



## **Submission to Labour Party Consultation on the Definition of Antisemitism**

### **SUMMARY**

A valid definition of antisemitism must provide a clear and unambiguous statement based on attitudes to Jews as Jews, not attitudes to a country, Israel.

The IHRA document (definition plus examples) fails as a definition: it does not unambiguously delimit the scope of the term. Only the definition, not the examples, were agreed by IHRA.

The IHRA document has been promoted in defiance of the usual requirements of evidence and integrity, for political purposes.

The mainstream bodies promoting the IHRA document have limited representational credibility; Jewish opinion is not monolithic on this subject.

The strident advocacy for the IHRA definition focussed on hostility to Israel rather than to Jews has had negative effects on rank and file party members, Jews outside the Labour Party, freedom of expression, advocacy for Palestinian rights, and the fight against antisemitism.

The adoption of the IHRA document will not end the attacks on Labour; it will unleash a campaign to use it to purge the party of supporters of the leadership.

Should the IHRA document be incorporated more fully into Labour's disciplinary procedures, additional safeguards for freedom of expression will be essential – our submission proposes how this can be achieved.



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### Jewish Voice for Labour

Jewish Voice for Labour's political priorities are universal human rights and dignity; justice for all; freedom of expression; and democracy in the Labour Party. Voting members of JVL are all both Jewish and Party members. We oppose all forms of racism including antisemitism, and take inspiration from the history of Jewish involvement in the socialist and trade union movements and in anti-racist and anti-fascist struggles, including the anti-apartheid and civil rights movements.

### Defining Antisemitism

Dictionary definitions of antisemitism can be as short as 6 words or even less. Until quite recently the concept was simple, well understood, and its practice was almost universally condemned as pernicious and dangerous. In the past 20 years a determined attempt has been made to promote the idea of a 'New Antisemitism' – a supposed variant in which hostility to Jews is disguised and expressed through critiques of Israel. The International Holocaust Remembrance Alliance (IHRA) document, comprising a 38-word definition together with a 'guidance' section containing eleven examples of statements claimed likely to be antisemitic, is the latest manifestation of this thrust.

A definition is supposed to be a summary of the essential elements which establish without ambiguity whether or not we as observers are confronted by an instance of what is being defined. A definition of antisemitism which needs to rely on 'examples', which may or may not be antisemitic depending on context, fails that test, as numerous authorities have noted. [See for example [here](#), [here](#), [here](#), [here](#) and [here](#).] In other words, the IHRA 'definition' is not actually a definition. Its vagueness makes it unfit for use as a test of whether a statement, or action, is or is not antisemitic.

### Defining Antisemitism Better

Antisemitism is a complex social phenomenon. Nevertheless it is possible to capture its essential, that is defining, characteristics reasonably succinctly, as in the following formulation:

*Antisemitism is a form of racism. It consists in prejudice, hostility or hatred towards Jews as Jews. It may take the form of denial of rights; direct, indirect or institutional*

*discrimination; prejudice-based behaviour; verbal or written statements; or violence. Such manifestations draw on stereotypes – characteristics which all Jews are presumed to share.*

This definition of antisemitism focuses, as it should, on Jews as Jews. The examples of supposedly antisemitic discourse deployed in the IHRA document consist, by contrast, of statements both about Israel and about Jews. Those about Jews are essentially uncontentious. But the majority are, in fact, centred not on Jews but on Israel.

Israel is a state not a person; and at that a multi-ethnic, multicultural country whose inhabitants practice many religions or none. Is it really contended that criticism of abuses committed by a state with a predominant or entrenched religion is *prima facie* an attack on that religion? Without further evidence of intent, surely not. Otherwise expressions of outrage against the human rights abuses of the offensive regime in Saudi Arabia would all be classed as Islamophobic.

Most Jews acknowledge that Israel, and what happens there, is important to them. Many say that their identity is bound up with the state of Israel (though many do not), and they are perfectly entitled to make this identification. As a result they may indeed be offended by some, or all, criticisms of that state. But such criticism, even if strongly made, or indeed, even if erroneous, is not thereby rendered antisemitic – unless it is motivated by or expresses “*prejudice, hostility or hatred towards Jews as Jews*”. There is no right not to be offended. There *is* a right to free expression.

### The Politics of the IHRA Document

The current prominence of the IHRA document owes nothing either to the merits of its definition, or to the level of antisemitism in the UK. It has been relentlessly promoted for political purposes. Its virtually identical fore-runner launched in 2005, known as the EUMC definition, failed in this task. Only when an apparent link to the holocaust was attached to the wording through its adoption by the IHRA did it gain traction. Yet it has been revealed that this attribution was misrepresented. The IHRA at its May 2016 meeting in Bucharest [adopted only the 38-word definition](#), not the examples.

Methods similarly lacking in integrity have been used to promote its adoption by public bodies in the UK. Variants of the definition have been circulated by supporters of Israel, in which the wording has been tinkered with to remove important qualifying words (“...*could, taking into account the overall context, include...*”) and have been adopted in this form by local authorities, including for example the Greater London Authority. Scare stories about the prevalence of antisemitism in the UK and especially in the Labour Party, based on little or no evidence, have been promoted by partisan individuals and bodies, and disseminated by a complaisant mainstream media. The methods used have included innuendo, guilt by association, and outright fabrication [see [here](#), [here](#), [here](#), [here](#) and [here](#)], as well as 3-line whipping by Labour councils, with Labour Councillors denied any right of advance discussion. Senator McCarthy would have been proud.

The mainstream media, including those that promote themselves as operating to higher standards, have in effect been a party to this operation. They have given extensive air-time and column space to those promoting the antisemitism narrative, while largely denying it to critical voices. Hosts on supposedly 'neutral' broadcast programmes systematically harass critics, but offer supportive comments to those like Margaret Hodge who advance absurd and evidence-free allegations, as well as deeply problematic comparisons between her treatment by the Labour Party and the treatment of Jews in Nazi Germany.

One of the key misrepresentations in the permitted public discourse on this topic is that the 'Jewish community' is united in its allegations against the Labour Party, and behind the demand for the adoption of the full IHRA document. It *is* true that the mainstream communal organisations stand shoulder to shoulder on these issues. But they do not 'represent' the UK's Jewish population. The only organisation that purports to be in any way representative is the Board of Deputies of British Jews (BoD), a body that consists almost entirely of delegates selected by synagogues. The BoD's [own website](#) states that these synagogues have membership covering no more than 50% of British Jews. Those excluded include secular Jews, religiously observant Jews who are not registered with a synagogue, and the strictly orthodox Haredi community in its entirety, some branches of which are fiercely critical of Israel. But in any case there is no effective monitoring of the way in which synagogue deputies are selected, with many serving continuously for decades. The claim that the BoD speaks in the name of British Jews is unsubstantiated and indeed disingenuous.

A small number of cases (tiny relative to the size of the party) have surfaced of members who have committed themselves to antisemitic formulations, whether out of ignorance or prejudice, and it is right and proper that they should be referred and dealt with appropriately. But none of this can justify the moral panic promoted in the name of a supposedly united British Jewry, aided by some elements of Labour's own right-wing, whose results have been entirely negative. They include

- a mass of Labour members round the country who are confused by this 'crisis' which they cannot relate to their own experience of a nearly antisemitism-free party
- substantial parts of the UK's Jewish population who have been needlessly alarmed at the non-existent threat that a Jeremy Corbyn-led government would represent
- a chilling effect on freedom of expression which leaves many Labour Party members, and others, disinclined to voice their criticisms of Israel for fear of being sanctioned
- the consequent undermining of support for the Palestinian people, whose rights are being denied with ever-increasing rigour and brutality by Israel
- a generated confusion about what constitutes acceptable limits of speech in this area, which paradoxically weakens the defences against "*prejudice, hostility or hatred against Jews as Jews*".

## The Way Forward

The 38-word IHRA definition was adopted by Labour in 2016. In itself this did little harm, except that accepting a 'definition' which so patently lacks the attributes a definition should have has significantly debased the coinage of public discourse.

The potential adoption by the Labour Party, currently under discussion, of most if not all of the IHRA document's guidance section presents genuine risks to democracy within the party. Particularly significant is the IHRA document's 7<sup>th</sup> example of *prima facie* antisemitic statements:

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

The claim for exclusive Jewish self-determination in Israel/Palestine (as clarified in the recent Nation State Law) privileges Jewish over Palestinian self-determination. Is there to be a ban on engaging with this fact in political or policy discussion in the Labour Party? Are the many parallels between Israel's policy and practice and South African-style apartheid, acknowledged by the South African government itself, to be unsayable within the Party? Incorporating this 'example' in the Party's rule book would make such legitimate political discussion vulnerable to disciplinary action.

We take it as axiomatic that further or even complete adoption of the IHRA document by the Party is being contemplated not on the merits of the case – which are entirely lacking – but because of the political pressure generated both externally and also by certain privileged interests and individuals within it.

It is clear from what we have said above that we think no part of the IHRA definition earns its place within the procedures of the Labour Party. But we do understand that the Party has to take cognisance of the political context, with internal as well as external pressures on it to concede.

There is, however, no realistic prospect that these pressures will be called off if the current demand for the full adoption of the IHRA document is conceded. Indeed this intention is publicly available in clear. It was openly announced in the [joint statement](#) fronted by three Jewish newspapers on 25<sup>th</sup> July: "Had the full IHRA definition with examples relating to Israel been approved, hundreds, if not thousands, of Labour and Momentum members would need to be expelled." The intended programme is clearly to use the loosely-worded disciplinary document they are campaigning for as the basis for a purge of Corbyn and Palestine supporters.

Each successive apology and retreat by the party has only generated more extreme allegations and demands. It does appear that the assault will be called off only when the Corbyn leadership and project is fatally wounded, or when the approach is shown to be counter-productive to its sponsors.

What follows from this analysis is

- i) that any more complete adoption of the IHRA document by the Labour Party will be followed by a campaign of allegations of antisemitism against key Corbyn supporters at the base and in the leadership; and therefore
- ii) that whatever decisions are made about the wording and placing of the IHRA text, they need to protect members from vexatious and politically motivated

accusations, while also being effective in identifying party members who cross the line into antisemitic formulations.

The [Tomlinson opinion](#) states explicitly that “the IHRA Definition does not mean that activities such as describing Israel as a state enacting policies of apartheid, as practicing settler colonialism or calling for policies of boycott divestment or sanctions against Israel can properly be characterized as antisemitic.” Tomlinson clearly signals that in unmodified form the IHRA document presents a significant threat to the right to freedom of expression guaranteed by article 10 of the Human Rights Act 1998. “The IHRA Definition” Tomlinson says “should not be adopted without careful additional guidance on these issues.” In our view the Code of Conduct adopted by the NEC this summer provides very appropriate guidance of the kind that Tomlinson called for.

No one has presented even a single example of a statement expressing *prejudice, hostility or hatred against Jews as Jews* that would be permitted under the Code of Conduct but banned under the IHRA document. The reason is clear: under the Code no anti-Jewish statement of any kind would be permitted. What the Code does that the IHRA document does not is to give effective protection to free speech. By contrast the IHRA document is being promoted, as we have argued, in order to limit debate on Israel.

### Additional Safeguards

The IHRA texts whether in complete or partial form do not provide the clarity and specificity required by a functioning disciplinary process. The Code of Conduct will need to be the essential operational document. In its current form it is a sophisticated attempt to interpret the IHRA texts in a way that could guide operational disciplinary processes without infringing freedom of expression.

Should the degree of acceptance of the IHRA document be increased by the NEC at its forthcoming meeting, then the Code of Conduct may need to be adapted to make the two documents consistent. How this is done will be crucial to ensuring that freedom of debate and discussion on Israel/Palestine is maintained.

One possible strategy that has been advocated would be to incorporate, at an appropriate point, the ‘clarifications’ (usually called the caveats) to the IHRA document proposed by the Home Affairs Select Committee (but not accepted by the Government):

- *It is not antisemitic to criticise the Government of Israel, without additional evidence to suggest antisemitic intent.*
- *It is not antisemitic to hold the Israeli Government to the same standards as other liberal democracies, or to take a particular interest in the Israeli Government’s policies or actions, without additional evidence to suggest antisemitic intent.*

The protection provided by the first caveat is largely illusory. Crucially its limitation to criticism of the *Government* of Israel, rather than the *State* of Israel, omits many

issues of legitimate debate. It provides no protection for critical discussion of the actions of the Israeli judiciary and parliament, or Israeli laws or its constitutional order. It surely must be legitimate for party members to argue both for and against the proposition that both the Zionist project, and its practical outcome in the state of Israel, were and are predicated on the displacement and disempowerment of the Palestinians. Such discourse would not be protected by the caveats.

The second caveat also seems to promise more than it actually delivers. The underlying assumption is that Israel is one of a number of equivalent 'liberal democracies'. But there are no other liberal democracies that have illegally occupied substantial territories for 50 years and counting, and enacted more than 50 laws which discriminate on the basis of ethnicity. There are no liberal democracies that are criticised as settler-colonial or apartheid states, yet there is a developing critique of Israel in these terms. This caveat offers no protection to party members who wish to discuss Israel in these terms.

The caveats, then, offer little protection for critical debate about Israel. Something stronger is needed.

### Recommendation

Any revisions to the Code of Conduct needed as a result of a more complete adoption of the IHRA document need to be accompanied by greater safeguards, against its potential misuse both to suppress discussion on Israel/Palestine and to purge those who make a principled resistance.

The overarching objection to adoption of the IHRA document is its threat to freedom of expression and debate within the party. What will be needed then is an unambiguous statement that protects these freedoms, and conditions any restrictive tendencies implicit in the IHRA formulation.

We would suggest that in these circumstances a statement should be incorporated into the most appropriate document along the following lines:

*Nothing in the document, or in other documents with a bearing on the Party's disciplinary procedures, shall be used or interpreted in any way that violates the right to freedom of expression entrenched in the Human Rights Act 1998.*

We believe that a statement of this kind would be likely to gain support, and be hard to attack even by those who wish the party harm.

The location of a statement of this kind within the relevant texts will determine how effectively it can serve as a bulwark against the pressure for censorship of discussion and debate that are currently being brought to bear. Its scope needs to include the practical interpretation of all those elements of the Rule Book that bear on discipline. Evidently it should cover clause 2.1.8, but that clause refers to other sections of the Rule Book. Therefore to remove any ambiguity there is a case for locating such a statement of principle at a higher level, so that it covers all aspects of the disciplinary process.