to combat antisemitism in universities, making the IHRA definition redundant; and that in fact the use of the 2010 Act is far preferable to the use of the IHRA definition for this purpose because it safeguards all minority groups from discrimination, and therefore places the struggle against antisemitism within the broader context of the struggle against all racisms.

The argument asserts that adopting the IHRA definition will not address structural racism in universities but will ‘privilege one group over others by giving them additional protections and in so doing will divide minorities against each other.’ This is not well founded. There is no reason why the recognition of difference entailed in formulating a definition of the particular form of discrimination under challenge should amount to privileging one group over others. In fact, the universities’ ability to recognise and respond to complaints of antisemitism will *help* them to discharge their Public Sector Equality Duty under the 2010 Act. Section 149 provides that universities must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act; advance equality of educational opportunity between students of different racial, ethnic and religious groups; and foster good relations between students of different racial, ethnic and religious groups, including by tackling prejudice and promoting understanding.

The argument against adoption relies on an anti-racist universalism to argue against the use of the IHRA definition by universities. The argument is based on a misunderstanding of the 2010 Act, and a misreading of the EHRC Report. We deal with each of these below.

## **THE 2010 ACT IS NOT A SUBSTITUTE FOR THE IHRA DEFINITION. BOTH ARE NEEDED**

One of the key findings of the EHRC Report was that the Labour Party had, through the acts of its agents, breached the 2010 Act, by committing unlawful harassment of its members related to race (Jewish ethnicity). ‘Harassment’, under the 2010 Act, means treating someone in a way related to a protected characteristic that violates their dignity or creates a hostile, degrading, humiliating or offensive environment. The Commission found that the antisemitic conduct of two of the Labour Party’s agents amounted to unlawful harassment of its Jewish members.

The Commission stated that to identify these unlawful acts as ‘harassment’, it had been necessary to apply the definitions contained in the 2010 Act and noted that the IHRA definition is not legally binding. This has been interpreted by some opponents of the IHRA definition as evidence, if not proof, that the 2010 Act can be used to tackle antisemitism in universities under the rubric of harassment without the need for the IHRA definition. Wallach wrote: ‘The legal foundation for the report is the 2010 Equality Act, which is general in its applicability to groups of protected characteristics (such as race and religion). The basis here is equality and the universal protection against racial discrimination and harassment. Furthermore, the report does not rely on the IHRA definition, which it states clearly is not legally binding. The Commission [reached](#) its damning verdict the (sic) based on general applicability of the 2010 Equality Act.’ David Feldman, for his part, [wrote](#) that, ‘The damning verdict of the EHRC’s recent report on the Labour Party provided a clear demonstration that the universalist principles gathered in the Equality Act can be used to hold powerful institutions to account’ and noted that ‘Universities operate under the Equality Act; they also have internal policies and procedures designed to address discrimination, harassment and victimisation.’ He added that ‘Jewish staff and students deserve protection, but imposing the working definition will not secure it.’

This line of argument that campus antisemitism can be fully addressed under the rubric of harassment using the 2010 Act overlooks the fact that before speech or conduct can be found to constitute ‘harassment’ on a protected ground, it is essential to know what that speech or conduct is, and why it is harassing. This requires a definition. The need stems from the wording of the relevant statutory section on ‘harassment’ itself. Section 26(1)(a) of the 2010 Act defines ‘harassment’ as ‘unwanted conduct *related to a relevant protected characteristic*’ [emphasis added]. The relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation. Harassment itself is not made unlawful under section 26. It is only where the harassment is related to a particular protected characteristic that it becomes unlawful. There must be a sufficiently close connection between the act complained of and the protected characteristic. In the case of Jewish people, it is the ability to define the conduct complained of as antisemitic that provides the sufficiently close connection between the unwanted conduct and the protected characteristic. In the case of a different protected group, such as homosexuals, a definition or some other way of recognising homophobia would be necessary.

Jews are protected under section 26 of the 2010 Act on the basis of ‘race’ (Jewish ethnicity) and ‘religion or belief’. In the case of alleged harassment based on Jewish ethnicity, the necessary assessments cannot be made without the ability to recognise antisemitic conduct and to understand why that conduct would be likely to harass someone who identifies as Jewish. Nothing in the 2010 Act or in the Commission’s application of the legislation dispenses with this need to know what antisemitism is. Yet nothing in the 2010 Act provides the



necessary definition. The Commission quite understandably applied the statutory definition of ‘harassment’ without reference to IHRA. It would have been odd if it had done anything else. However, the ‘unwanted conduct’ it identified is not defined within the four corners of the legislation. The important point is that where harassment of Jewish people is concerned, the unwanted conduct is unwanted precisely because it is antisemitic conduct. The Commission recognised as much.

To qualify as ‘harassment’ the conduct must, under section 26(1)(b), ‘violate the victim’s dignity or create an intimidating, hostile, degrading, humiliating or offensive environment’ for her. In deciding whether the conduct has had that effect, the decision-maker must take into account the victim’s perception under section 26(4)(a). This is a subjective test. The decision-maker must also take into account the other circumstances of the case and whether it is *reasonable* for the conduct to have that effect under sections 26(4)(b) & (c). This is an objective test.

In making this determination, the decision-maker must consider the implications of various rights, such as freedom of expression, as set out in Article 10 of the European Convention of Human Rights (ECHR). This is because, where possible, the 2010 Act must be read and applied in a way that is compatible with the ECHR, which was brought directly into UK law by the Human Rights Act 1998. Conduct should not be regarded as harassment, and no action should be taken on it, where this would breach the Article 10 rights of the person whose conduct is in issue, or of the organisation that is responsible for their actions. This will often require a delicate balancing of rights to be undertaken involving the legal concept of ‘proportionality’. It is important to note that the unlawful harassment section of the 2010 Act, like the highly context-sensitive IHRA definition and examples, needs to be sensitively understood and carefully applied. Context is critical in defining ‘harassment’ just as it is in defining ‘unwanted conduct’ as antisemitic: the need to exercise judgment cannot be avoided in either case.

It is particularly important to understand the difference between expression that is antisemitic and expression that is merely offensive. Expression that is ‘merely’ offensive, provocative, or insulting is protected under Article 10 ECHR as free speech and the 2010 Act will not ordinarily seek to regulate that speech where none of the protected grounds under the Act are engaged. On the other hand, expression that is racist and amounts to a form of hate speech is not protected by the ECHR. It is considered to be incompatible with society’s fundamental values of tolerance, social peace, and non-discrimination.

Racist expression has been found by the European Court of Human Rights to include antisemitic speech and conduct including Holocaust denial. And even where the speech, although antisemitic, nevertheless falls within the scope of the right to freedom of expression, it can still be restricted, as long as this is done in a proportionate manner. In short, ‘mere’

offense, provocation or insult is within the scope of the guarantee of free expression and will not generally engage the 2010 Act at all. Antisemitic speech, by contrast, will frequently fall outside the scope of the free speech guarantee altogether and no balancing of freedom of speech and equality rights will be required. But even where it does not fall outside the scope of the right altogether, antisemitic speech may still be regulated (through a balancing exercise), for example as ‘harassment’ under the 2010 Act.

In sum, the reason the Commission found that the Labour Party unlawfully harassed Jewish members in relation to their race (Jewish ethnicity) under the 2010 Act was not because the conduct complained of was ‘merely’ provocative, insulting or offensive. It was because the conduct complained of was antisemitic, which is the reason why it was related to a protected characteristic. The Commission was ‘satisfied that the antisemitic conduct had the effect of contributing to violating the dignity of a member ... or contributing to creating an intimidating, hostile, degrading, humiliating or offensive environment...’ Indeed, the antisemitic conduct the Commission identified in its Report was so egregious that it fell outside the scope of Article 10 altogether (pp.29; 108; 110).

As there is no guidance as to what constitutes antisemitism in the 2010 Act itself, it is necessary to look for guidance outside it. This is why the 2010 Act cannot, and has not, made the IHRA working definition of antisemitism redundant. Moreover, in the application by universities of their anti-harassment codes, as these follow the law, the same need for a definition of antisemitism applies.

Two of the criticisms of the IHRA definition by those advocating the use of the EA 2010 to combat campus antisemitism are that, in the words of Feldman, first, IHRA is not a ‘precision instrument’ but a ‘niche widget’ and secondly, that its use will interfere with universities’ autonomy.

However, IHRA is not meant to be a ‘precision instrument’ as much as a heuristic device or working tool that assists in identifying antisemitism and educating people about it. It should be evident from what we have already said that the 2010 Act is not a ‘precision instrument’ either: it is a complex piece of legislation that was passed to codify the law by bringing together all existing anti-discrimination legislation. The application of section 26 requires a consideration of context and an ability to exercise judgment at least as much and probably more so than does the IHRA definition. But unlike the IHRA definition, the 2010 Act cannot readily be understood and applied by university administrators who have no legal knowledge or training. This means that the Section 26 anti-harassment provision could not be used effectively to combat campus antisemitism without engaging the machinery of the law. This, however, would be counter-productive for both the university and the complainant: the use of lawyers is prohibitively expensive for most students; the allegation of antisemitic harassment would be

made public, thereby threatening the reputation of the university; and the autonomy of the university would be compromised as the case would be removed from the university's internal procedures.

In short, the 2010 Act cannot operate without a definition of the conduct it condemns. The 2010 Act will regulate insults or provocations when they are related to a protected characteristic such as race (Jewish ethnicity), in other words, when they are antisemitic. Whether the insults and provocations *are* of that type requires a *definition* of antisemitism.

### **THE EQUALITY AND HUMAN RIGHTS COMMISSION REPORT INTO LABOUR ANTISEMITISM IS CONSISTENT WITH THE IHRA DEFINITION AND ATTUNED TO ISRAEL-RELATED ANTISEMITISM**

As we have said, Wallach declares that 'the report does not rely on the IHRA definition, which it states clearly, is not legally binding. The EHRC reached its damning verdict the (sic) based on general applicability of the 2010 Equality Act.' This observation contains a little truth and a larger obfuscation. The regulator, upon whom statutory powers are conferred under the Equality Act 2006 to make findings of unlawful conduct under the 2010 Act will obviously do so by applying that legislation. The very nature and purpose of the investigation was to determine whether the Labour Party had breached the 2010 Act, which is why the whole report is framed around the EA 2010. The fact that the Commission was able to determine, by applying the 2010 Act, that the Labour Party had committed unlawful 'harassment' of its Jewish members should come as no surprise. To that extent Wallach's observation that it did so is true, but it is trivially true. However, the observation incorrectly implies either that the 2010 Act itself provides a definition of antisemitism or that the need for a definition has been rendered unnecessary. That is an obfuscation. Although the definition does not come from the 2010 Act, the Act cannot function without one.

It was not necessary for the Commission to rely specifically on the IHRA definition of antisemitism to decide whether the Labour Party breached the Act, although it could have done so. It was unnecessary because the Commission was able to rely on the extensive guidance, analysis and materials provided by Professor Alan Johnson in his 21 March 2019 report, *Institutionally Antisemitic: Contemporary Left Antisemitism and the Crisis in the British Labour Party* as well as on evidence and submissions by the complainants, the Campaign Against Antisemitism and the Jewish Labour Movement concerning the nature of antisemitism, together with mountains of examples. As the Commission noted, what it focused on 'represents the tip of the iceberg'. This does not make the IHRA definition irrelevant. The Commission states on page 26 of the Report that its findings are consistent with IHRA; on page 125 that it 'may have regard to the IHRA's working definition of antisemitism and associated examples...'; and on page 116 that the unwanted conduct meets the definition of 'harassment' and would

also meet the IHRA definition and examples.

The Commission's discussion of the range and volume of antisemitic conduct across the complaint sample provides clear cut examples of antisemitism under the IHRA definition. On page 31 of the Report it records that it found evidence of '*antisemitic conduct*' relating to social media comments that: 'diminished the significance of the Holocaust; expressed support for Hitler or the Nazis, compared Israelis to Hitler or the Nazis; described a "witch hunt" in the Labour Party or said that complaints had been manufactured by the "Israel lobby"; referenced conspiracies about the Rothschilds and Jewish power and control over financial or other institutions; blamed Jewish people for the "antisemitism crisis" in the Labour Party; blamed Jewish people generally for the actions of the state of Israel; used "Zio" as an antisemitic term, and accused British Jews of greater loyalty to Israel than Britain.' None of these examples of antisemitism derive from or are defined in the 2010 Act and yet the Commission did not hesitate in calling them by their proper name.

Similarly, Wallach is wrong to declare that 'The ECHR Report sends a strong message. It illustrates that it is possible to tackle antisemitism without conflating it with criticism of Israel.' The suggestion that IHRA is responsible for such alleged conflation is a frequently repeated charge. It remains untroubled either by the express stipulation to the contrary in the text of IHRA itself or by the dearth of evidence of such conflation. In any event, there are several references to Israel-critical speech in the Report which make the same distinction that IHRA does. For example, on page 27 the Commission states that 'Art. 10 [ECHR] will protect Labour Party members who, for example, make legitimate criticism of the Israeli government...it does not protect criticism of Israel that is antisemitic' and it adds in a footnote that 'where we refer to legitimate criticism of Israel throughout the Report, we mean that criticism that is not antisemitic.'

While much criticism of Israel will not be antisemitic, some is and will be. The concepts do not operate in hermetically sealed containers, as the Commission expressly recognises. On pages 29 and 30 of the Report, the Commission discusses the 2015 incident involving Israel-related antisemitism of Naz Shah and Ken Livingstone's support for her comments. The Commission found that Ken Livingstone's conduct was Israel-related antisemitism that did not warrant any protection at all under the right to freedom of speech. Moreover, the Commission's discussion of the antisemitism that occurred on social media frequently, involves examples relating to the Israel/Palestinian conflict.

The Commission's discussion of the Macpherson Principle, by which all complaints of racism should, in the first instance, be recorded and investigated as such when they are perceived by the complainant, or a third party, as an act of racism, is consistent with the Commission's recognition that antisemitism is often an Israel-related phenomenon. This is because taking the

point of view of the complainant as the starting point allows for the possibility that an attack on Israel could amount to the unlawful harassment of Jews. In addition, the Commission found that responding to complaints of antisemitism by labelling them as fake or smears was a denial of antisemitism, which constituted unlawful harassment of Jewish members. This denialist narrative, increasingly well-known now as the Livingstone Formulation, is frequently related to Israel and is itself now a contemporary antisemitic trope. What the Commission actually did contradicts Wallach's claim that in the two central complaints, the Commission simply highlighted 'classic antisemitic tropes.'

## CONCLUSION

In conclusion, the claim that the EHRC Report is proof that the 2010 Equality Act, rather than the IHRA definition, ought to be used by universities to tackle campus antisemitism, is seriously misguided. The EHRC Report made findings of unlawful harassment precisely because the 'unwanted conduct' in question was *antisemitic*. That unwanted conduct did not qualify for even a minimal level of free speech protection. It was so egregiously *antisemitic* that it fell outside the ambit of Article 10 altogether. The 2010 Act contains no definition of antisemitism but the approach the Commission adopted to identifying antisemitism is consistent with IHRA and its examples. The EHRC Report provides no warrant whatsoever for dispensing with the IHRA definition.

Antisemitism in universities can only be tackled by establishing appropriate procedures within those institutions, and by encouraging students to report and challenge antisemitism where it exists, as recommended by the Community Security Trust in its December 2020 report. To do this, it is vital to have available an adequate and accepted working definition of antisemitism, such as the IHRA definition.

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## THE IHRA DEFINITION, INSTITUTIONAL ANTISEMITISM, AND WITTGENSTEIN

EVE GARRARD

*In the wake of the EHRC report on antisemitism in the UK Labour Party, a variety of complaints have been made about the IHRA definition of antisemitism. Two of the critics' principal claims are first, that the definition doesn't tell us precisely and specifically which people, language, acts and practices are antisemitic; and second, that it suppresses freedom of speech. Philosopher Eve Garrard explains why the first of these objections is true but irrelevant, while the second isn't even true.*

### ON DEFINITIONS

Defining antisemitism isn't easy. Its shape-shifting nature ensures that it's hard to find a definition sufficiently complex to fit its long and blood-stained history. So it's quite true that the IHRA definition doesn't provide us with a philosophically satisfactory account of antisemitism. The philosophical hunt for the necessary and sufficient conditions for an object or phenomenon to fall under the term being defined is generally a very lengthy business. It's also quite often a failure. (The term 'knowledge', so central to the practice of philosophy, is perhaps the most striking, and of course highly-contested, example.)

Back in the last century, the philosopher Ludwig Wittgenstein took serious issue with this approach to definitions. He pointed out that for some concepts, there simply are no necessary and sufficient conditions for their use – that is, there are no essential features whose presence ensures that the concept applies, and whose absence ensures that it doesn't. His example was the idea of a game, a term which all speakers of the English language can use correctly and effortlessly. But there are no necessary and sufficient conditions for its correct use: the idea of a game covers a very wide range of activities, but there is no common essence which all games possess. And quite a lot of our concepts are like this. There is no feature which all cases of antisemitism possess, and which is not possessed by anything which isn't antisemitic. But there are many features which are possessed by many cases of antisemitism, and many other features which are possessed by other cases, and there is much overlap between them. We can cite some of the central cases, and use them to illuminate the more peripheral ones.<sup>[1]</sup> For some concepts, that's the best we can do by way of definition. And this is how the IHRA definition treats antisemitism.

Is this kind of definition useful? Yes, very useful, so long as we're not looking for a tight philosophical definition. It's useful because it helps people to see what kind of thing antisemitism is, and thereby inform their judgement on new cases which may come their way, and adjust their

behaviour accordingly. That is, it's *politically* useful; it helps us to understand past examples, and to adjudicate new conflicts. (It's not only antisemitism which raises this issue: racism and sexism are other concepts where we are unlikely to find an unchanging essence present in every case.) Does this mean that the IHRA definition of antisemitism won't do all our judging for us? Yes, it does mean that; we'll still have to work out which cases of criticism of Israel, for example, actually amount to antisemitism. The IHRA definition, particularly in the examples it provides, alerts us to the fact that antisemitism is in the offing; but our own moral capacities, and sensitivity to the individual context, will still be needed to tell us what we should say or do in the particular context we're facing. But that's what morality is like: simple straightforward moral rules can only take us so far; to work out how they apply to the case in front of us, we have to think for ourselves. (That's why, for example, the moral rule that tells us that it's wrong to kill innocent people won't by itself settle the question of whether euthanasia can ever be justified.)

### ON FREEDOM OF SPEECH

So the complaint about the IHRA definition's failure to provide an unchanging essence for all cases of antisemitism, though true, is irrelevant – too many of our other concepts are in the same boat for this complaint to count against IHRA. However, the other (putatively moral) objection – the claim that IHRA underpins an attack on the freedom of speech of critics of Israel – is not even true. Here's why: the IHRA definition is peppered with conditional verbs, saying that this or that 'may' be antisemitic, or 'could' or 'might' be antisemitic. Its list of examples is prefaced by the remark that they 'could' provide cases of contemporary antisemitism, but that such antisemitism is 'not limited' to just those examples. But to say that a practice may be antisemitic is to allow that it may not be. To say that applying double standards to Israel could in some cases be antisemitic leaves room for the possibility that in some cases it isn't antisemitic. That's how these conditional verbs work. And the reason that we need words that work in this cautious way is that racism of any kind occurs in the complicated contexts of our moral lives, and good moral judgements are highly context-sensitive. So the charge that the IHRA definition threatens our freedom of speech simply isn't true; what the definition does do is alert us to the fact that some ways of talking about Israel are antisemitic. The only view which this definition threatens is the view that criticism of Israel can never, ever, in any circumstances, be antisemitic. But this is not a view which is even remotely plausible (although some critics of the IHRA definition do seem to find it attractive). It is, of course, always possible that the IHRA text could be misused to assert the mistaken claim that criticism of Israel is always antisemitic. Misuse is a possibility with any text, but here the IHRA definition itself, with its cautious conditional claims, protects us all from accepting either of these implausible views.<sup>[2]</sup>

### ON INTENTIONS

None of these thoughts are new ones; so why are some people (such as David Feldman, writing in *The Guardian*)<sup>[3]</sup> so hostile to the IHRA definition? Here's one possible explanation: people who

are, perhaps unconsciously, in the grip of the idea that there must be a single essential core to cases of antisemitism may be committed to an account of antisemitism as being hatred of Jews as Jews. This is a very unsatisfactory definition, as can be seen if you try it out on cases of other varieties of racism or indeed sexism. Back in the day, hatred would have been far too strong an emotion to impute to the kind of person who didn't want Jews in the golf club; it was far more likely that he felt an uneasy distaste for people who weren't quite like himself. But blackballing Jews from the club was certainly a case of antisemitism, though hardly of a very important kind. Hatred of Jews isn't necessary for antisemitism – it can result from inaccurate and demeaning stereotypes, or even from the appeal to traditional customs or speech.

Another candidate for the position of the (supposedly) essential characteristic of antisemitism, without which it just wouldn't be antisemitism at all, is thought by some to be the presence of antisemitic intent. Leave aside the problem that if we can't find an independent definition of antisemitism then we're unlikely to be able to find a definition of antisemitic intent. There's an even more pressing problem for the definition in terms of intent: it's the fact that there are cases of antisemitism which don't involve discriminatory intention at all.

## ON INSTITUTIONAL ANTISEMITISM

A striking example of the presence of antisemitism in the absence of either hatred against Jews as Jews, or antisemitic intent, can be found in cases of institutional antisemitism.<sup>[4]</sup> When an organisation – a business, say, or a public service or a political party – has practices or policies which significantly disadvantage Jews *for no good reason* (very important clause) then its behaviour is institutionally antisemitic.

Why do we need the special concept of institutional antisemitism to mark off this form of antisemitism from the more familiar ones? Why not just call them all antisemitism? One reason is that usually antisemitism is a matter of individuals, singly or in groups, deliberately discriminating against Jews. But in cases of institutional antisemitism no individual member of the institution need have deliberately and knowingly singled out Jews for unfair treatment: it's the way the overall institution operates which creates the discriminatory impact. So, for example, if an organisation decides to hold all of its most important policy and career promotion meetings on Saturday mornings (when no observant Jews would be able to attend), and there's no good reason for this timing of the meetings, then this looks like a case of institutional antisemitism.

There's a second notable feature of institutional antisemitism: no hatred, indeed no hostile feelings at all, need be involved. (They *may* be involved, they often *are* involved, but they *needn't* be.) The more ordinary cases of antisemitism do very frequently stem from strongly hostile feelings, so people often think that where there's no hatred, there can be no antisemitism. But this really doesn't follow: if there's institutional behaviour which discriminates against Jews, which disadvantages them compared to other people without any good reason, then this is antisemitic



behaviour. It's a form of antisemitism which doesn't depend on feelings at all, which is why people who are accused of taking part in institutional antisemitism often flatly refuse to believe it, on the grounds that they have no hostile feelings towards Jews. But it's the discriminatory effect, not the presence or absence of hostile feelings, that makes the behaviour or policy institutionally antisemitic.

This is a quite general point about discrimination, and it applies to discrimination against persons of colour as well as against Jews, and for that matter it also applies to discrimination against women and to discrimination on the basis of class. If a school were to have a policy of discouraging black pupils, or girls, or children from deprived backgrounds, from applying to top universities, on the (misplaced) grounds that they probably wouldn't be accepted, and in any case would be more comfortable in a less academically demanding environment, then this could seriously disadvantage such pupils. But the teachers who would have devised and implemented the policy are unlikely to have been motivated by hatred at all, but more plausibly by a combination of an indulgent but misplaced desire to protect their pupils from rejection, combined with recourse to unexamined and misleading stereotypes. (Such things have happened in the past, and may still be happening in some places now.) This is how policies can be adopted which unfairly disadvantage certain groups of people, without there being any hatred or hostility at all in play.

The 'without good reason' clause really matters here. This is because there are some cases where members of one racial group do get treated more advantageously than members of another group, but if there's a good reason for the differential treatment, such as an urgent need for a distinctive medical treatment disproportionately needed by members of that group, then no racism, institutional or otherwise, need be involved. However in the absence of a good reason, policies or practices which disadvantage Jews compared to people of other ethnicities will be cases of institutional antisemitism.

## ON ISRAEL

One of the most troubled areas of dispute about antisemitism concerns attitudes and behaviour towards Israel, the world's only Jewish state, whose existence is supported by a very large majority of the world's Jews. It's often claimed, quite truthfully, that criticism of Israel and its supporters isn't necessarily antisemitic; as we have seen, this is in accord with the IHRA definition. Some criticism of Israel isn't antisemitic, and that's a fact. It's also a fact that other cases of criticism of Israel really are genuinely antisemitic. So what makes the difference? One principal difference emerges when criticism of Israel, and the policies and practices which sometimes go along with it such as a boycott of Israeli products and institutions, unfairly disadvantage Jews in comparison to other groups. So we need to look at how other groups get treated. Do people call for boycotts against, or campaign for the elimination of, other countries which have comparable, and often far worse, human rights records than Israel does? This very, very rarely happens. If there's no good reason for singling out Israel for especially adverse treatment, up to and including calls for

its annihilation, then such treatment by organisations would be a striking example of institutional antisemitism, particularly because it's far more likely to have an adverse impact on Jews in this country than on Israel itself.

The IHRA definition draws our attention to the kinds of speech and action which are liable to be antisemitic. It also draws our attention to the complexity of such cases, to their sensitivity to context. It discourages us from the kind of simple-minded moral-purity-seeking approach which says that certain types of action are either always antisemitic, or they're never antisemitic. In this the IHRA definition is correct, and it stands as a reminder of how complicated our behaviour, and our lives, are.

## REFERENCES

[1] See, for example, John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 1980, 2nd edn 2011) for a development of this kind of view.

[2] For further rigorous discussion of these issues, see Bernard Harrison and Lesley Klaff, 'The IHRA Definition and Its Critics,' in *Contending with Antisemitism in a Rapidly Changing Political Climate*, ed. Alvin H. Rosenfeld, (Indiana University Press 2021) (forthcoming.) Also see their 'In Defence of the IHRA Definition' in *Fathom*, January 2020 (reproduced in the eBook pp. 27-33).

[3] *The Guardian*, 2nd December 2020.

[4] The following material draws on a fuller discussion of institutional antisemitism which appeared in *Forced Out: Labour antisemitism resignation letters*, ed. Judith Ornstein, [Kitty Hawk Press, 2019].

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## **THE IHRA HELPS US UNDERSTAND AND COMBAT THE NEW ANTISEMITISM. THAT'S WHY IT IS NEEDED.**

ALAN JOHNSON

*The following is extracted from the 2019 Fathom Report, [Institutionally Antisemitic: Contemporary Left Antisemitism and the Crisis in the British Labour Party](#), by Alan Johnson. In these pages he argues that antisemitism, which has always taken on radically different forms throughout history, with endless variations on a core demonology, is today often focused on a demonology of the Jewish state and those who support its right to exist; explains why the Nazi analogy is one of its most malevolent expressions; and sets out the underpinning role of a spectacularly crude 'two-camps' world view that is prevalent on the left. The IHRA examples, he contends, help us to grasp the nature of this new antisemitism and to defeat it. The full Fathom report, which was used by the UK's Equality and Human Rights Commission (EHRC) in the preparation of its own report into antisemitism in the Labour Party in 2020, can be read [here](#).*

Antisemitism has taken on radically different forms and supposed 'rationales' in different cultures at different times. Medieval priests made one claim about 'the Jews', Enlightenment philosophers made another. The Nazi SS officer had his claim, as did the Stalinist Central Committee Member.

Each told a different story about the alien, powerful, malevolent and tricky Jew. Each story served to justify a murderous attack upon the Jews who were indicted as:

- the betrayer and killer of the universal God, drainer of gentile blood, poisoner of the wells, etc (Christian antisemitism);
- the tribal anachronism, the enemy of the Age of Reason (Enlightenment antisemitism);
- the rootless cosmopolitan, everywhere the enemy of and the fifth column within organic nations (Counter-Enlightenment antisemitism);
- the biologically programmed threat to all races, to be eliminated to the last child (Nazi antisemitism);
- the sons of apes and pigs who will be killed on a Day of Judgment (some forms of Islam and modern Islamic antisemitism);
- the arch-capitalist exploiter – to be 'hung from the lampposts' as the German Communist Ruth Fischer put it (Left antisemitism).

## 1. THE NEW ANTISEMITISM

Today, in addition to all of the above, and co-mingled with them, there is a new form of antisemitism. Dave Rich, author of *The Left's Jewish Problem: Jeremy Corbyn, Israel and Antisemitism*, explains:

Nowadays antisemitism often appears in discourse relating to Israel, either by targeting Israel itself as a proxy for Jews or by repeating old antisemitic slanders with “Israel” or “Zionist” swapped in for the word “Jew”. He goes on: ‘Antisemitism in today’s Labour Party ... usually involves language that draws on old racist lies about Jews, but reframes the bigotry in a modern, “anti-Zionist” setting that has nothing to do with what Zionism is, or with how Israel actually behaves.

Marxist historian Eric Hobsbawm issued a warning in 1980 that a new form of antisemitism was emerging. Across huge tracts of the world, he noted, antisemitism had never gone away, surviving in two major regions in the postwar years – ‘under Islam and, unfortunately, in some countries committed to an ideology which rejected racism, notably the Soviet Union.’ Though he was a lifelong member of the Communist Party, Hobsbawm pointed out that in Stalinist Eastern Europe, ‘antisemitism ... was ... tolerated and sometimes encouraged’ after the Holocaust, ‘*albeit now dressed up as anti-Zionism*’ in the era of the Jewish state. And there’s the rub. Hobsbawm predicted that this ‘new’ form of antisemitism – antisemitism ‘dressed up’ as anti-Zionism as a camouflage in a post-Holocaust world – would grow in influence. And it has.

The IHRA examples (see p.58–59 below) help us to grasp the difference between:

- Legitimate criticism of Israeli policy, which would include criticism of the occupation of the territories, the settlement project, aspects of the treatment of minorities in Israel, and the degree of force Israel uses to restore deterrence against Hamas. (To identify a form of criticism is ‘legitimate’ is not to say that in every instance and every particular it is always fair and accurate.)
- Illegitimate discourse, which uses demonising, dehumanising and conspiracist language to bend the meaning of ‘Israel’ and ‘Zionism’ and ‘Zionists’ so far out of shape that each term becomes a fit receptacle for the tropes, images and ideas of classical antisemitism.

Antisemitism ‘dressed up’ as anti-Zionism, to use Hobsbawm’s very useful phrase, has three components: (i) a political programme to abolish the Jewish homeland (and no other homeland); (ii) a discourse to demonise it as evil and ‘Nazi’ (and only it); and (iii) a movement to make it a global pariah state so it can be ‘smashed’ (an anathema applied to no other state in the world).

The old antisemitism – which has not gone away, but is co-mingled with the new form – believed ‘the Jew is our Misfortune’. The new antisemitism proclaims ‘the Zionist is our misfortune’.

The old antisemitism wanted to make the world ‘Judenrein’ – free of Jews. The new antisemitism

wants to make the world ‘Judenstaatrein’— free of the Jewish State, which all but a tiny sliver of world Jewry either lives in, has family members living in, or treats as a vitally important part of their identity.

Some people are disbelieving of the development of a ‘new’ form of antisemitism. But as the scholar of racism Ben Gidley has noted, they really have no right to be. As noted above, history itself tells us that antisemitism changes over time, as ever-changing euphemisms mark ‘the Jew’ for destruction.

Today, the euphemism is, very often, ‘Zionist’ or ‘Zio’ or ‘Global Zionism’. The new antisemites write, talk and tweet as if what the demonized ‘Jew’ once was in the old antisemitism, demonised Israel or ‘Zionism’ now is. The new antisemite does not depict a nation-state as guilty (or not, as the specific case may be) of particular human rights abuses. Instead, ‘Israel’ and ‘Zionism’ and ‘Global Zionism’ are depicted by the new antisemite in eerily similar ways to how ‘the Jew’ was anathematised by the old antisemites:

- as a malignity to be eradicated, routinely compared to the ultimate evil, the Nazis;
- as a cosmically powerful force, able to bend global politics, media and finance to its will;
- as an essentially violent force, a blood-lust state, a ‘baby killer’ state, seeking to start wars and send Gentile boys off to fight them;
- as a conspiracy against the gentiles or ‘the people’, its power hidden, operating in the shadows and by pulling strings.

All supporters of the *existence* of Israel (many of whom are critical of specific Israeli policies), are lumped together and monstered as ‘the Zionists’, who should be attacked, banned, driven out of the movement and off campus, and denied access to the public square (or even, if some had their way, to a campus Jewish Society).

When a person says ‘the Zionists’ control the media, or control America, or did 9/11, or created ISIS, or stole Asghar Bukhari’s shoe in the dead of night; when they use the term ‘Zio’, or ‘Zio-Nazis’, or say Israel is the ‘new Third Reich’ and so should be ‘smashed’; when they demand all UK Jews take responsibility for Israeli policy in the West Bank (or else), this is not ‘criticism of Israel’: It is the new antisemitism.

Contemporary antisemitism does not propose to establish Palestine *alongside* Israel (the progressive ‘two states for two peoples’ solution). It proposes to establish Palestine *instead* of Israel. It wants Palestine ‘from the River to the Sea’. It says ‘Destroy Israel for World Peace’. And it justifies this programme of conquest by what is perhaps the most malevolent expression of the new anti-Semitism: the Nazi analogy.

Placards were held aloft outside a Labour Party NEC meeting in September 2018. They read

‘Anti-Zionism is not Antisemitism’. The left has to put itself to school so that it can respond confidently by saying, ‘You are wrong. While sharp criticism of Israeli policy is legitimate, we know that these days, sometimes, antisemitism does come “dressed up” as anti-Zionism.’ Until the decent left can say that, and stand its ground against the demonisers, the crisis will go on and on.

The IHRA helps everyone, including the universities, stand their ground when faced with the new antisemitism.

## 2. THE NAZI ANALOGY

Calling Israel ‘the new Third Reich’, Israelis ‘the new Nazis’, the IDF ‘the SS’, Netanyahu “Hitler” and so on, is ‘the Nazi Analogy’. Some call the phenomenon ‘Holocaust Inversion’.

The person using the Nazi Analogy may not subjectively hate *all* Jews *as* Jews. They probably do not. We can even imagine that, as the saying goes, some of their best friends are Jews. Nonetheless, the *use* by that person of the Nazi Analogy is antisemitic in its consequences. It has antisemitic *impacts*.

It is easier to grasp why if one places the contemporary use of the analogy in three all-shaping contexts: the Jewish context, the political context, and the discursive context.

### *The Jewish context of the Nazi analogy*

Whatever the subjective intentions of the person using the analogy – my own view is that most know exactly what they are doing – treating Israelis or Jews or Zionists as ‘Nazis’ is obscene; it verges on the demonic in its cruelty as it implicitly demands, as a matter of ethical obligation no less – and this after the rupture in world history that was the Shoah – the destruction of the Jewish homeland as a unique evil in the world, no better than the Third Reich, the perpetrators of the Shoah.

The academics Iganski, McGlashan, and Sweiry have pointed out that ‘deep wounds are scratched when the Nazi-card is played . . . in discourse against Jews.’ The inversion is ‘not simply abusive,’ they add, but ‘invokes painful collective memories for Jews and for many others,’ such that ‘by using those memories against Jews it inflicts profound hurts’ and can lead to violence.

In a similar vein, Dave Rich of the CST has argued that Holocaust inversion plays on Jewish sensibilities ‘in order to provoke a reaction,’ adding, ‘another word for that is Jew-baiting.’

For the Community Security Trust, ‘incidents equating Israel to Nazi Germany would normally be recorded as antisemitic,’ because the inversion has a ‘visceral capacity to offend Jews on the basis of their Jewishness’ and ‘carries a particular meaning for Jews because of the Holocaust.’

*The political context of the Nazi analogy*

The Nazi Analogy is used in a definite political context: there is a *global social movement dedicated to the destruction of only one state in the world* – the Jewish one. This movement is state-sponsored, well-funded, and has grown up over several decades and across several continents. It includes in its ranks eliminationist antisemitic forces. And central to this global movement is the deliberate use of the Holocaust Analogy to bait Jews and delegitimise Israel's very existence (not its policies, but its existence).

This worldwide campaign to 'Smash Israel' matters more than the subjectivity of any individual user of its discourse, images, and tropes. As the Israeli academic Elhanan Yakira has observed, when it comes to the Nazi Analogy there now exists an 'entire eco-system,' a veritable 'international community', that has a shared code, language, jargon, credo and sensibility. This is surely why the late scholar of antisemitism Robert Wistrich came to believe that 'Holocaust inversion' was 'in practice . . . the most potent form of contemporary antisemitism.'

In that context, to deny the Nazi Analogy the status of antisemitism unless the user of the analogy can be proved to have a personal subjective hatred of Jews as Jews (and how on earth would that be done?) is to fail to understand how contemporary antisemitism works. Antisemitism need not involve strong personal feelings of hatred for Jews. It very often does, of course, but though hatred is probably a sufficient condition it is not a necessary one: discriminatory treatment of the kind described above, and of other kinds too, will suffice.

*The discursive context of the Nazi analogy*

'Discourse' just means 'ways of speaking, writing and representing': i.e. our writing, talk, speeches, tweets, graffiti, cartoons, videos, internet memes, as well as the words and signs we use on our placards, and so on.

The discourse of the Nazi Analogy constructs almost all Jew as 'Zio-Nazis' because they support the existence of Israel. As a 2006 inquiry by the United Kingdom's All-Party Parliamentary Group (APPG) against Antisemitism put it, 'a discourse has developed that is in effect antisemitic because it views Zionism itself as a global force of unlimited power and malevolence throughout history.' When Zionism is redefined in this way, 'traditional antisemitic notions . . . are transferred from Jews (a racial and religious group) on to Zionism (a political movement).'

Whether or not the user of the discourse subjectively hates Jews is an important question, no doubt, but the transference identified by the APPG Report happens anyway, and so does the impact on Jews.

When Israel's operations to stop rockets from Gaza are described as a *vernichtungskrieg* (war of extermination) and Israel is described as a *Taetervolk* (a nation of criminals), or when Tariq Ali says Israelis treat Palestinians as *Untermenschen*, or when Noam Chomsky writes about the

‘jack-boots’ of the IDF, we have what Elhanan Yakira has called a ‘transhipment mechanism’ – a helpful, if awkward term, that means a ‘vehicle for transferring blame and negation . . . absolute evil, limitless guilt, and suffering’ from the Holocaust to Israel and Zionism.’

It has to stop.

### 3. THE ‘TWO-CAMPS’ WORLD VIEW

Why has it been so easy for antisemitism ‘dressed up’ as anti-Zionism to make headway on the left?

In part because antisemitic forms of anti-Zionism have a guiding world view, of sorts, that is influential on the left: the crude idea that the world is divided into two and only two camps: the good-oppressed vs. the bad-oppressors.

Progressive left-wing values are eroded by the ‘two camps’ philosophy. In their place comes an amoral myth: ‘my enemy’s enemy is my friend’. As David Hirsh, author of *Contemporary Left Antisemitism*, has observed, whereas anti-imperialism should be ‘one value amongst a whole set’ including ‘democracy, equality, sexual and gender liberation, [and] anti-totalitarianism’, it has been raised to a radically new and supreme status, a trump card.

At that point, *everything* became relative.

Tyrants, fascists, religious fundamentalists, and misogynists may look bad, but they are re-designated by the ‘two camps’ philosophy as *objectively progressive* because they are shooting at the West, which is simplistically constructed as THE Oppressor. Democrats, workers, women and gays, meanwhile, can be abandoned if they get on the wrong side of the ‘anti-imperialist’ Mullahs, the Islamist Hate-Preachers, and the Dictators. The ‘two camps’ world view defines theirs as a legitimate struggle against the evil West (even though it is usually just the age-old war on uppity women, the wrong kind of Muslims, and anyone seeking democracy, freedom and joy).

The Left’s moral compass can thus be broken.

It was the two-camp philosophy, I believe, that led Jeremy Corbyn to defend an antisemitic Islamist preacher-politician called Raed Saleh.

It led Ken Livingstone to embrace the antisemitic Islamist and misogynist preacher Qaradawi, and then to attack the human rights activist Peter Tatchell when he protested about this.

The crude two-camp world view can even persuade leftists that the fascist is the new progressive and that they should carry placards through the streets of London proclaiming ‘We are all Hezbollah Now!’

Judith Butler, the American academic, told an audience of students that ‘Understanding Hamas, Hezbollah as social movements that are progressive, that are on the left, that are part of a global



left, is extremely important.’

The Labour leader Jeremy Corbyn said of the fascistic and antisemitic Hamas and Hezbollah, ‘it will be my pleasure and my honour to host an event in Parliament where our friends from Hezbollah will be speaking. I’ve also invited friends from Hamas to come and speak as well... an organization that is dedicated towards the good of the Palestinian people, and bringing about long-term peace and social justice and political justice in the whole region.’

What Corbyn said about Hamas and Hezbollah was delusional nonsense. But it can make a kind of sense to the person in thrall to the two-camp philosophy.

Applied to the Israel-Palestine conflict, the two-camp world view reduces what is a hugely complex conflict to a cartoon. A tragic clash between two peoples, who are both the victims of a tragic history, is reduced to just one more example of Good Camp vs. Bad Camp. Rather than support deep mutual recognition, negotiations, sharing the land, and peacebuilding, Israel is to be ‘smashed’, while Israel’s enemies – whatever they stand for, however they behave, whomever they kill – are to be cheered on as the ‘anti-imperialist resistance’. Even antisemitic Islamism is sometimes excused, or even worse, recoded as objectively progressive and offered tea on the terrace of the House of Commons.

*Professor Alan Johnson is Editor of Fathom and author of Institutionally Antisemitic: Contemporary Left Antisemitism and the Crisis in the British Labour Party.*

## APPENDIX 1: THE IHRA DEFINITION

INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE

### THE WORKING DEFINITION OF ANTISEMITISM

In the spirit of the Stockholm Declaration that states: “With humanity still scarred by ... antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

“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.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.

- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property — such as buildings, schools, places of worship and cemeteries — are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

## **APPENDIX 2: 95 LEADERS, OFFICERS AND MEMBERS OF UNIVERSITY JEWISH SOCIETIES, 'JEWISH STUDENTS ARE PROTECTED BY THE IHRA DEFINITION OF ANTISEMITISM'**

JOEL ROSEN ET. AL.

*This letter appeared in The Guardian on 22 January 2021.*

The commentariat's analysis of the adoption of the International Holocaust Remembrance Alliance definition of antisemitism by British universities (Letters, 7 January) does not resemble the reality we have witnessed on the ground.

Critics of the IHRA definition have sought to depict it as a diktat imposed by the education secretary that would inhibit freedom of speech. Their narrative ignores the reality that it is university Jewish societies across the country and the Union of Jewish Students, which represents 8,500 students, that have long been campaigning in good faith for our universities to adopt this definition.

We have done so because we seek to protect Jewish students and not the government of the State of Israel. The definition explicitly states that criticism of Israel similar to that levelled against other states cannot be considered antisemitic.

The IHRA definition acknowledges that antisemitism can be subtle, and our experience confirms this. The abuse we face is often cloaked in political discourse. When Jewish students who protested against Jeremy Corbyn's visit to the University of Bristol described being called a "filthy zio" and "a puppet of the Zionist lobby", and being "repeatedly asked who was paying [them] to be there", and told that they "should go back to where [they] belong", they were not encountering criticism of the State of Israel; rather, they were experiencing naked antisemitism.

It is time for a discussion of the IHRA definition and its adoption by British universities to reflect the lived realities of Jewish students. Retired judges, activists based in the Middle East and far-left non-Jewish academics are not on the frontline enduring antisemitism on campus – we are.

We believe that this definition affords Jewish students the best possible protection, and we are the people best equipped to make that judgment.

Joel Rosen, External affairs officer, Cambridge University Jewish Society  
 James Harris, President, Union of Jewish Students (UJS)  
 Jonathan Braun, President, World Union of Jewish Students (WUJS)  
 Bini Guttman, President, European Union of Jewish Students (EUJS)  
 Edward Isaacs, President, Bristol Jewish Society  
 Toby Kunin, President, Warwick University Jewish Society; UJS national council  
 Jack Lubner, Co-youth and students officer, Jewish Labour Movement  
 Samuel Goldstone, President, UCL Jewish Society  
 Grace Silverstein, President, Leeds Jewish Society  
 Adam Caplan, President, University of York Jewish Society  
 Nadia Goldman, President, Birmingham Jewish Society  
 Benjamin Lovat, Co-president, Imperial College London Jewish Society  
 Lucinda Bathie, President, Glasgow University Jewish Society  
 Sam Kaufman, President, City University Jewish Society  
 Abe Tolley, Outgoing president, Cambridge University Jewish Society  
 Sam Kunin, President, Cambridge University Jewish Society  
 Shayna Wise-Till, President, Leicester University Jewish Society  
 Emily Katz, Co-president, Sheffield University Jewish Society  
 Joel Azulay, President, Queen Mary University of London Jewish and Israel Society  
 Rachel Dutch, President, Surrey University Jewish Society  
 Dominic Casoria, President, Lancaster University Jewish Society  
 Ethan Weitzman, Co-president, Imperial Jewish Society  
 Zac Abrahams, President, University of Westminster Jewish Society  
 Peter Strauss, President, Oxford Brookes Jewish Society; UJS national council  
 Nina Freedman, President-elect, Union of Jewish Students  
 Esther Offenber, President, Union of Jewish Students (2019-20)  
 Hannah Rose, President, Union of Jewish Students (2018-19) and UJS trustee  
 Joshua Holt, President, Union of Jewish Students (2017-18)  
 Hannah Brady, President, Union of Jewish Students (2015-16)  
 Ella Rose, President, Union of Jewish Students (2014-15)  
 Yos Tarshish, President, Union of Jewish Students (2013-14); WUJS chairperson 2015-18  
 Alex Green, President, Union of Jewish Students (2012-13)  
 Ruben Gerczikow, Vice-president, European Union of Jewish Students  
 Elias Dray, Vice-president, European Union of Jewish Students  
 Dana Winter, Vice-president, European Union of Jewish Students  
 Rebecca Lyons, Vice-president, University College London Jewish Society  
 AJ Solomon, Vice-president, Bristol University Jewish Society  
 Miles Stewart-Compton, Vice-president, Southampton University Jewish Society

Tristan Benhamou, Vice-president, Goldsmiths Jewish Community  
 Ben Heath, Treasurer, Southampton University Jewish Society  
 Joshua Garfield, Councillor, London Borough of Newham; National executive committee, Jewish Labour Movement  
 Luisa Attfield, Co-youth and students officer, Jewish Labour Movement  
 Bradley Langer, Campaigns organiser, Union of Jewish Students  
 Daniel Sacks, Council chair, Union of Jewish Students  
 Benjamin Harari, Union of Jewish Students National Council  
 Gil Rubin, Sabbatical officer, Union of Jewish Students  
 Shiri Wolff, Communications officer, Union of Jewish Students  
 James Hamburger Aston, chair, Birmingham Jewish Society  
 Millie Walker, University chair and campaigns officer, Leeds Jewish Society  
 Guy Dabby-Joory, Former president, Oxford University Jewish Society  
 Nathan Boroda, Youth and students officer, Jewish Labour Movement North West  
 Ari Deller, Former president, Edinburgh University Jewish Society (2019-20)  
 Adam Grossman, Former president, Leeds Jewish Society  
 Noah Katz, Campaigns officer, Lancaster Jewish Society  
 Elana Keiles, UJS representative on the Board of Deputies  
 Jeremy Schiff, Treasurer, Cambridge Jewish Society  
 Ariel Simble, Inter-communities and social action, Leeds Jewish Society  
 Elianna Rabinowitz, President, Fitzwilliam College Cambridge Jewish Society  
 Abigail Wander, Elder and former welfare officer, University of Bristol  
 Dora Hirsh, Inclusions officer, Sheffield Jewish Society  
 Sabrina Miller, Former campaigns officer, Bristol University Jewish Society  
 Georgina Bumpus, Former vice-president, Oxford University Jewish Society  
 Anthony Bolchover, UJS representative on the Board of Deputies  
 Noah Besbrode, Youth leader, FZY  
 Asher Renton, Team leader, CST Birmingham Universities  
 Emily Sinclair, Oxford University Jewish Society  
 Rachel Zerdin, Oxford University Jewish Society  
 Dani Abrams, Events/social officer, Leeds Jewish Society  
 Ariel Levine, Oxford University Jewish Society  
 Esther Walker, Member, national executive council, Union of Jewish Students  
 Alex Rosalki, Former student synagogue leader, University of Leeds  
 David Bush, Shabbat officer, Warwick Jewish Society  
 Jonah Cowen, Former vice-president, Oxford University Jewish Society  
 Jodie Franks, National executive committee, UJS  
 Chad Greenblatt, Finance officer, City University of London Jewish Society

Michal Cohen, Communications officer, City University of London Jewish Society  
Gideon Bernstein, Oxford University Jewish Society  
Isaac Adni, Oxford University Jewish Society  
Ilan Selby, Policy officer at the European Union of Jewish Students; incoming board member of the World Union of Jewish Students  
Michel Rodan, Legrain Programme officer, European Union of Jewish Students  
Sam Lawrence, Birmingham Jewish Society  
Samuel Rubinstein, Former president, Cambridge University Jewish Society  
George Aminoff, Sports rep at Birmingham Jewish Society  
Ella Shindler, Education officer, Cambridge University Jewish Society  
Jacob Freedland, Committee member, Cambridge University Jewish Society  
Noam Solomons-Wise, Egalitarian representative, Cambridge University Jewish Society  
Joshua Davies, Founder, Leicester Jewish Society  
Reuben Brown, Cambridge University Jewish Society  
Louise Majetschak, Graduate representative, Cambridge University Jewish Society  
Samuel Lachmann, Cambridge University Jewish Society  
Delphie Levy Jones, Social secretary, University Liverpool Jewish Society  
Debby Poznanski, Former chair, University of Birmingham Jewish Society  
Rebecca Woolich, President, University of Kent Jewish Society  
Jacob Rosenberg, Goldsmiths Jewish Society  
Amanda Sefton, UJS sabbatical officer

