

**Written evidence from the British Society for Middle Eastern Studies (BRISMES)  
(FOE0145)**

The British Society for Middle Eastern Studies (BRISMES) is Britain's leading academic organisation for the study of the Middle East and North Africa. Founded in 1973, we have over 350 members from across Britain and the world. BRISMES aims to encourage and promote the study of this region, and to provide a forum for educators and researchers working in Middle East Studies. We are committed to supporting academic freedom and freedom of expression, both within the region and in connection with the study of the region in the UK and further afield. To this end, the Society established a Committee on Academic Freedom in 2019.

The centrality of academic freedom and freedom of expression to our work as a Society, and to the work of all our members, is the reason behind our submission to this UK Parliamentary Committee. Over the past few years, our members have raised concerns that freedom of expression on Israel and Palestine is under threat, and this issue has been taken up repeatedly by the BRISMES Committee on Academic Freedom. Specifically, the Committee has received reports from members and non-members related to the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and its effects on academic freedom as well as freedom of expression in UK universities.

The IHRA working definition of antisemitism, adopted by the UK government in December 2016, states:

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.

This is followed by 11 examples of contemporary antisemitism, 7 of which relate specifically to Israel. It is the illustrative examples rather than the definition that are the source of apprehension for BRISMES Committee on Academic Freedom. For example, one example claims that “contemporary examples of antisemitism...taking into account the overall context, include...[d]enying the Jewish people their right to self-determination, e.g. by claiming that the existence of the State of Israel is a racist endeavour.” This example risks stifling open discussions concerning the conditions under which Israel was established; Israeli laws, state policies and actions; Zionist ideology; and the ongoing implications of these laws and ideology for Palestinian human rights. We contend that applying such a definition risks discriminating against Palestinian students and staff in the UK and beyond with regard to their rights to freedom of expression, as well as impacting non-Palestinians who are speaking out in support of Palestinian human rights and against complicity with breaches of national and international laws. Many of these concerns have been raised by Palestinian and Arab academics and intellectuals, for example in an open letter to The Guardian newspaper.<sup>1</sup>

With respect to our mission, we condemn without reservation antisemitism and any form of racism and pledge to support UK universities' efforts to eliminate these. At the same time, we

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<sup>1</sup> <https://www.theguardian.com/news/2020/nov/29/palestinian-rights-and-the-ihra-definition-of-antisemitism>

wish to bring to your attention the concerns of our members that the IHRA definition with its examples is undermining freedom to teach and research on Israel and Palestine.

Whilst universities have an obligation to prevent hate speech on campuses, they also have an obligation to ensure freedom of speech and academic freedom within the law. Kenneth Stern, the lead drafter of the working definition of antisemitism, and the Director of the Bard Center for the Study of Hate, has made clear that the definition was “never intended to be a campus hate speech code,” and that the definition has been “weaponized” in ways that threaten freedom of speech.<sup>2</sup> There are already cases in which the IHRA definition has been used to close down discussion of Israel that is not *prima facie* antisemitic. This is even though the IHRA definition is not legally binding. For example, in 2017, the University of Central Lancaster banned an event entitled ‘Debunking misconceptions of Palestine’, claiming that it contravened the IHRA definition adopted by the government. This is not the only event on Israel-Palestine to be cancelled or censored by universities in the wake of the UK government’s adoption of the IHRA definition.

Even where universities do not directly intervene to ban or block discussions, nonetheless, by suggesting that criticisms of Israel may be antisemitic, the IHRA definition creates a chilling atmosphere for many of our members who teach and research on matters concerning Israel and Palestine, as well as students. The University and College Union (UCU), noting that the IHRA definition had been used to ‘intimidate academics who are engaged in activities that are critical of the policies of the Israeli government but that are not anti-semitic’, voted to disassociate itself from the IHRA definition at its congress in 2017.<sup>3</sup> For example, UK-based academics Malaka Shwaikh and Rebecca Ruth Gould were subjected to unfounded accusations of antisemitism and vicious attacks, including racialized and Islamophobic attacks, in the media, because of their criticisms of Israel and support for Palestinian human rights, which led to attempts to remove them from their positions. There is, they argue, a “Palestine exception to academic freedom” (Shwaikh & Ruth Gould 2020). Academics employed on temporary contracts as well as students are particularly susceptible to self-censorship out of fear that any sort of accusations, even if false and/or malicious, could jeopardise their future ability to obtain permanent employment. This may be particularly true of international students (due to their legal status), and groups disproportionately targeted by ‘Prevent.’ In this respect, the IHRA definition has the ultimate effect of undermining academic freedom and freedom of speech.

A number of legal and other experts have found the definition to be deficient on a number of grounds. In March 2017, Hugh Tomlinson QC stated that ‘The IHRA “non-legally binding working definition” of antisemitism is unclear and confusing and should be used with caution’.<sup>4</sup> Similarly, Geoffrey Robertson QC issued an opinion on 31 August 2017 stating 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’.<sup>5</sup> Similarly, Professor David Feldman’s – the Director of the Pears Institute for the study of Antisemitism - recently argued against the government’s attempts to impose the IHRA definition of antisemitism on the university

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<sup>2</sup> <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>

<sup>3</sup> <https://ucu.org.uk/article/8802/Business-of-the-Equality-Committee-2017#57>

<sup>4</sup> <https://freespeechonisrael.org.uk/wp-content/uploads/2017/03/TomlinsonGuidanceIHRA.pdf>

<sup>5</sup> <https://freespeechonisrael.org.uk/wp-content/uploads/2018/08/Geoffrey-Robinson-QC-opinion-on-IHRA.pdf>

sector as it is ‘confusing and divisive,’ ‘will not help protect Jewish students and staff’ and ‘places academic freedom and free speech on campus at risk’.<sup>6</sup>

Our members have also drawn our attention to a 158 page detailed report on the IHRA definition, drawn up by senior academics and experts at University College London (UCL), entitled ‘Report of the [UCL] Academic Board Working Group on Racism and Prejudice’. This Report concludes that ‘[t]here is a real risk that members of the UCL community will be anxious about crossing a line when discussing topics like Israel and Palestine, engendering an environment that conflicts with a university’s role in expanding public knowledge, challenging received wisdom, and fostering discussions which might at times make some people feel uncomfortable.’ They recommend that UCL ‘retract the [IHRA] definition’ (p. 63).<sup>7</sup>

In conclusion, we contend that there is considerable evidence that the IHRA definition does not provide equal protection for everyone’s right to freedom of expression, is incompatible with principles of academic freedom and is likely to stifle freedom of speech in the university system.

*29/01/2021*

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<sup>6</sup> <https://www.theguardian.com/commentisfree/2020/dec/02/the-government-should-not-impose-a-faulty-definition-of-antisemitism-on-universities>

<sup>7</sup> <https://www.ucl.ac.uk/ucu/sites/ucu/files/wg-racism-and-prejudice-report.pdf>