

## CHAPTER 1

# Contemporary Struggles over Defining Antisemitism

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### INTRODUCTION

This paper focuses on struggles over how antisemitism is defined. Struggles over definition are themselves part of the wider struggle between those who say that hostility to Israel is important in understanding contemporary antisemitism and those who say that these two phenomena are quite separate. A key question, therefore, is what kinds of hostility to Israel may be understood as, or may lead to, or may be caused by, antisemitism?

In this paper I analyse three case studies of struggles over how antisemitism is defined. First, I trace a genealogy of the EUMC (European Union Monitoring Centre on Racism and Xenophobia, now the Agency for Fundamental Rights, FRA) Working Definition of Antisemitism. The definition, in a slightly evolved but functionally identical form, was later adopted by the International Holocaust Remembrance Alliance and is now generally referred to as the IHRA definition. I show how this definition emerged out of a process of splitting between the global antiracist movement, on the one hand, and Jewish-led opposition to antisemitism, on the other. At the Durban “World Conference against Racism” in September 2001, there was a largely successful attempt to construct Zionism as the key form of racism on the planet; this would encourage people to relate to the overwhelming majority of Jews who refuse to disavow Zionism, as if they were racists. In response, some Jewish NGOs found that they could get a hearing for their concerns within the structures of the Organization for Security

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and Co-operation in Europe (OSCE) and the European Union. If Durban is thought of as a non-white global forum and if the OSCE and the European Union are thought of as networks of white states, then the antagonism between non-white antiracism and white anxiety about antisemitism becomes visible and concerning. The clash between anti-Zionism, on the one hand, and the claim that anti-Zionism is related to antisemitism, on the other, plays out within the realm of discourse and then it is also mirrored institutionally in these global struggles over the definition of antisemitism.

Second, I go on to look at a case study of alleged antisemitism within the University and College Union (UCU) that was related to the partial success within the union of the campaign to boycott Israel. The explicit disavowal of the EUMC definition during the 2011 UCU Congress can be understood as the climax of a process of struggle within the union over the recognition of a relationship between hostility to Israel and antisemitism.

The third case study is an analysis of two formal processes that were asked to adjudicate whether hostility to Israel had become antisemitic: the *UCU v Fraser* case at the Employment Tribunal in 2012 and the Shami Chakrabarti Inquiry into Antisemitism and Other Racisms in the Labour Party in 2016. The EUMC definition of antisemitism offers a framework for understanding the potential of certain kinds of hostility to Israel to be antisemitic. The further argument was made within the UCU, as well as to the Employment Tribunal and to the Chakrabarti Inquiry, that cultures of hostility to Israel and of support for boycotts tend to bring with them, into institutions that harbour them, cultures of antisemitism. The structures of the Union, as well as the two inquiries, wholeheartedly rejected both the claims: first, that a politics of hostility to Israel manifests itself in antisemitism in these cases; and second, that a cultural or institutional antisemitism, analogous to institutional racism, could be identified in the UCU or the Labour Party.

This paper asks whether these wholehearted rejections of claims about antisemitism are themselves implicated in the functioning of contemporary antisemitism. Denial of racism is a necessary element of those kinds of racism that do not see themselves as racist. Perhaps the hostility to the EUMC definition and to arguments about cultural or institutional antisemitism is a necessary component of the anti-Zionist discourses and cultures themselves that arguably relate in complex ways to antisemitism.

## METHODOLOGICAL ISSUES

Defining a concept cannot be done independently of understanding that which the concept seeks to encapsulate. Defining is a process that requires us to begin

by looking at the world outside of ourselves. Gold, for example, is easy to define because its properties are clearly delineated in nature. Any element with atomic number 79 is gold and having that atomic number is enough to define it as such. That is to say that having the atomic number 79 is both necessary and sufficient for a substance to be gold. To define gold it is necessary to know something about the nature of gold.

Antisemitism, a complex and contested social phenomenon, is more difficult to define than gold, but here too the work of definition must begin with an investigation into the phenomenon itself. Antisemitism is objective and external to the subjective feeling of individuals. This means that in order to shed light on debates around the definition of the concept, it is necessary to look at the actualization of the concept in the social world, as well as the ways in which the processes of definition happen there.

But the procedure appropriate for natural concepts such as chemical elements cannot be used exactly as it stands when we want to define more complex social phenomena. One principal reason for this is that, whereas a natural concept such as gold has instances that are universally agreed upon as being cases of gold, the same is not true of socially contentious phenomena such as racism in general and antisemitism in particular. What counts as a case of racism is a matter of dispute; indeed, it is precisely those disputes, with all their political implications and consequences, that create the need for a clear definition of what it is we are disagreeing about. We need a more complex method if we are to make progress in defining the social phenomenon we are interested in. As before, we must start by looking at the world outside of us; antisemitism is not simply a matter of what is inside people's heads, either their linguistic knowledge of how the word is used or their psychological states, such as feelings of hatred and contempt for Jews. Hatred may be a sufficient condition for antisemitism, but it is not at all a necessary one: antisemitism is also, and primarily, a matter of what people *do*, and what consequences their actions have. These points are widely accepted in the more general study of racism, but what people know about racism is sometimes forgotten when they turn their attention to antisemitism. And although there may be agreement about some cases of antisemitism, such as Nazi antisemitism, other cases, especially contemporary ones, are the subject of hot political dispute. So we would need to move constantly between our emerging definition of what antisemitism is and our reflective sense of which cases are properly to be seen as constituting antisemitism, using a tentative definition to correct our intuitions about cases and using our increasingly reflective sense of which cases really count as antisemitism to help us to revise and refine our definition.

This paper is an effort to understand what is at stake in struggles over how antisemitism should be defined. The inbuilt methodological complexity is that analysing and understanding the struggles around definition is also a process of analysing and understanding the phenomenon of antisemitism itself. Observing efforts to define certain kinds of attitudes and actions as not antisemitic may at the same time also be observing the very functioning of antisemitic discourse. Observing struggles over definition in this way may require us to take sides in some of those struggles. It involves a constant interplay between our emerging definition of antisemitism and our understanding of which cases can plausibly be seen as examples of it.

So methodologically, an inquiry into defining antisemitism begins with empirical observation and analysis of cases, some hotly disputed, of the social phenomenon in question, as it is manifested in living, changing social movements and as it is produced through struggle and contestation over how things are understood and described. Analysis of the three case studies below leads me to suggest that the quest for an automatic and uncontested formula that can tell us what is and is not antisemitic is going to be unsuccessful. We are not going to be able to find necessary and sufficient conditions for the presence of antisemitism. It may, however, be possible to look towards the development of a set of criteria that can help us to make, and to debate, difficult judgments regarding particular cases. We will remain aware that any such criteria will be angrily contested.

The case studies in this paper show why there is unlikely to be even broad agreement over how to define antisemitism, even amongst antiracists who broadly agree on how to recognize other forms of racism. There is a polarization around definition because the phenomenon itself is highly polarized. Some scholars and antiracists argue that hostility to Israel is related to antisemitism; others insist that relating the two is not merely erroneous but also a malicious attempt to silence and delegitimize criticism of Israel.

### **CASE STUDY 1: A GENEALOGY OF THE EUMC WORKING DEFINITION OF ANTISEMITISM**

The EUMC Working Definition<sup>1</sup> is controversial because it states that particular kinds of hostility to Israel “could, taking into account the overall context” be antisemitic. It offers examples: “accusing Israel as a state of exaggerating or inventing the Holocaust” and “accusing Jews of being more loyal to Israel

than to their own nations.” It offers examples of the kinds of things that may be judged antisemitic, “taking into account the overall context,” as follows:<sup>2</sup>

- 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 [*sic*] of Israel.

The definition then makes it clear that, on the other hand, “criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic.”<sup>3</sup>

Mike Whine traces the prehistory of the Working Definition back to the immediate aftermath of the fall of Communism.<sup>4</sup> The OSCE was a preexisting international forum in which Europe, East and West, the USSR, later Russia and the secession states, and the USA could talk to each other. It was a forum that lent itself to the project of attempting to shape the new Europe, in particular by formulating states’ commitment to the principles of human rights and democracy. At the 1990 Copenhagen conference, commitments were made to combat “all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination.”<sup>5</sup> These commitments were subsequently endorsed by heads of state in the “Charter of Paris for a New Europe.”<sup>6</sup>

It was ten years later when the peace process between Israel and the Palestinians broke down decisively with the outbreak of the Second Intifada and after the failure of peace talks at Taba in January 2001. The coalition of pro-peace forces in Israel and in Palestine collapsed into opposing national consensuses, each of which portrayed the other nation as being responsible for the renewal of conflict.

In September 2001, there was a United Nations (UN) “World Conference against Racism” (WACR) and it was held in newly democratic South Africa. At that conference there was a formidable campaign to construct Zionism

as the key manifestation of racism in the modern world. A number of factors came together that week—in the conference venues, on the city streets, and on the beachfront of Durban. There was a UN intergovernmental forum. There was also a parallel NGO conference, a huge event in a cricket ground bringing together tens of thousands of activists. Something of the atmosphere can be understood from this contemporaneous account from ICARE, a participating European antiracist NGO:

Jews were actively discriminated [against], shouted down, meetings on Antisemitism were hijacked by Palestinian Caucus members and supporters, and people who protested against all this were branded “Zionist pigs lovers” and “Jewlovers.” Some NGOs were intimidated into silence. There was fear to be branded as “Zionist.” There were NGOs and people who openly agreed with the antisemite slogans ...

The big September 1st demonstration had a lot of slogans, covered a lot of issues, but one was most dominant: Free Palestine. In the march, slogans were carried like “Kill all the Jews” and “the good things Hitler did.” Pamphlets were handed out with a portrait of Hitler, displaying the text: “What if I had won? The good things: There would be NO Israel and NO Palestinian’s blood shed—the rest is your guess. The bad things: I wouldn’t have allowed the making of the new beetle—the rest is your guess.”

This march ended at the Durban Jewish Club, which was another sign that the organisers not only see the state of Israel as the enemy but all Jewish people. The Jewish club had been evacuated a few hours earlier and the South African police had the building screened-off with riot police and armoured cars. A big demonstration during a World Conference Against Racism that ends as an Antisemitic rally. ...<sup>7</sup>

There was an organized and hostile anti-Israel fervor throughout the week-long conference. Some of it was expressed in openly antisemitic forms, some was legitimate criticism of Israel expressed in democratic antiracist forms, and some was antisemitism expressed in ostensibly democratic and antiracist language.

The Conference ended on Saturday 8 September. For some of the participants the traumatic experience of finding that global allies in the struggle against racism were prepared to tolerate antisemitism was heightened by the attacks, three days later on 11 September, on the USA. Ronald Eissens of ICARE editorialized as follows:

There is a dark cloud of hate descending upon this world. ... We are an antiracism NGO, so it is our duty and our moral obligation to speak out against racism. Especially, I would say, when an antiracism conference becomes the scene of racism. The fact that racism was allowed to run rampant during the WCAR is astonishing. What is even more astonishing, shameful and harmful for the antiracism cause and for the victims of racism is that the majority of the organisers and participants let that happen, did nothing to stop it and did not speak out during or after the WCAR.<sup>8</sup>

The collapse of the peace process, Durban and 9/11, as well as the reverberating symbolic representations of them, can be understood as heralding what some have called “the new antisemitism.”

As well as attempts to raise the issue of antisemitism in the OSCE, says Whine, there were also attempts to raise it within the European Union.<sup>9</sup> A series of meetings took place between the EUMC director Beate Winkler and European Jewish Congress (EJC) officials that resulted in the commissioning of a report on antisemitism in each country. The Centre for Research on Antisemitism (ZfA) at Berlin’s Technical University was asked to analyze the reports and publish a composite analysis. However, Whine notes, the report was badly received by the EUMC board because it apportioned much of the blame for the rise in antisemitism to Muslim communities. It was leaked to the press by the EJC in December 2003.

A second report was published side by side with the main country-by-country analysis. “Manifestations of Antisemitism in the EU 2002–3”<sup>10</sup> was released on 31 March 2004 and the accompanying press release said that the far-Right remained the main promoter of antisemitism within Europe, contradicting the body of the first report. Whine writes:

In its 2004 report on antisemitism, the EUMC noted the lack of a common definition and requested one from a small group of Jewish NGOs. This [was] intended as a template for police forces and antiracist campaigners, for use on the streets. The definition was disseminated in March 2004, and although not directed at governments for incorporation into national legislation, it [was] nevertheless expected that it [would] seep into universal usage via adoption by the relevant parties.<sup>11</sup>

This in fact happened. Delegates to the OSCE Cordoba Conference in May 2005 constantly referred to it and the All-Party Parliamentary Inquiry into

Antisemitism in the UK recommended its adoption,<sup>12</sup> as did a number of similar initiatives around the world.<sup>13</sup> In 2010 the US State Department adopted a variant as its own official definition of antisemitism.<sup>14</sup>

### The “Whitening” of Jews and the Schism between Anti-Antisemitism and Antiracism

Back in 1968, Franz Fanon, in his *Black Skin, White Masks*, wrote:

At first glance it seems strange that the attitude of the anti-Semite can be equated with that of the negrophobe. It was my philosophy teacher from the Antilles who reminded me one day: “When you hear someone insulting the Jews pay attention; he is talking about you.” And I believed at the time he was universally right, meaning that I was responsible in my body and my soul for the fate reserved for my brother. Since then, I have understood that what he meant quite simply was the anti-Semite is inevitably a negrophobe.<sup>15</sup>

There is a strong tradition on the antiracist Left of understanding racism and antisemitism as closely related phenomena and of opposing both equally and on a similar basis. Exemplars of this tradition include Karl Marx’s critiques of antisemitism within the movement in his day,<sup>16</sup> August Bebel’s characterization of antisemitism as the “socialism of fools,” the anti-Fascist tradition, and the Black–Jewish alliance during the civil rights movement in the USA. At Durban in 2001, however, racism had been defined such that “Zionism” was its archetypal and most threatening form, and the reality of antisemitism was not only denied but was also practiced with impunity. A significant number of antiracist activists and thinkers were subsequently willing to lend implicit or overt support to organizations such as Hezbollah and Hamas, judging those groups’ antisemitism either to be exaggerated or of little political significance (e.g., Judith Butler<sup>17</sup> and Jeremy Corbyn).<sup>18</sup> Durban illustrated the possibility of the emergence of a schism between the worldviews of antiracism and anti-antisemitism.

The issue of “whiteness” is key to the understanding of contemporary antisemitism and it is linked to a number of developments in the twentieth-century Left. The first is a tendency for parts of the Left to understand “the oppressed,” with whom it sides, more and more in terms of nations and national movements, which are fighting for liberation against the “imperialist states” or “rich states,” “the West,” “the North,” or the “white” states. This is a different framework from



the one in which the left thought of itself as supporting the self-liberation of the working class, of women, and of other subordinated groups within each nation and state.

Some found that the logic of this position was to understand whites as the oppressors and non-whites as the oppressed and to subordinate other forms of stratification to this central one. Jews occupy an ambivalent position with respect to the black–white binary. On the one hand, antisemitism is a racism, arguably the prototype of European racism, and provides perhaps the clearest lesson about where racism can lead. On the other hand, antisemitism has often functioned, in the words of Moishe Postone, as a “fetishized form of oppositional consciousness,” through which Jews are thought of as conspiratorially powerful and lurking behind the oppression of others.<sup>19</sup>

In the USA, Karen Brodtkin’s 1998 book, *How Jews Became White Folks and What That Says About Race in America*, presented a narrative of the “whitening” of American Jews, and it fed into a new picture of Jews as part of the Judeo-Christian white bourgeois elite.<sup>20</sup> Israel—which in the early days was understood by some to be a life raft<sup>21</sup> for oppressed victims of racism, a national liberation movement against European colonialism, and a pioneer of socialist forms like the kibbutz—later came to be conceived as a keystone of the global system of white imperialist oppression of black people. In April 2009, when President Ahmadinejad of Iran made an antisemitic speech at the UN in Geneva, Seumas Milne, later to become Jeremy Corbyn’s communications chief, asked in his *Guardian* column, “what credibility is there in Geneva’s all-white boycott?”<sup>22</sup>

A number of Jewish communal NGOs responded to the defeat and the trauma experienced at Durban by withdrawing into the OSCE and the European Union where they had some success in getting a positive hearing for their concerns. In this way the ideational polarization between black and white came to be mirrored institutionally. Durban, dominated by states that thought of themselves as non-white, represented one way of defining antisemitism; the Jewish organizations retreated into the OSCE, which could be seen as the international coalition of white states, and won it over to quite a different way of defining antisemitism.

Opponents of the EUMC Working Definition have pointed to the fact that the definition was the result of purposive political action by international Jewish groups, and so it was. But this genealogy can only cast shadows over the definition if there is thought to be something inappropriate about their input. Normally it would be unremarkable for communal groups to be involved in defining a racism of which they are the object. But in this case Jewish groups are

accused by anti-Zionists of acting in bad faith. The accusation implicit in this understanding is that Jewish groups are not really working in the interests of the struggle against antisemitism. Rather, they are secretly prepared to sacrifice the struggle against “real” antisemitism by co-opting its political capital to a dishonest attempt to delegitimize criticism of Israel.<sup>23</sup>

In sum, the case study of the genealogy of the Working Definition illustrates the extreme polarization of efforts to define antisemitism and it relates that polarization to problematic notions and practices of “blackness” and “whiteness” in contemporary antiracist movements. It shows how the polarization in struggles over definition reflects the phenomenon of contemporary antisemitism itself.

## CASE STUDY 2: STRUGGLES OVER DEFINING ANTISEMITISM IN THE UCU

In May 2011, UCU Congress voted overwhelmingly to pass a motion which alleged that the “so-called” EUMC Working Definition is “being used” to “silence debate about Israel and Palestine on campus.”<sup>24</sup> Congress resolved to make no use of the definition “[for example,] in educating members or dealing with internal complaints” and to “dissociate itself from the EUMC definition in any public discussion.”

Representatives of the institutions of the Jewish community in Britain judged this disavowal to be the last straw. Jeremy Newmark, the chief executive of the Jewish Leadership Council, said “[a]fter today’s events, I believe the UCU is institutionally racist.”<sup>25</sup> His view was echoed by Jon Benjamin, the chief executive of the Board of Deputies of British Jews, who said “the UCU has ... simply redefined ‘antisemitism’ ... [t]he truth is apparent: whatever the motivations of its members, we believe the UCU is an institutionally racist organisation.”<sup>26</sup>

Since 2003, there has been an influential campaign within the UCU, as well as in its predecessor organizations, to boycott Israeli universities as a protest against alleged Israeli human rights abuses, while there has been no such campaign against the universities of any other state. Some opponents of the boycott campaign argued that this singling out of Israel was antisemitic in effect and that it brought with it into the union antisemitic ways of thinking and antisemitic exclusions.<sup>27</sup> Supporters of the campaign, as well as some opponents, objected strongly to the raising of the issue of antisemitism, arguing that it constituted an *ad hominem* attack against “critics of Israel.”<sup>28</sup>

From the beginning, the boycott campaign sought to protect itself against a charge of antisemitism by including clauses in its boycott motions that defined antisemitism in such a way as to exonerate itself of the charge. At the 2003 Council of the Association of University Teachers (AUT), one of UCU's predecessor organizations, Motion 54 was passed:

Council deplors the witch-hunting of colleagues ... who are participating in the academic boycott of Israel. Council recognises that anti-Zionism is not anti-semitism, and resolves to give all possible support to members of AUT who are unjustly accused of anti-semitism because of their political opposition to Israeli government policy.

A witch hunt involves accusing individuals of witchcraft, something that could not possibly be true. To characterize an accusation of antisemitism as a witch hunt implies that it, similarly, could not possibly be true. The statement that "anti-Zionism is not anti-semitism" is formally true and nobody could argue against the resolution to support members who are unjustly accused of antisemitism. However, it is clear that the formulation functions as a way of defining all accusations of antisemitism that relate to Israel as unjust.

At the June 2005 conference of the National Association of Teachers in Further and Higher Education (NATFHE), the other UCU predecessor organization, a motion was passed that included the text: "To criticise Israeli policy or institutions is not anti-semitic."<sup>29</sup> The first Congress of the newly merged UCU passed a motion which stated that "criticism of Israel cannot be construed as anti-semitic." While the motion supported a boycott without resolving actually to implement one, the antisemitism clause referred only to "criticism of Israel." The implication here is that boycott falls within the protection afforded to "criticism." The "cannot be construed as" element implies that there is somebody who is trying to construe criticism as antisemitic. It is an implicit allegation of the collective bad faith of those who raise the issue of antisemitism. The ambiguity of the motion was not accidental, since Congress explicitly rejected the following amendment to clarify the wording: "While much criticism of Israel is anti-semitic, criticism of Israeli state policy cannot necessarily be construed as anti-semitic."<sup>30</sup>

UCU Congress in 2008 passed a similar motion, which was supportive of a boycott, but which stopped short of implementing one. This time the wording on antisemitism was: "criticism of Israel or Israeli policy are [*sic*] not, as such, anti-semitic."<sup>31</sup> This form of words raised a straw man by subsuming anything

that may be thought to be antisemitic into the category of “criticism” and then legislating that in virtue of its being “criticism” it could not be antisemitic.

This long prehistory to the UCU’s 2011 disavowal of the EUMC definition is consistent. Each new form of words refuses the straightforward position that some kinds of hostility to Israel are antisemitic, while other kinds are not. Instead, each specifies that criticism of Israel is not antisemitic, and it implicitly subsumes all kinds of hostility and exclusions under the category of “criticism.”<sup>32</sup> Practically, the result has been to open up a loophole in the union’s guarantees against racism and bigotry. One kind of racism is excluded from these guarantees, and that is any antisemitism that can be construed as criticism of Israel.

Instead of addressing the UCU’s culture, recognizable according to the Working Definition as antisemitic, the definition’s disavowal allows the union to carry on treating “Zionists” as disloyal, to single out Israel and only Israel for boycott, to hold Israeli universities and scholars responsible for their government, and to allow “Zionist” union members to be denounced as Nazis or supporters of apartheid.

Israel murders children? Israel controls USA foreign policy? “Star of David=Swastika” stuck on your office door? Jews invent antisemitism to delegitimize criticism of Israel? Host a man found guilty of hate speech by the South African Human Rights Commission? Exclude nobody but Israelis from the global academic community? All of these are considered, implicitly by UCU motions, and clearly by UCU norms, to constitute “criticism of Israel” and so are defined, in practice, as not being antisemitic.

This case study shows how this anti-Zionist movement sought, at each step of its campaign, to preempt accusations of antisemitism by refining its own critique of claims about what constitutes antisemitism. It felt the need to incorporate its claims over definition into its motions; it fought for its own conception of antisemitism within its wider constituency; and it sought to inoculate itself in advance against being associated with antisemitism.

### **CASE STUDY 3: *FRASER V UCU* AND THE CHAKRABARTI INQUIRY**

Ronnie Fraser, a Jewish UCU member, brought a legal action against the UCU. His letter to the UCU General Secretary, written by his lawyer Anthony Julius, said that the union had breached paragraphs 26 and 57 (3) of the Equality Act 2010:

The UCU has “harassed” him by “engaging in unwanted conduct” relating to his Jewish identity (a “relevant protected characteristic”), the “purpose

and/or effect” of which has been, and continues to be, to “violate his dignity” and/or create “an intimidating, hostile, degrading humiliating” and/or “offensive environment” for him.<sup>33</sup>

The letter alleged a course of action by the union<sup>34</sup> that amounted to institutional antisemitism,<sup>35</sup> and it gave examples: annual boycott resolutions against only Israel; the conduct of the debates about them; the moderating of the online activist list amongst union members and the penalizing of anti-boycott activists; the failure to engage with people who raised concerns about antisemitism; the failure to address resignations; the refusal to meet the OSCE’s special representative on antisemitism;<sup>36</sup> the hosting of Bongani Masuku;<sup>37</sup> and the repudiation of the EUMC Working Definition of Antisemitism.

The UCU defended itself vigorously. It said that it was an antiracist union, that it vigorously opposed antisemitism and that Fraser was illegitimately trying to frame his political defeat as a “friend of Israel” in terms of antisemitism. The union had done nothing inappropriate, it claimed. The Tribunal sat in the autumn of 2012. It accepted evidence on behalf of Fraser from 34 witnesses: union activists, scientists, sociologists, historians, lawyers, philosophers, MPs, Jews, Christians, Muslims, atheists, academic experts on antisemitism, and Jewish communal leaders. Witnesses gave written statements and were subjected to cross-examination.

The Tribunal found against Fraser on everything: on technicalities, on legal argument, and on every significant issue of substance and of fact.<sup>38</sup> The Tribunal found everything the UCU said in its defence to be persuasive and it found nothing said by Fraser or any of his witnesses to have merit. The culture, the practices and the norms inside the union were found not to be antisemitic, either in intent or in effect. Indeed, everything that Fraser and his witnesses experienced as antisemitic the Tribunal judged to have been entirely appropriate. In particular, what was appropriate was the way that union staff, rules, structures, and bodies operated. Fraser said that there was a culture in which antisemitism was tolerated, but the Tribunal did not accept that even one of the very many stories that it was told was an indicator of antisemitism.

Instead, the Tribunal found that “at heart” the case represented “an impermissible attempt to achieve a political end by litigious means.”<sup>39</sup> The only possible political end that it could have had in mind was an attempt to defeat or silence campaigns critical of Israel by crying antisemitism. The Tribunal went on in the next paragraph: “We are also troubled by the implications of the claim. Underlying it we sense a worrying disregard for pluralism, tolerance and

freedom of expression.”<sup>40</sup> The Tribunal said that Fraser was trying to fool it into outlawing and branding criticism of Israel as antisemitic. Of course, every racist claims that antiracists undermine their right to free speech. True, sometimes the Tribunal appeared to veer towards the view that those who complain of antisemitism are simply oversensitive and lacking in objective judgment; but the central findings, that this is politics dressed up as litigation and that this is an attempt to disallow free criticism, are allegations of bad faith on the part of those who said that there was antisemitism.

The activists, structures and officials of the UCU judged that nothing that ever happened in the union was antisemitic. The Tribunal agreed. It wrote the following on the question of defining antisemitism:

The Claimant bases his case in part on the rejection by the Respondents’ Congress (in 2011) of the “Working Definition” of anti-Semitism. ... He was content with that definition. Others disagreed, regarding it as exposing critics of Israel to the unfair accusation of anti-Semitic conduct. They pointed to the fact that the definition might be read as branding attacks on Zionism as anti-Semitic and precluding criticism of Israel save where “similar” to that levelled against any other country. We cannot escape the gloomy thought that a definition acceptable to all interested parties may never be achieved and count ourselves fortunate that it does not fall to us to attempt to devise one.<sup>41</sup>

The Tribunal was confident in judging that nothing that happened within the UCU constituted antisemitic harassment under the meaning of the Equality Act; this seems to be contrary to its professed reluctance to come to a judgment about how antisemitism ought to be defined. The Tribunal attempted to position itself neutrally between the polarized positions on what defines antisemitism, yet it judged that there was no antisemitism under the meaning of the Equality Act within the union. In this way it threw its weight behind one of the positions on what constitutes antisemitism, and it came down strongly against the other.

### **The Chakrabarti Inquiry into Antisemitism in the Labour Party**

In the summer of 2015, Jeremy Corbyn was elected as leader of the Labour Party. During his election campaign, a number of people raised the issue of Corbyn’s record in relation to antisemitism.<sup>42</sup> On 12 August 2015, the *Jewish*

*Chronicle* gave over its front page to ask seven questions of Corbyn relating to antisemitism.<sup>43</sup> A number of people kept on raising these issues after Corbyn became leader.<sup>44</sup> Conservative politicians, bloggers, and newspapers also began to raise the issue of antisemitism in the Labour Party.

Jeremy Corbyn was criticized for having referred to Hamas and Hezbollah as “friends” and for having said that they were dedicated to peace and justice in the Middle East.<sup>45</sup> Corbyn had intervened against those who had accused Raed Salah<sup>46</sup> and Steven Sizer,<sup>47</sup> for example, of the blood libel and conspiracy theory respectively. Corbyn had hosted a show on the Iranian regime’s propaganda channel *Press TV*.<sup>48</sup> When Corbyn’s allies accused those who raised the issue of antisemitism of doing so to silence criticism of Israel and to hinder opposition to austerity,<sup>49</sup> and when it became clear that Corbyn had supported a boycott of Israel,<sup>50</sup> Corbyn’s reputation remained intact among his supporters in the Labour Party.

Nevertheless, because Corbyn’s own record on antisemitism made the Labour Party vulnerable to attacks on that issue, and because there was no shortage of examples of Labour members saying and doing antisemitic things, the criticism of antisemitism became more and more mainstream. In 2014, for instance, Vicki Kirby, a Labour parliamentary candidate, was warned by the party for posting antisemitic tweets. “We invented Israel when saving them from Hitler, who now seems to be their teacher,” she wrote. She also asked why ISIS was not attacking the “real oppressor,” “evil” Israel.<sup>51</sup> It then emerged that she had been reinstated as a party member and that she was active in the Corbyn support network Momentum; she was then suspended. A picture of Kirby and Jeremy Corbyn smiling happily together was circulating online.

Only after David Cameron raised the case of another Labour Party activist, Gerry Downing, at Prime Minister’s Questions on 9 March 2016, was Downing expelled from the party, after having been allowed to rejoin following a previous expulsion. Downing has argued that Zionism is at the heart of global capitalism and he advocates reopening “the Jewish Question.”<sup>52</sup> He also said explicitly what Kirby implied—that terrorism is the violence of the oppressed and should never be condemned.<sup>53</sup>

The co-chair of Oxford University Labour Club, Alex Chalmers, wrote on his resignation in February 2016 that a large proportion of club members had “some kind of problem with Jews.” There was a culture in which the politics of peace between Israel and the Palestinians was mocked as “Zio.” A politics of war against Israel was considered more appropriate and the “Zios” were routinely

baited with the song “Rockets over Tel Aviv.” Jewish students were treated as defenders of racism and apartheid and attempts were made to deny “Zio” members the right to vote in club business. Alex Chalmers wrote that the antisemitic incidents he witnessed were less troubling than the culture which allowed such behavior to become normalized.<sup>54</sup>

The public scandal of antisemitism in the Labour Party came to a head when Ken Livingstone repeatedly declared that he had never seen any antisemitism in his forty-five years in the party and when he made the claim that Hitler had supported Zionism in 1933. Consequently, Jeremy Corbyn felt constrained to suspend from Labour Party membership a number of people who had been accused of antisemitism, including Ken Livingstone. On 29 April 2016, he called a party inquiry into the issue of antisemitism, appointing Shami Chakrabarti and David Feldman to chair the inquiry; later Jan Royall was added as a third co-chair.<sup>55</sup>

Many people related to the Chakrabarti Inquiry in good faith and offered written submissions that were serious, thoughtful, scholarly and politically nuanced.<sup>56</sup> The report<sup>57</sup> was written by Shami Chakrabarti herself, while the other two chairs were somewhat sidelined. It was published quickly, within six weeks of the Inquiry being called and within only about two weeks of the deadline for submissions. The report recommended that some kinds of language should be put outside of what is appropriate within the Labour Party and it recommended some modernization of disciplinary procedure.

What Chakrabarti did not attempt was either a definition of antisemitism or a description of the political problem which led to the specific scandals triggering the inquiry. She did not attempt to connect the politics of hostility to Israel with antisemitism. Antisemitism was treated as a kind of personal failing and, indeed, the report congratulated Labour on having been the only party to conduct such an inquiry. The fact that Labour seemed to be the only party that needed to conduct such an inquiry was missed.

In sum, both the Employment Tribunal and the Chakrabarti Inquiry were asked to adjudicate the question, which had been raging between activists and scholars, about how antisemitism should be defined. But both were positioned outside of the fray; both had the opportunity to take the time coolly to examine the arguments and the evidence that were submitted to them; both were somewhat insulated from the heated atmosphere of political debate. Both came to conclusions that were similar to those that had been arrived at within the wider social movements concerned and that were starkly at odds with the consensus view within the Jewish community.



## CONCLUSION

The genealogy of the EUMC Working Definition sheds light on contemporary struggles over the definition of antisemitism and its relationship to hostility towards Israel. The possibility of a departure from a standard antiracist understanding of the relationship between opposition to racism and opposition to antisemitism may be significant indeed.

Glynis Cousin and Robert Fine identify a “methodological separatism,” which has challenged the political and conceptual unity between antiracism and anti-antisemitism.<sup>58</sup> They argue that “sociology is broken by the schism between racism and antisemitism.”<sup>59</sup> First, it downplays the similarity in structure and the connectedness of the histories of antiblack racism, antisemitism, and Islamophobia. And second, it brings with it temptations to engage in competitive identity politics, which may even reproduce some of the racist ways of thinking which sociology and antiracism had formerly made every effort to deconstruct and overcome.

The EUMC’s definition is a case study of the dangers about which Cousin and Fine worry. In the 1980s, there was an antiracism that sought to build a rainbow alliance of everybody who suffered racism, defining itself as “black” against a category of “whiteness,” where the latter was understood as an identity of privilege and power. While this kind of simplification brought with it some unity and clarity, it tended to ossify: it contained within it a danger of collapse into fixed binary categories of blackness (goodness) and whiteness (badness), which did damage to how we understand the complexity and diversity of social and ethnic identity, and also conflict, across the globe. This process was exacerbated by a tendency for radical thought to conceptualize the world as being increasingly split between oppressor and oppressed nations and nationalisms. These tendencies created fertile conditions for the splitting off of Israel and Jews from the community of the oppressed and for conceiving of them as white, imperialist, and the enemy of the oppressed. In this model there is a danger that antisemitism itself is misconstrued as the passionate cry of the oppressed against their oppressors, while opposition to antisemitism is misconstrued as an attempt to silence the oppressed.

These ways of thinking, which are replicated and reinforced by the organizational and political schisms that have been described in this paper, contain within themselves a tendency to repeat some of the tropes and discourses of earlier antisemitisms. First in discourse and then in the culture of institutions, these ways of thinking also reproduce themselves in practices of defining, understanding, and denying antisemitism.

This paper's second case study traces the struggle over a number of years by the anti-Zionist factions within the UCU to legitimize their discourse by encoding their own definitional requirements regarding antisemitism into the official policies, structures, and practices of the union. For them, the struggle over how to define antisemitism was embedded into the activity itself—namely, boycotting Israel, which was to be, or was not to be, defined as antisemitic. And this preemptive struggle over definition also encompassed behavior, language, exclusions, and hostility that predictably came in the wake of the campaign to boycott.

The third case study pertains to the judicial and the political adjudications of the Employment Tribunal and the Chakrabarti Inquiry, both of which further seal the legitimacy of disproportional and irrational hostility to Israel. Both formal processes of adjudication were asked to recognize and to act against antisemitic behavior, yet both explicitly refused to enter into the discussion of how antisemitism should be defined. But this did not stop either of them from working with “common sense” definitions of their own making, and ones that they were unable to make explicit.

Antisemitism must be studied empirically before it can be defined. It is necessary to see how it operates within the complexity of human and social movements, how elements of rhetoric move from one discursive field to another, and how modes of denial and reassurance operate. Thus, it is interesting to note that, in the week after the Chakrabarti report was published, Jeremy Corbyn appeared in front of the Home Affairs Select Committee. With Chakrabarti sitting just behind him, Corbyn defined antisemitism as follows:

Antisemitism is where you use epithets to criticize people for being Jewish; you attack Jewish people for what they are. It is completely unacceptable and I would have thought it was very obvious what antisemitism is.<sup>60</sup>

This “definition” is reminiscent of the one proposed by anti-Zionist and pro-boycott activist Sue Blackwell in the debate in which the UCU voted to disavow the EUMC definition: “I recommend Brian Klug’s ‘hostility towards Jews as Jews.’”<sup>61</sup>

Insofar as there is great resistance to recognizing and understanding antisemitism, it would seem that there is a preference for simplistic *a priori* definitions that do not reflect a deep and detailed study of the phenomenon itself. As such, they narrow the concept down to one single aspect of the phenomenon and focus the definition only on those manifestations on which it is easy for

antiracists to agree. These definitions could not be based on a profound and thoughtful study of a phenomenon of which these protagonists are keen to deny the significance or even the existence.

Jeremy Corbyn invented a definition of antisemitism under cross-examination; Sue Blackwell's definition is five words long; Shami Chakrabarti's account of antisemitism begins in the dictionary; the members of the Employment Tribunal say with all banality: "we count ourselves fortunate that it does not fall to us to attempt to devise" a definition.<sup>62</sup> By contrast the antiracist NGOs, scholars and activists who have studied and tried to map the features of this kind of contemporary antisemitism—many of whom have themselves experienced the shock of being summarily expelled from the antiracist and scholarly community—have tried to set up more subtle and elaborate parameters and frameworks for the understanding of this rather complex and difficult to encapsulate phenomenon.

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