

Palestine, Antisemitism and Academic Freedom conference

Organised by Bricup on 23 January 2021.

Videos of the full conference can be found [here](#).

I contributed to the final session on where we go from here. My intervention was based on, and followed the text below, fairly closely but I had to shorten it because of time constraints. The paragraphs in red below were cut. I have left them in here as I think they add usefully to the argument.

Richard Kuper

Closing remarks

I have been working around – and opposing the IHRA working definition – from when it first appeared in 2005 on the site of the European Union Monitoring Committee on Racism and Xenophobia (the EUMC). We in European Jews for a Just Peace and many others protested. And were assured by Beate Winkler, EUMC Director, that it “should be viewed as ‘work in progress’ ... with a view to redrafting”.

We were promised consultation but it never happened and it wasn’t redrafted. Supposedly designed “as a data collection support tool” to get comparative stats on antisemitism across Europe, it was found not to be helpful and it disappeared from the website of the EUMC’s successor body, the FRA.

End of story, you might have thought. but we forgot, or failed, to drive a stake through the document’s heart. For, very slightly altered in form but with the substance unchanged, it was resurrected as the IHRA definition in 2016. But this time it was given the status of holy writ.

The central weakness of the IHRA definition is, as Justice Stephen Sedley has said: ‘[it] fails the first test of any definition: it is indefinite’. Supplementing a poor 38-word definition with illustrations which might, taking into account the context, be antisemitic – or might not – is of no help in judging, in any particular case, whether an example is antisemitic.

The real danger, in my view is not that the IHRA definition rules out criticism of Israel. It is, rather, that it is based on a presumption that such criticism is likely to be antisemitic – perhaps a 50:50 chance, say. It places the onus on the critic to prove they are not antisemitic. Presumed guilty – but you can try to prove you are not

Can criticism of Israel be antisemitic? Undoubtedly – if it shows prejudice, hostility or hatred towards Jews as Jews which seems to me all you need to have a perfectly workable definition of antisemitism. Or, to put it another way,

criticism of Israel is antisemitic if and insofar as it is antisemitic without any reference to Israel.

But what is the discussion that the definition chills? It is precisely discussion about Palestine: the nakba, the expulsions, the expropriations and discriminations within the green line, and the military-backed, often murderous, oppression in the occupied Palestinian territory.

What therefore are we to do? I will make five suggestions.

1. Implacable opposition to the adoption of the IHRA definition wherever it is mooted.

I won't expand on this. It has been the subject of hours of magnificent presentations and discussion already today. Oppose its adoption as at Brighton University; or, as at University College London, work carefully, to try to get it rescinded where this is a possible option.

2. Insist on discussing antisemitism

We insist that **we oppose antisemitism with a passion. To do so we must also** insist on the right – and the necessity – of understanding it. The IHRA definition helps precious little in this regard.

In this respect I would commend highly a variety of other definitions to work with

- a) the [UCU - challenging anti-semitism leaflet](#)
- b) the JVL/FSOI [What is – and what is not – antisemitic misconduct](#)
- c) I would even include the Board of Deputies of British Jews 2020 document [Protecting the Jewish community from antisemitism on Facebook](#) which in a 16pp document does not bother to mention the IHRA definition even once, saying essentially that “Antisemitism is discrimination, prejudice or hostility against Jews.”

To this end, insist on genuine education on the topic i.e. encourage discussion where the nuances of antisemitism can be teased out and anyone putting a syllable wrong is not immediately suspended and disciplined, but engaged with. Bring assumptions out into the open and examine them.

if I may put in a plug for them, the [education workshops that JVL runs](#) are on offer to all who wish to explore the matter further.

3. At the same time we must insist on **placing discussion of antisemitism within the context of all forms of discrimination**. Of course, like all other forms of racism and discrimination, it has its own specificities but this must not be used to create a Jewish exceptionalism – which means, in reality a hierarchy of racisms. *Or, to put it crudely, why this obsession with antisemitism to the virtual exclusion of discussion about anti-black racism or Islamophobia, say, which we know are rampant in political parties and in our society more generally.*

4. We've heard clearly how the IHRA definition chills, whether by accident or design.

So, central to our work must be an insistence on discussing the history of the Palestinian struggle which necessitates as well and as part of it, a history of Zionism and its evolution.

Whatever the hopes and aspirations of early Zionism there is only one form of political Zionism with any traction today: a messianic expansionist, exclusivist, ethnonationalism, ruling over – in different ways with different degrees of discrimination against and oppression of those under its rule – in green-line Israel, East Jerusalem, the rest of the West bank, the Golan heights and last but not least Gaza.

Less than a fortnight ago the Israeli human rights organisation B'Tselem finally came out and gave it a name: apartheid.

To help the Palestinian struggle we need to know that history well, to be able to refute the arguments of those who still try to reconcile Israel's Jewish and democratic characters in the face of the lived reality.

And when I say *refute* I mean *refute* – dismantle in argument not shout down or simply ridicule or label Israel as an apartheid society, for example We need to know what we are talking about!

We must give platforms to Palestinian analysts and activists and insist on their rights to organise on our campuses and to describe their own history of dispossession in the language that is appropriate to it.

Here let me just remind you of the excellent PSC publication out this month "Legal Guide for Palestine Solidarity Student Activists"

5. Finally, if – and only if – the IHRA definition has been adopted:

Let us take *at face value* the assertions of the supporters of the IHRA, who in selling the document, have made much of the two caveats contained within the document.

- “criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic.”
- To decide if something is antisemitic we must “***tak[e] into account the overall context***”

The first point to note is that most proponents of the definition in practice do not notice these caveats or really believe in them. !

One example: [Luke Akehurst](#), on behalf of an organisation calling itself “Local Government Friends of Israel” circulated “the IHRA document” for adoption by all local authorities. Only it wasn’t the IHRA definition but a doctored version of it, where the phrase about ***taking into account the overall context*** could be antisemitic, is replaced by “The guidelines highlight manifestations of antisemitism as including...”!

It was this falsified version that was passed overwhelmingly by the Greater London Authority and who knows how many other of the councils that have adopted it.

This presumption fostered by the IHRA document that talking about Israel is likely to be antisemitic is manifested in mainstream media. Statements like those in the IHRA document are referred to as “antisemitic statements” not “statements about which antisemitism is alleged”. In practice no context is alluded to, before a presumption of guilt is broadcast.

Where we have to, let us take the IHRA document and call on those who use it to read it. Let us provide “the overall context” that justifies and renders legitimate the vast majority of critical statements made about Israel and its treatment of the Palestinians.

We’re told not to “require[e] of [Israel] behaviour not expected or demanded of any other democratic nation.” I’m happy with that. I certainly treat all democratic nations engaged in long occupations absolutely equally. Trouble is, the list of such democratic countries is short...

The very indeterminacy of the IHRA document is its greatest threat. But it also means, when it is applied against us, that it also opens up opportunities to expose the grim realities of Israel and its occupation. Where we are forced on to that terrain we will fight on that terrain.

How IHRA is interpreted will be the outcome of a political struggle!

In summary then

Let me quote my favourite political aphorism, from Raymond Williams: “to be truly radical is to make hope possible, not despair convincing.”

What we are really fighting in a massive attack on the right to free speech. Universities and others bodies have statutory obligations to protect this right

enshrined in law. The IHRA definition cannot be used to proscribe forms of speech which would otherwise be lawful.

It will be – unless we stop it – and that is a political question of mobilisation as much as anything else!

Indeed the campaign against the IHRA definition rolls into one our right to organise in solidarity with oppressed people in general and with the Palestinians in particular; and our campaign to defend free speech.

Solidarity with the Palestinians! Solidarity with all those in the universities and elsewhere fighting for free speech and academic freedom more generally!

Let's get to it!

Reading and links (in the order they are referred to)

Free Speech on Israel and Jewish Voice for Labour, [What is – and what is not – antisemitic misconduct](#), 24 September 2018

UCU, [Challenging antisemitism](#) leaflet

The Board of Deputies of British Jews and CST's *Protecting the Jewish community from antisemitism on Facebook* is discussed in Richard Kuper, [Board overboard](#), 7 February 2020

Jewish Voice for Labour's educational work is described [here](#)

PSC, [Legal Guide for Palestine Solidarity Student Activists](#), 7 January 2021

On the history of the EUMC definition see Richard Kuper, [Hue and cry over the UCU](#), *openDemocracy*, 1 June 2011 at

Mike Cushman, [If you thought the IHRA \(mis\)definition was bad enough... the version that Luke Akehurst is peddling is even worse](#), *Free Speech on Israel*, 16 May 2017

Free Speech on Israel and Jewish Voice for Labour, [What is – and what is not – antisemitic misconduct](#), 24 September 2018