

Equality & Human Rights Commission and the Labour Party

Submission from Professor Geoffrey Alderman

1. Earlier this year the Equality & Human Rights Commission was asked to rule on whether the Labour Party has "unlawfully discriminated against, harassed or victimised people because they are Jewish."¹
2. To investigate this complaint the EHRC will need to consider whether there is any objective yardstick against which the complaint might be benchmarked. On the face of it, there is: namely the "Working Definition" of antisemitism adopted by the International Holocaust Remembrance Alliance in 2016.
3. This compilation is likely to feature in the EHRC's deliberations not least because the Working Definition was formally adopted by the British government in January 2017, and has been embraced by numerous UK government organs and agencies, including the Labour Party. Indeed the EHRC has itself given notice [in the Terms of Reference of its inquiry] that it may "have regard" to the Working Definition.
3. These endorsements have certainly endowed the Working Definition with an almost sacrosanct status. That does not mean that it is either perfect or even fit for purpose. It is – in fact – neither.
4. Space does not permit me here to explain how the Working Definition came about. What needs to be stressed is that it was never intended to be a binding legal act, but was designed merely as a note of guidance for police officers and human rights activists. As such, it's very much a work in progress.
6. The Working Definition is composed of two unequal parts. The first consists of the Definition itself. The second comprises eleven examples of what that Definition might mean in practice.
7. The Definition declares:

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.
8. The eleven examples embed numerous internal contradictions. One example affects to condemn as antisemitic "drawing comparisons of contemporary Israeli policy to that of the Nazis." But the preamble that introduces all eleven examples explains that manifestations of antisemitism "might include the targeting of the state of Israel,

¹ <https://twitter.com/ehrc/status/1133321675125215232>

conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.”

9. A number of political regimes around the world have been criticised because they are alleged to be pursuing policies reminiscent of the Nazis. So how in principle can it be antisemitic to draw a comparison between “contemporary” Israeli policy and that of the Nazis?

10. I personally do not believe any Israeli government has in fact ever pursued policies remotely reminiscent of the Nazis. The point I make is one of principle.

11. Another of the examples declares it to be antisemitic to accuse Jewish citizens “of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.” This exemplar strikes me as very valid – but only up to a point. There is no world Jewish conspiracy. There is no secret Jewish ‘government’ endeavouring to manipulate to the exclusive advantage of Jewish people the destinies of mankind. But I know many British Jews who hold dual citizenship and who, under certain circumstances, would act (and have indeed acted) in the interests of Israel rather than of Great Britain. How can it possibly be antisemitic to point this out?

12. Amongst the eleven examples there is one astonishing omission. The examples include the use of “symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel),” but *only* when employed “to characterize Israel or Israelis.” But the accusation that it was the Jews who killed Jesus is in fact the oldest antisemitic trope, has nothing whatever to do with Israel or Israelis, and was repudiated long ago by the Second Vatican Council. The Working Definition simply brushes this aside.

13. Each accusation against the Labour Party brought to the attention of the EHRC must be measured against an empirically-derived benchmark. That benchmark cannot be the deeply-flawed and much misunderstood IHRA Working Definition.

14. I make this Submission in an exclusively personal capacity. I am not a member of any political party.

Professor Geoffrey Alderman

30 July 2019