

Motion to LAW conference, February 2 2019
Submitted by LAW's steering committee

Why LAW opposes the IHRA 'Definition of Anti-Semitism'

This conference rejects the International Holocaust Remembrance Alliance (IHRA) 'definition' of anti-Semitism in its entirety.

We note that:

1. The IHRA 'definition' reads:
"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."
2. This definition was originally published, together with its 11 examples, in 2005 on the website of the European Union's European Monitoring Centre on Racism and Xenophobia (EUMC), although it was never adopted by that body. But after heavy criticism, it was removed by the EUMC's successor body, the Fundamental Rights Agency, in November 2013.
3. In May 2016, it was resurrected and adopted by the International Holocaust Remembrance Alliance, a group of 32 countries. But, far from being the "internationally recognised definition", according to IHRA the definition has been adopted by only 10 countries: the UK, Romania, Lithuania, Slovakia, Austria, Macedonia, Bulgaria, Germany, the Netherlands and, of course, Israel.
4. On December 12 2016, the UK Tory government was the first of the IHRA countries to endorse the IHRA definition. Shamefully, on the very same day the Labour Party endorsed the definition, albeit without its 11 examples. The European Parliament's May 29 2017 acceptance of the IHRA definition was spearheaded by the Austrian government, in particular the neo-Nazi or far-right Freedom Party, one of the two coalition partners.
5. The definition is by the IHRA's own admission not legally binding.
6. Kenneth Stern of the American Jewish Committee, who first drafted the definition, has stated that the original idea for it arose from Dina Porat of Tel Aviv's Kantor Centre.

This conference believes:

7. The IHRA's "definition" is no such thing. It is a model of ambiguity, open ended and raises a number of questions:
 - a. What is a "certain perception" and in whose eyes?
 - b. Is anti-Semitism merely a perception? What about discrimination?
 - c. If anti-Semitism "may be expressed as hatred towards Jews" what else might it be expressed as? Anti-Zionism?
 - d. Why are "non-Jewish individuals" included in a definition of anti-Semitism?
 - e. Why is special mention made of Jewish "community organisations"? Is this a pseudonym for Zionist organisations like the Board of Deputies of British Jews?
 - f. Why do seven of the 11 examples accompanying the definition refer to the state of Israel and not Jews?
8. The *Oxford English Dictionary* defines anti-Semitism in far fewer words – and yet is far more precise: "Hostility to or prejudice against Jews". Brian Klug defines it as "a form of hostility to Jews as Jews, where Jews are perceived as something other than what they are."
9. This ambiguity in the IHRA definition is not accidental: It is designed to allow any criticism of the actions of the state of Israel to be dismissed as 'anti-Semitism'. The definition's real purpose is to defend the Israeli state from its critics - not Jews from anti-Semitism. This becomes particularly clear in the eleven examples that have been published with the definition.
10. LAW is not alone in its critique. The definition has been subject to searing criticism by a number of academic and legal scholars, for example:

- a. Professor David Feldman (vice-chair of the Chakrabarti Inquiry and director of the Pears Institute for the Study of Anti-Semitism) has described the definition as “bewilderingly imprecise”.
- b. Sir Stephen Sedley, the Jewish former Court of Appeal judge, has written that the IHRA “fails the first test of any definition: it is indefinite”.
- c. Hugh Tomlinson QC has warned that the IHRA definition had a “chilling effect on public bodies”.
- d. Geoffrey Robertson QC has explained that, “The definition does not cover the most insidious forms of hostility to Jewish people and the looseness of the definition is liable to chill legitimate criticisms of the state of Israel and coverage of human rights abuses against Palestinians.”
- e. Tony Lerman, a prominent Jewish academic, wrote that “it’s not fit for purpose, but it also has the effect of making Jews more vulnerable to antisemitism, not less, and exacerbating the bitter arguments Jews have been having over the nature of contemporary antisemitism for the last 20 to 25 years.”
- f. Even Kenneth Stern has acknowledged that the IHRA is being used to restrict free speech. Stern has warned about how the IHRA “was being employed in an attempt to restrict academic freedom and punish political speech”. In testimony to the House of Representatives in November 2017, Stern explained that: “The definition was not drafted, and was never intended, as a tool to target or chill speech on a college campus. In fact, at a conference in 2010 about the impact of the definition, I highlighted this misuse, and the damage it could do.”

This conference believes that:

11. The adoption of the IHRA definition and all eleven examples by the Labour Party’s NEC in 2018 has not brought an end to the ongoing claims that the Labour Party is riddled with anti-Semites. As LAW warned, the opposite has occurred.
12. The Labour Party’s decision was an outright victory for the right inside and outside the party. While Jennie Formby has halted the automatic and instant suspensions of Corbyn supporters, the adoption of the IHRA definition has massively expanded the grounds being used for false allegations of anti-Semitism.
13. This pressure on the Labour Party to adopt the IHRA definition was always part and parcel of the slow coup against Jeremy Corbyn. This campaign might currently experience a ‘Brexit lull’, but it will no doubt be switched on again once a general election has been called. The right, the establishment and the Zionist lobby will do anything to prevent Jeremy Corbyn, an outspoken supporter of the rights of the Palestinians, to become prime minister: He cannot be relied upon to run capital in their interests.
14. Some people ostensibly on the left of the party (such as Jon Lansman and John McDonnell) were therefore seriously misguided when they publicly supported the NEC’s adoption of the definition.

This conference therefore resolves:

15. To campaign for the Labour Party NEC to reverse its decision and ditch the IHRA definition.
16. To campaign for the government, councils and other public and private bodies who have already adopted the IHRA definition to reverse their decision and to campaign to stop any more bodies from adopting it.
17. To campaign for freedom of speech, which includes the right to call out Israel’s actions as racist, discriminatory and oppressive.