



Jewish Voice for Labour

IN THE MATTER OF
AN INVESTIGATION UNDER SECTION 20 AND
SCHEDULE 2 OF THE EQUALITY ACT 2006

INTO:

ANTISEMITISM IN THE LABOUR PARTY

Supplementary Submission to the EHRC in Response to the Closing Submissions on Behalf of the Jewish Labour Movement

Executive summary

27 April 2020

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Note: This document was in final stages of preparation when the internal Labour Party report on the GLU was leaked. We have not been able at this late stage to incorporate the content of that report into this response except in a few instances. Accordingly, we reserve the right to submit a supplemental report when we have time to compare the content of that report with the claims in the JLM submission. On a preliminary reading of that 850 page document it is our strong impression that the report on the GLU substantially challenges many of the JLM's claims especially, but not exclusively, in Part B 'Whether the Party has responded to complaints of unlawful acts in a lawful, efficient and effective manner'.

In its belated closing submissions to the EHRC in December 2019 the JLM produced a massive dossier of evidence alleging that "Labour Party is no longer a safe space for Jewish people or for those who stand up against antisemitism".

In this document we assess the evidence submitted insofar as this is possible, given the often sketchy or over-generalised nature of it, and find overwhelmingly that it does not establish its case. We have responded to over 150 claims made in the dossier. Many paragraphs make generalised assertions that we do not accept but there is insufficient detail given for us to be able respond meaningfully; other paragraphs are based on redacted supporting statements that again it is impossible for us to respond to. While some claims in the dossier are valid, our failure to respond to an item should not be taken as an indication that we accept the claim made. Some of it relates to interpretations of the law, or to internal matters in the Labour Party about which we have no privileged knowledge. We leave those questions to the relevant experts to respond to. But a large swathe of the dossier contributes to the construction of the Labour Party as a dangerous place for Jews, quite contrary to our experience. In our response we deconstruct it and, in the process, have observed a variety of faults in the dossier which we summarise here:

- Much of it is simply rumour and gossip, or unsubstantiated allegations. Where we have been able to investigate these, we find remarkably little support for what is alleged to have taken place. It is sometimes demonstrably wrong.
- Much of it is interpretation of the IHRA working definition of Antisemitism or of how Labour party processes did or did not work. We express reasoned disagreements on many of the conclusions which the JLM submission chose to draw, in particular its repeated eagerness to interpret failings (or alleged failings) relating to incidents with no obvious connection to antisemitism, to antisemitic intent or antisemitic institutional bias.

Before looking at specific points in the JLM dossier we make a number of general comments which are common to problems with the submission as a whole. In some cases, we link to specific responses in our submission which illustrate the general points we are making here:

* Questioning the reality of particular accusations of antisemitism, or the extent of antisemitism in the Labour Party or on the left is not evidence of playing down of the

significance of antisemitism nor, worse, of antisemitism denial. On the contrary, it is essential to do so to understand the real extent and nature of any antisemitism there may be in the Party *in order to deal appropriately with it*. The JLM submission is pervaded by the belief that to question particular allegations of antisemitism is to be denying the reality of the problem. It is an attitude also reflected in the leaked Labour Party Review of the Governance and Legal Unit and it needs to be challenged.

* Equally, we affirm that the evidence simply does not sustain the view that the Party is rife with antisemitism. We have published extensive analyses of this topic. (See in particular [Smoke Without Fire: The Myth of a 'Labour Antisemitism Crisis'](#) and [Journalists, check your evidence on antisemitism!](#))

* As we say above, we regard knowing the extent and nature of the problem as essential for drawing up any coherent strategy for dealing with it. The dossier, on the contrary, regards any such search for evidence as denial of the problem.

* There is an assumption that if anyone believes an individual has been unjustly accused of antisemitism, or simply deserves a proper hearing without being judged in advance by the media, or even that someone might be guilty of antisemitism but still deserves the right to a fair trial; this is *evidence* of being a secret antisemitic sympathiser. It appears as a form of guilt by association at numerous points in the JLM submission. It is not acceptable.

* Time after time the dossier moves from remarks about a specific Jew or group of Jews or Jewish organisation(s) to claiming this refers to all Jews. An individual Jew may be accused of some sort of undesirable behaviour, just as any individual may be. It is only antisemitic if there is a pattern of selecting individual Jews for this behaviour and overlooking it in the case of non-Jews; if there is an inference that the behaviour is in some way reflective of their Jewishness; if the allegation is applied only to Jews and not to other individuals guilty of this form of behaviour. Defending someone accused of antisemitism is not the same as denying the existence of antisemitism.

* A whole series of cases and examples have become 'common-sense go-to' examples, illustrations of situations where antisemitism is simply assumed – Riverside CLP, for example, and the Marc Wadsworth case. Or assumptions are made that those calling out antisemitism are then victimised for so doing: Luciana Berger being a prime example. We show the absurd distortions and construction of cases for the prosecution without any credible evidence involved in a number of such cases.

* The submission abounds with references to labour's disciplinary processes and the unfairness of them. We ourselves have made many criticisms of these processes and judge them in the light of the Chakrabarti recommendations and general principles of natural justice, due process, transparency, proportionality and more; we still have grave misgivings about the reformed procedures currently in use.

But unlike the points made in the submission, which stress only the injustice to complainants of delay and lack of information, we believe the injustice extends to *all*, including the accused. We still believe in the presumption of innocence, the right to know one's accusers, the right to a hearing with proper representation and more. Calling for these is not calling for antisemites or any other offenders to be let off the hook.

The stress of being suspended and being asked to construct the case for the prosecution by inquisitorial questioning without understanding what you are supposed to be guilty of, or knowing who has accused you, or being suspended from the Party world in which many people so accused have given their lives – sometimes for months or years at a time – has no role in dealing with racism of any kind that we can understand.

* The decision of the JLM to release the document in this form gives rise to great concern. The names of those giving evidence are redacted and their identity is not disclosed. In contrast the names of those against whom allegations are made are public. Their reputations, and indeed their safety, are jeopardised but the reader is unable to evaluate whether they have been fairly accused or not; those accused cannot effectively rebut undisclosed evidence and their chance of mounting an effective defence is seriously undermined. We do not question the right of the JLM to communicate with the EHRC but we assume the document submitted to the Commission is not redacted. We can only assume that a separate effort was put into preparing a redacted version precisely so that it could be “made available” at some point. Its effect of poisoning the well of public opinion when it was “leaked” in the run-up to the General Election and to bias opinion *against* the Labour Party undermines the JLM’s continuing right to be a Labour Party affiliate.

* There is an assumption in the dossier that only punishment such as expulsion is appropriate for the offences alleged. Although the JLM complains about having been excluded from antisemitism training it also complains that education and training are used as ways of dealing with incidents of antisemitism. It takes this as a sign that antisemitism is not being dealt with seriously, that there is institutional bias against dealing with antisemites. We can see no grounds for this interpretation and indeed believe education to be a crucial element in building an anti-racist policy, which incorporates effective opposition to antisemitism, within the Labour Party.

* Connected with this is a failure to be willing to accept apologies, to recognise that people can shift and change. Apart from the single case of Naz Shah – where the JLM accepted her apology in the past – we cannot find a single other example of where someone’s apology for what they did or said in the past is taken as evidence of any change whatsoever. It’s never good enough. It is our view that racism is endemic in our society and racist tropes of all kinds abound without making people irredeemable racists, that most people are redeemable.

Huge cultural shifts have undoubtedly taken place within British society in this regard since the fifties and sixties; huge changes still need to take place. Here discussion, education, debate are crucial levers in these longer-term changes which cannot be accomplished by a simple zero-tolerance-expel-them-all approach. They are never given credence in this dossier.

* Nowhere is this more important than in connection with on the Israel/Palestine question and the way in which issues of antisemitism have been intertwined with it. It is our concern that the JLM dossier confuses rather than clarifies these issues, determined criticism of Israel and its actions being taken as a presumption of a lurking antisemitism.

The IHRA definition, and particularly its examples, has exacerbated this problem and its existence has in certain circumstances created “a climate of fear”, in the words its US drafter Kenneth Stern who rejects its use as a disciplinary tool and code.

* A number of the allegations in the dossier are old and time-worn, particularly those against Jeremy Corbyn personally: the Mear One mural; 'irony'; support for Paul Eisen; for holocaust survivor Hayo Meyer; wreath laying and a number more –. We, and many others, have shown that often the accusation is simply wrong or so wrenched out of context that it is utterly misleading; we have also stressed the occasions on which Corbyn accepted that he had been mistaken and apologised (for example over Mear One). In our view there is not a single accusation of personal antisemitism on Mr Corbyn's part that can reasonably be made to stand up. This dossier simply assumes they are true, without reference to evidence.

* Different standards are applied to different cases. Ian Austin and Margaret Hodge appear as the innocent victims of party processes which when applied to others are deemed perfectly appropriate. Austin and Hodge's Jewish backgrounds are deemed relevant whereas Hayo Meyer's as a Jewish holocaust survivor, or Moshe Machover, Glyn Secker, Jo Bird and others' Jewish background are deemed irrelevant.