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TO ASSIST THE ALL-PARTY
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INTO ANTISEMITISM

SUB-REPORT FOR THE
PARLIAMENTARY COMMITTEE
AGAINST ANTISEMITISM

DAVID FELDMAN
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Professor David Feldman

Pears Institute for the study of Antisemitism,
Birkbeck, University of London

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Preface

This updated and amended report is in most respects unchanged from the text submitted to the Parliamentary Committee Against Antisemitism (PCAA) in January 2015. At that time the report was not written for general publication but rather as a briefing document to assist the PCAA. I did, of course, subsequently agree to the report's publication online. This updated version allows me to point to this aspect of its genesis. It is significant chiefly because in writing the report I was addressing a particular and defined readership. This accounts for the 'cold' tone of the report which I know caused concern among some readers. It also accounts for my attempt in the report to challenge and unsettle some commonplace ways of thinking about antisemitism.

After a further five years of controversy and debate in Britain on the incidence and nature of antisemitism, my perspectives today are inevitably somewhat different. Nevertheless, the report should stand as a historical document in two respects: first, it is an account of antisemitism in Britain in the summer of 2014 and, second, it is a record of how one person tried to make sense of the phenomenon in its immediate aftermath. However, because the report is also a public document that continues to be a source of reference in contemporary discourse it is important to update it on some specific points.

The amendments primarily concern the following points:

1. I have clarified but not substantively altered my comments on the Macpherson report and how it is sometimes invoked in discussion of antisemitism.
2. When I wrote the report I was eager, among other things, to make the point that some discourse about Jews can be factually incorrect and offensive yet not be antisemitic. This remains a useful thought, I believe. However, the way in which the original report applied this idea to analogies made by some writers and activists between Israel's actions and those of Nazi Germany was flawed: these sentences are now omitted.
3. In my remarks on 'Boycotts' I take account of an essay by Dave Rich on 'The British Summer of 2014: Boycotts, Antisemitism and Jews' that appeared in David Feldman (ed.) *Boycotts Past and Present: From the American Revolution to the Campaign to Boycott Israel* (2019) which, from data available to the Community Security Trust, notes that in the period covered by this report the movement to boycott Israel generated or was the site of antisemitic incidents.

The original report stated that the 'EUMC working definition [of antisemitism] largely has fallen out of favour.' Within 18 months the definition would make a significant comeback in the form of the International Holocaust Remembrance Alliance (IHRA) working definition. I have not corrected this point but it should be noted that the verdict in the sub-report was premature.

David Feldman
March 2019

Sub-Report for the Parliamentary Committee Against Antisemitism ¹

On Antisemitism in Public Debate during and after Operation Protective Edge: with particular reference to allusions to the Holocaust, to the idea that Jews constitute a body in British society which puts Israel's interests first and to the notion that there are 'good Jews' and 'bad Jews'

1. Background and Context

On 8th July 2014 the Israeli government launched Operation Protective Edge. Its immediate cause was the escalation of rocket fire from Gaza which, in turn, had been a response to the arrest of a large part of the Hamas leadership in the West Bank following the kidnap and murder of three Israeli *yeshiva* students. The stated aim of the bombardment and ground attacks on Gaza was to put an end to rocket fire into Israel. This was an asymmetric conflict. By the time an indefinite ceasefire was announced on 26th August 2014 more than 2100 inhabitants of Gaza had been killed and roughly 11000 had been injured. The number of Israeli dead numbered 71. A further 837 suffered from shock or injury.²

Fighting had erupted at a moment of renewed pessimism in the 'peace process' between Israel and the Palestinian Authority. Direct negotiations, brokered by the United States Secretary of State, John Kerry, had commenced in July 2013. By the end of April 2014 the talks had broken down. There was a widespread understanding, not least in the United Kingdom among senior politicians, that Israel's settlement policy had been a significant obstacle to progress in the talks and that, therefore, the government of Israel bore some responsibility for their failure.³

The collapse of talks between the Israeli government and the Palestinian Authority, and the discrepancy between the military strength of the Israel Defence Force in contrast to the weaponry and manpower at the disposal of Hamas and its supporters in Gaza, were two considerations which framed public discourse on Israel, Jews and Operation Protective Edge during the summer and autumn of 2014. The understanding that the war was not a conflict of equals and the view that Israel bore a degree of blame for the collapse of peace negotiations were mainstream opinions. They provided common ground among those who opposed Israel's actions and protested against them and many who defended Israel's right to defend itself from attacks initiated from Hamas controlled territory in Gaza.⁴ This is a point to which we shall return.

2. Marches, Intimidation and Protest

This sub-report will focus primarily on the ways in which British Jews were interpolated and represented in political debate and public discussion of Israel's policies and actions during the summer and autumn of 2014. It will address the question of whether and to what extent these

¹ I am grateful to Helen Carr for assistance with research for this sub-report. I am also grateful to the Community Security Trust for providing a dossier of material from its archive.

² <http://www.theguardian.com/world/2014/aug/26/gaza-ceasefire-israel-palestinians-halt-fighting>;
http://en.wikipedia.org/wiki/2014_Israel%E2%80%93Gaza_conflict#Civilian_deaths

³ <http://www.thejc.com/news/israel-news/119475/william-hague-attacks-israels-house-building-west-bank>
<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140714/debtext/140714-0001.htm#14071411000001> (Column 583 – William Hague; Column 590 – Ben Bradshaw)

⁴ <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140714/debtext/140714-0001.htm#14071411000001> (Column 581 – William Hague)

representations were antisemitic. In doing so, it will concentrate for the most part on extended and complex forms of communication. It will focus on public discourse generated within the United Kingdom.

At the same time as political speeches, press reports and other forms of journalism addressed the situation in Gaza and Israel; there were also demonstrations and other sorts of collective action. On 19th and 26th July there were two marches and rallies in London held to demonstrate solidarity with Palestinians in Gaza and to protest against the policies and actions of Israel. In late-July similar rallies were held in Leeds, Brighton and Manchester. The Palestinian flag was flown from town halls in Preston and Bradford.

In the second half of July the Community Security Trust reported a sharp rise in recorded antisemitic incidents – ‘the second worst outbreak in recent memory’.⁵ In some cases these incidents were the work of groups, not isolated individuals. In Salford four or five cars with male passengers drove through Higher Broughton displaying Palestinian flags, throwing eggs and drink cans and shouting remarks, including ‘Heil Hitler’.⁶ Other events at home and abroad intensified Jews’ sense that they were under threat. A notice accusing Jews of being ‘child murderers’ was affixed to a synagogue in Kingston and there were protests at shops selling both Israeli and kosher goods, leading to the temporary closure of some stores and to kosher products being removed from the shelves of the Sainsbury store at Holborn, London, albeit for a brief period.⁷ The British press reported attacks on synagogues, Jewish shops and Jewish individuals in France, Germany and the Netherlands.⁸ These incidents provided some of the context in which political speeches and journalistic essays dealing with the conflict in Gaza and the relationship of British Jews to that conflict were produced and were received.

This penumbra of abuse accounts, in part, for the alarm expressed by some figures that support for the Palestinians and criticism of Israel was increasingly imbricated with antisemitism. According to some, very often it was antisemitism pure and simple.⁹ These apprehensions were presented in the press by, among others, Mick Davis, Chair of the Jewish Leadership Council, they were expressed on the streets by 4500 people who attended a rally against antisemitism on 31 August held outside the Royal Courts of Justice, and they were acknowledged by the Home Secretary who pronounced her shock at the rise of antisemitism and conveyed her willingness to take action against the problem.¹⁰

⁵ *Jewish Chronicle*, 31 July 2014,

⁶ <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/manchesters-jewish-community-suffering-backlash-7523966>

⁷ www.thejc.com/news/uk-news/121212/supermarkets-defy-demos-refusing-change-policy
<http://www.thejc.com/news/uk-news/121515/outcry-over-sainsburys-removal-kosher-produce>

⁸ <http://www.theguardian.com/society/2014/aug/07/antisemitism-rise-europe-worst-since-nazis>

⁹ <http://www.telegraph.co.uk/news/religion/10983417/Gaza-conflict-As-a-British-Jew-I-am-now-scared-to-talk-about-Israel-and-Gaza.html> <http://www.thejc.com/comment-and-debate/comment/121191/is-tipping-point> <http://www.thejc.com/comment-and-debate/comment/121266/im-not-mood-levity>; *Jewish Chronicle*, 1 August 2014, p.28; <http://www.theguardian.com/politics/2014/sep/09/gove-against-boycotting-israeli-goods-gaza-conflict>

¹⁰ <http://www.telegraph.co.uk/news/religion/11067645/It-is-time-to-say-with-one-voice-this-anti-Semitism-is-not-acceptable.html>; <http://www.thejc.com/news/uk-news/122409/theresa-may-pledges-tackle-shocking-rise-antisemitism>

3. Defining Antisemitism

To what extent was antisemitism present in public debate? The answer to this question will turn on how antisemitism is defined. Defining antisemitism is a contentious and complicated but necessary undertaking.¹¹ My aim here is not to resolve this issue once and for all. Instead, my goal is more pragmatic: namely, to propose a definition of antisemitism which can be applied to the particular subject and purpose of this sub-report. My aim is to establish a standpoint which is consistent, coherent and provides an instrument with which to assess and interpret public discourse and other actions. This standpoint should be independent in the sense that it does not give special status to the perceptions or claims of any particular group.

Specifically, I propose two distinct but complementary definitions of antisemitism. One definition focusses on *discourse*, the other focusses on *discrimination*.

- i. When we consider discourse we focus on the ways in which Jews are represented. Here we can say, following the philosopher Brian Klug, that antisemitism is ‘a form of hostility towards Jews as Jews, in which Jews are perceived as something other than what they are.’ Accordingly, antisemitism is to be found in representations of Jews as stereotyped and malign figures. One such stereotype is the notion that Jews constitute a cohesive community, dedicated to the pursuit of its own selfish ends.¹² It will be important to ask whether this or other malign stereotypes figured in public debate on Operation Protective Edge.
- ii. In addition to antisemitism which arises within the process of representation there is also antisemitism which stems from social and institutional practices. Discriminatory practices which disadvantage Jews are antisemitic. Taking a historical view, we can say that British society and the British state became less antisemitic in past centuries as Jews were allowed to live in the country, to pray together, to work, to vote and to associate with others in clubs and societies to the same degrees as their Christian fellow-subjects. Discrimination against Jews need not be accompanied by discursive antisemitism, even though in many cases it has been. If we apply this definition of antisemitism to public debate on Jews and Israel last summer and autumn we will need to ask whether any aspect of this debate threatened to discriminate against Jews.

These two definitions of antisemitism do not encompass all the usages of the term present in public discussion in recent months. It will be helpful, therefore, to give some consideration to these other usages and to explain why they have not been adopted here.

Double standards. The disproportionate attention given in public debate to Israel’s actions - in this case its role in causing deaths and injuries to a civilian population - in comparison to

¹¹Gavin Langmuir, *Towards a Definition of Antisemitism*, Berkeley, 1990; David Engel, ‘Away from a definition of antisemitism: an essay in the semantics of historical description’ in Jeremy Cohen and Moshe Rosman, *Rethinking European Jewish History*, Oxford, 2009, pp.30-53; David Feldman, ‘Anti-Zionism and Antisemitism in Britain’ <http://www.jmberlin.de/antisemitism-today/Feldman.pdf>

¹²Brian Klug, ‘The collective Jew: Israel and the new antisemitism’, *Patterns of Prejudice*, 37.2, June 2003, p.124The hostile or critical attitude is as important as the stereotype here. Sometimes stereotypes are used in positive ways. These representations are problematic. They do not present Jews as they really are. However, they are not antisemitic.

the attention devoted to other states which perform in a similar or worse fashion - is sometimes characterised as antisemitic.¹³ There are many reasons why Israel is singled out in political debate. For example, in some cases this is due to the geopolitical and religious significance of the land. Equally significant in attracting attention has been Israel's claim to be a liberal and democratic state. This means it is held to standards which are different from those applied to its neighbours, for example. Whether these are good reasons or bad for singling out Israel for criticism they are not antisemitic. We should conclude that the application of double standards does not in itself constitute antisemitism.¹⁴ We may suspect that the application of double standards is in some cases underpinned by antisemitism in the form of a malign stereotype of Jews applied to the State of Israel. For this charge to be effective it is the presence of the stereotype not the application of double standards which will be crucial. In other cases the application of double standards could lead to antisemitism in the form of discriminatory practices. However, in these cases it is the fact of discrimination which will be crucial, not the double standard.

The EUMC working definition: In 2005 the European Union Monitoring Centre on Racism and Xenophobia [EUMC] published on its website 'a working definition' of antisemitism. The document gave examples of speech acts which 'could' be antisemitic, 'taking into account the overall context', and these included various sorts of criticism of the State of Israel. This working definition was adopted by several Jewish and non-Jewish organisations who found it helpful to have a yardstick with which to assess public debate. However, the definition itself rapidly became a topic of controversy rather than consensus. The points at issue included what the status of a 'working definition' actually was, whether the working definition was an effective and coherent definition at all, and, finally, controversy dogged the application of the working definition to debate on the State of Israel and its policies.¹⁵ The criticisms have been damaging and the EUMC working definition largely has fallen out of favour.¹⁶ The EUMC's successor organisation, the Fundamental Rights Agency [FRA], no longer carries the working definition on its website. Moreover, in its most recent report on

¹³ <http://www.thejc.com/comment-and-debate/comment/121263/questions-protesters;>
<http://www.thejc.com/news/uk-news/121281/demonstrators-tricycle-protest-against-uk-jewish-film-festival-boycott>

¹⁴ [http://www.independent.co.uk/voices/comment/the-tricycle-cinemas-refusal-to-host-a-jewish-film-festival-raises-issues-of-immense-complexity-9652414.html;](http://www.independent.co.uk/voices/comment/the-tricycle-cinemas-refusal-to-host-a-jewish-film-festival-raises-issues-of-immense-complexity-9652414.html)
<http://blog.thecst.org.uk/?p=1809>

¹⁵ <http://antonylerman.com/2011/06/02/the-farcical-attack-on-the-ucu-for-voting-against-use-of-the-eumc-working-definition-of-antisemitism/>

¹⁶ This observation proved premature. The EUMC working definition provides the basis for the working definition adopted and promoted by the International Holocaust Remembrance Alliance in May 2016. <https://www.holocaustremembrance.com/working-definition-antisemitism>. Far from fading away, by the end of February 2019 the definition had been adopted by 17 governments, including that of the United Kingdom, and by more than 130 councils and other bodies in the UK. [https://www.holocaustremembrance.com/working-definitions-and-charters;](https://www.holocaustremembrance.com/working-definitions-and-charters)
<https://www.thejc.com/comment/analysis/what-is-the-ihra-definition-of-antisemitism-and-why-has-labour-outraged-jews-by-rejecting-it-1.467511>; The definition remains controversial. The literature on this is now voluminous. An indicative range of opinions can be found here: <https://www.theguardian.com/commentisfree/2018/jul/27/antisemitism-ihra-definition-jewish-writers>

antisemitism the FRA focussed not on a positive definition of antisemitism but on Jewish perceptions and experiences.¹⁷

Perceptions. It is sometimes suggested that when Jews perceive an utterance or action to be antisemitic that this is how it should be described.¹⁸ In the UK this claim looks for support to the 1999 *Stephen Lawrence Inquiry*, written by Lord Macpherson of Cluny. There Macpherson wrote that ‘a racist incident’ is ‘any incident which is perceived to be racist by the victim or any other person.’ If we look at the context in which this quotation appears, it is clear that Macpherson meant to propose that such racist incidents require investigation. He did not mean to imply that such incidents are necessarily racist.¹⁹ However, on occasions Macpherson’s report has been cited in support of the claim that the views and perceptions of members of minority groups are not only significant but also should have the decisive say in deciding what constitutes racism directed at members of their group.²⁰ This is a misreading and misapplication of what Macpherson actually wrote. In short, the Macpherson report does not provide support for a definition of antisemitism which takes Jews’ feelings and perceptions as the decisive and determining factor.

More fundamentally, if we rest our definitions of racism on the perceptions of minority groups then we open the way to conceptual and political chaos. For if the identification of racism becomes a matter of subjective judgment only then we have no authority other than the perception of a minority or victim group with which to counter the contrary subjective opinions of perpetrators who deny that they are racists. Without an anti-racist principle which can be applied generally we are left in a chaotic situation in which one subjective point of view faces another. An equally damaging objection is that Jews in the UK have diverse and, in some respects, contradictory perceptions of antisemitism.²¹ This gravely weakens any attempt to take Jews’ perceptions as the basis for a definition of antisemitism. None of this means that Jews’ sense of offence, where it arises, is insignificant. But it does mean that their sense of being offended should not be elevated so that it becomes the touchstone for judging whether or not something is antisemitic.

Outcomes. The emphasis on ‘outcomes’, like the emphasis on perceptions, owes a great deal to the wider debate on racism in Britain. In this case it is the concept of ‘institutional racism’ which is influential. According to the sociologist and activist, David Hirsh, ‘Institutional antisemitism....create[s] an environment...which is hostile to Jews, even if nobody intends to create such an environment.’²² In some respects this conception of antisemitism overlaps

¹⁷ <http://fra.europa.eu/en/publication/2013/discrimination-and-hate-crime-against-jews-eu-member-states-experiences-and>

¹⁸ For example, <http://www.theic.com/campus/campus-comment/122784/jewish-students-stand-together-fight-antisemitism>

¹⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf, recommendations 12, 13.

²⁰ One example of this misreading of Macpherson can be found in the <http://www.antisemitism.org.uk/wp-content/uploads/All-Party-Parliamentary-Inquiry-into-Antisemitism-REPORT.pdf>.

²¹ http://www.jpr.org.uk/documents/Perceptions_and_experiences_of_antisemitism_among_Jews_in_UK.pdf

²² David Hirsh, ‘Hostility to Israel and Antisemitism: toward a sociological approach’, *Journal for the Study of Antisemitism*, .5, 2013, p.1413

with the second definition concerned with discrimination outlined above. There I proposed that it is possible for Jews to be disadvantaged even in the absence of discursive antisemitism. However, taken on its own, an emphasis on outcomes is vulnerable to the same abuses that we found in definitions of antisemitism grounded in Jews' perceptions. In other words, it is not sufficient for Jews to identify a particular outcome as a desirable Jewish project – let us say, support for Jewish settlements in territory occupied by Israel after the 1967 war - and then decry opposition to that project as antisemitic. An emphasis on outcomes, therefore, can be useful when those outcomes which are compatible with opposition to discrimination on general principles.

Definitions of antisemitism based on double standards, the EUMC working definition, perceptions and outcomes have not been adopted in this sub-report. Whatever is useful within these discarded definitions, I suggest, is contained within the two definitions dealing with discourse and discrimination which I have proposed above. Nevertheless, these discarded definitions of 'antisemitism' remain significant. First, this is because they contribute to public debate on antisemitism in general and on antisemitism in relation to debate on Israel in particular. In this regard they have a political significance which is independent of their intellectual shortcomings. Second, some of them draw our attention to dimensions of the current situation which are significant even though we cannot agree that they are antisemitic. In particular, we should acknowledge the sense of offence felt by many British Jews last summer and autumn in the face of some or all of the criticism directed at Israel and their perception that this criticism was, in fact, antisemitic

4. References to the Holocaust and to the Nazi persecution of the Jews

Allusions to the Holocaust and National Socialism figured in public discourse as activists and demonstrators and, more rarely, political figures condemned Israel for its actions and expressed solidarity with the people of Gaza and the Palestinian cause more generally. We should acknowledge that the Holocaust and Nazis are widely invoked for rhetorical effect in public and private debate: both have become symbols for evil. At the same, when used to berate Jews and Israel references to the Holocaust and Nazis become antisemitic.

On occasion allusions to Nazis and the Holocaust took the form of statements such as 'Hitler was right', which appeared on a placard at a demonstration in London. Similar sentiments were broadcast from a Twitter account.²³ These utterances were clearly antisemitic because they endorsed a figure – Hitler – whose political ideology was shaped by a malign stereotyped image of 'the Jew' and whose policies discriminated against Jews as he stripped millions of their rights, including their right to life. The statement that 'Hitler was right', made in the context of a demonstration against Israel, invokes both a set of antisemitic stereotypes and a genocidal project targeted at Jews. In at least one case the police arrested a demonstrator who made a Nazi salute.²⁴

Generally, however, references to the Holocaust and, more broadly, to Nazi persecution and National Socialism took a different form: they drew analogies between Nazi brutality and the

²³ <http://blog.thecst.org.uk/?p=4972>; <https://twitter.com/DharbEKaleem/status/488018601853870080>

²⁴ <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/hundreds-protest-palestinian-israeli-supporters-7589123>

situation in Gaza. Gaza was likened to ‘a concentration camp’²⁵, or it was said to be similar to the Warsaw ghetto²⁶, or Israel was perpetrating a Holocaust or genocide in Gaza.²⁷ At other times a slightly different rhetorical strategy was used. This dispensed with all specifics and simply asserted that Israel in the present and Germany under Nazi rule were equivalent states.²⁸

These references to the Holocaust also carry the message, sometimes explicitly, that because Jews suffered a genocide at the hands of the Nazis and their allies that they should have ‘a unique sense of perspective and empathy’ and so have failed to learn the lesson of their own history.²⁹ Yet the lessons of history are rarely self-evident. For some Jews the lesson of the Holocaust is that Jews should never again be victims or leave their destiny to the goodwill of others. Whether or not we agree with this, we can easily see why many Jews are offended when an episode of suffering and slaughter is turned into an object lesson used to teach them how to behave.

Analogies between Israel’s actions and those of Nazi Germany in 2014 were grossly misleading.³⁰ The deaths inflicted on the civilian population of Gaza during Operation Protective Edge took a dreadful toll but they were different from the Nazi assault on Europe’s Jews in their intent, their scale and their consequences. This is the case whether one looks at the Warsaw ghetto in particular or the Holocaust more broadly. These analogies diminish the Holocaust by declaring it similar to events which were, in fact, of a different order. They are especially offensive because they take a disaster inflicted on Jews and use it as a stick with which to beat Israel, established in 1948 as ‘a Jewish state’, and the many Jews outside of Israel who feel an attachment to that state.

Conclusions

- Invocations of the Holocaust and Nazis are a much used rhetorical device
- Analogies between Israel’s actions and those of Nazi Germany are grossly misleading and offensive.
- For as long as the Holocaust and the Nazis remain a potent symbol of political evil we can expect continued use of these analogies not only in relation to Israel but in political discourse more generally. In this circumstance Jews and non-Jews can do two helpful things. First, we should all exercise restraint in our own recourse to analogies to the Holocaust and the Nazi era. Second, we should promote understanding of National Socialism and the Holocaust as real historical phenomena and not merely phenomena with a symbolic value. This second point has additional

²⁵ <http://www.mirror.co.uk/news/world-news/john-prescott-israels-bombardment-gaza-3918413>

²⁶ <https://activist1.wordpress.com/2014/07/24/israel-slates-gaza-for-fighting-back-but-why-the-double-standards-on-resistance/>

²⁷ <http://www.demotix.com/news/5236915/palestinians-protest-israeli-embassy-stop-bombing-gaza-strip#media-5236856>

²⁸ <http://www.bruceonpolitics.com/2014/08/26/can-zionism-be-compared-to-nazism/>;
<http://www.bruceonpolitics.com/2014/08/26/can-zionism-be-compared-to-nazism/>;
http://www.thejc.com/files/imagecache/body_landscape/images/31072014-swastika.jpg
<https://www.facebook.com/MPACUK1Ummah/photos/pb.1442787175990179.-2207520000.1415971892./1448994732036090/?type=1&theater>
<https://www.facebook.com/MPACUK1Ummah/photos/pb.1442787175990179.-2207520000.1415971892./1446741345594762/?type=1&theater>

³⁰ See the excellent analysis at <http://brockley.blogspot.co.uk/2014/07/gazawarsaw-ghetto.html>

significance in view of the Prime Minister's appointment of a commission to ensure Britain has a permanent memorial to the Holocaust and educational resources for future generations.

5. The idea that Jews pursue their own collective interests – and those of Israel – first and foremost

The idea that Jews conspire to shape public policy so that it serves Jewish interests is closely related to the notion that Jews in general (that is to say, not only powerful Jews) reserve their loyalty for Jewish interests only. These are time worn ideas which have played a significant role in modern Britain. For example, at the very beginning of the twentieth century it was a commonplace view among Liberal and Radical opponents of the Boer War that the conflict in South Africa was being pursued by the British government in the interests of Jewish mine owners and financiers, and that popular support for the war should be explained by the Jews' control of the press. In the years following the First World War the antisemitic pamphlet *The Protocols of the Elders of Zion* was the subject of serious discussion in parts of the British press.³¹ These historical examples, in which antisemitism was a presence in mainstream political argument, provide a rough and ready point of comparison with present-day accusations that Jews constitute some sort of 'fifth column'.

The pro-Israel lobby is one focus of anxiety concerning the role played by Jews in British public life. One feature of the anxieties generated by lobbying, unlike most other themes dealt with in this sub-report, is that they are expressed from positions across the political spectrum. Needless to say, there are pro-Israel advocacy groups, comprised of Jews and non-Jews, which operate in the UK. Some such as BICOM operate outside of parliament, while others, notably Conservative Friends of Israel and Labour Friends of Israel, are Westminster lobbying groups. If someone draws attention to the existence of these groups and the fact that they seek to influence policy that in itself should not be deemed antisemitic.

Following her resignation from the government on 5th August 2014, Baroness Sayeeda Warsi explained her view that government policy in the face of Operation Protective Edge was not serving the nation's real interests. In doing so she pointed to the possible role played by 'the Friends of Israel and those who lobby on behalf of Israel.' She said, 'I don't blame the lobby, I blame the politicians....the national interest should never be subject to the chequebooks of anybody.'³² The sense of Baroness Warsi's remarks is clear: lobbying in support of Israel is perfectly legitimate, it is the politicians' responsibility to look to the national interest. In her view it is the politicians not those who lobby who might be blameworthy. Baroness Warsi's remarks excited concern but they were not antisemitic.

Elsewhere, however, comments on the pro-Israel lobby did evoke antisemitic stereotypes, whether deliberately or inadvertently it is difficult to say. Following the House of Commons vote on 13th October 2014 in favour of recognising Palestine as a state alongside Israel, the Liberal Democrat MP David Ward, tweeted: 'Need to expose pro-Israel control on MPs against recognition.'³³ The use of the words 'expose' and 'control' suggest covert manipulation and though Mr Ward did not state that he had in mind Jewish supporters of Israel, in view of the fact that Jews have long been accused

³¹ Geoffrey Alderman, *Modern British Jewry* Oxford, 1988

³² http://www.thesundaytimes.co.uk/sto/news/uk_news/article1445052.ece

³³ www.thejc.com/news/uk-news/124800/lib-dems-will-not-take-action-over-david-wards-israel-control-tweet

of exerting a 'hidden hand' over policy, it is not surprising that some people inferred that this is what he meant.³⁴

In the course of the debate on recognition of Palestine, the Conservative MP, Andrew Brigden, told the House Commons that the 'well-funded and powerful Jewish lobby' in the United States is a 'huge problem'.³⁵ The antisemitic element here arises not from the identification of a lobby, which both exists and seeks to exert influence, but its characterisation as 'Jewish' which erroneously suggests that Jews speak with one voice on Israel and that they are blind to the United States' national interest. Baroness Tonge, speaking in the House of Lords suggested that 'all lobbies are dangerous and undemocratic' but that the Israel lobby is 'particularly dangerous' and is 'the thing that dare not speak its name'.³⁶ It requires a degree of charity not to suggest that this was a reference to hidden, malign Jewish power.

Finally, in this regard, mention should be made of a speech by Alan Duncan to the Royal United Services Institute. The largest part of the speech was taken up by Mr Duncan's criticisms of Israel's settlement policy in the occupied territories. It concluded, however, with some contradictory remarks on political funding. On one side, Mr Duncan said it is legitimate for British Jews to take account of a party's stance on Israel when they consider whether to vote for it or donate to its funds. However, he added the following passage:

We need British Jews for the Conservative, Labour or other UK parties: not the Israel lobby for any party. The time has come to make sure above any doubt that the funding of any party in the UK is clearly decoupled from the influence of the Israeli state.³⁷

When this sentence is placed alongside his vague comment that parties should not take funding from citizens 'unduly in hock to another country', Mr Duncan leaves the impression that he both acknowledges the right of British Jews to consider Israel when they act as citizens and at the same time he suggests that some of them do this in ways which are excessive, illegitimate and undermine their capacity to act as good citizens.

Interest in the 'Jewish lobby' also arose in the aftermath of Operation Protective Edge. *The Independent* carried a story under the headline 'Jewish donors drop toxic Miliband.' Following the leader of the Labour Party's denunciation of Israel's incursion into Gaza as 'wrong and unjustifiable', and his support for unilateral recognition of Palestinian statehood, the newspaper claimed that wealthy Jewish donors and also Jewish voters were abandoning the party.³⁸ *The Independent's* story extended the frame of reference from the influence of formally constituted lobby groups to the political behaviour of Jews more generally.

³⁴When asked to respond to Ward's tweet a Liberal Democrat spokesman did not find anything to criticise.<http://www.thejc.com/news/uk-news/124800/lib-dems-will-not-take-action-over-david-wards-israel-control-tweet>

³⁵ Hansard, 19 October 2014, col. 75

³⁶<http://www.thejc.com/news/uk-news/124997/lord-mitchell-attacks-hypocrisy%E2%80%99-anti-israel-campaigners>

³⁷<http://www.alanduncan.org.uk/articles/alan-delivers-speech-on-israeli-settlements>

³⁸<http://www.independent.co.uk/news/uk/politics/labour-funding-crisis-jewish-donors-drop-toxic-ed-miliband-9849299.html>

Was this antisemitic? Had the newspaper's claim been untrue, or if no evidence were given to support it, then it would clearly have been so. In fact, the newspaper article was able to bring a series of quotations, albeit unattributed, in support of its claim that Jewish donors were abandoning the Labour Party, as well as a public statement made by the Jewish actor Maureen Lipman who had announced that she would no longer support the Labour Party. Nevertheless, the article does treat Jews as an undifferentiated body, united in their support for Israel and collectively determined to punish the Labour Party. This is a caricature and could be labelled antisemitic in so far as it evokes a stereotype of Jews acting in the political sphere but taking account of Jewish interests only. Nevertheless, this would be a harsh judgement in so far as *The Independent* article provides one example of the widespread tendency to generalise when discussing ethnic or national voting patterns. For example, we can think of other possible headlines which make similar generalisations but which would not be characterised as racist: for example, 'Scottish voters desert Labour.' However, the capacity of this sort of article to generate troubling stereotypes was illustrated when it was discussed on the BBC News Channel and one pundit made a crude reference to 'the Jewish lobby'.³⁹

Accusations of media bias are made from a variety of viewpoints, including a pro-Israel stance. However, the notion that the British media – notably the BBC – are in the grip of a Jewish conspiracy did circulate both during Operation Protective Edge and in its aftermath. For example, a placard which displayed the Star of David within a corrupted BBC logo, photographed at a London demonstration against Israel's actions in Gaza, sent an antisemitic message because it suggested not merely that the BBC is biased but that it is Jewish in the sense that it is dominated or controlled by Jews.⁴⁰ The most egregious examples of this libel were to be found on social media and on placards at demonstrations. For instance, Ray Woolford, a 'community activist' in south-east London and a member of Lewisham People Before Profit [LPBP], tweeted to hundreds of followers that the Jewish lobby controls the media and government in the United Kingdom and the United States. One feature of Woolford's tweets was his use of the term Jewish lobby and not 'Zionist lobby' or 'pro-Israel lobby.' In this way he not only invoked the existence of a Jewish conspiracy but also transformed opposition to a political position (Israel's policies) into opposition to a religious or ethnic group. The willingness of other activists to tolerate this sort of antisemitism was revealed when the tweets were brought to the attention of John Hamilton, a leading member of LPBP. Hamilton reflected 'I don't think it is in itself antisemitic ' and indicated that he regards the question of whether Jewish interests shape 'media bias' as something 'open to speculation.'⁴¹

Conclusions

- Compared to other periods in modern British history, smears concerning Jewish power over governments and the media were not at a high level during Operation Protective Edge.
- Insofar as antisemitic stereotypes concerning Jewish influence are part of political discourse in the present day they are used by people from all points of the political spectrum.
- The worst examples of these antisemitic stereotypes emerge in the context of social media and on placards at demonstrations. In other words, these instances arise when an abbreviated, compacted message is being delivered.

³⁹ <http://bbcwatch.org/2014/11/10/more-bbc-promotion-of-the-jewish-lobby-trope/>

⁴⁰ <http://www.demotix.com/news/5487878/free-palestine-rally-trough-central-london#media-5487711>

⁴¹ <http://brockley.blogspot.co.uk/2014/07/people-before-profit-and-jewish-lobby.html>

- It should be understood that supporters of Israel lobby in the same manner as other interest groups and in the same manner as other diasporic groups. MPs and journalists should understand that there is nothing inherently disreputable about the existence of a pro-Israel lobby.
- Journalists, politicians and activists should understand that the Jewish population contains wide divisions over the policies of Israel's government.
- These disagreements among Jews extend to those who identify as Zionists.⁴² Although there is a pro-Israel lobby, these differences of opinion mean it is inaccurate to speak of a Jewish lobby. Talk of a Jewish lobby in this context converts opposition to a political position – [support for the State of Israel and/or its policies] into opposition to Jews as a religious or ethnic group. In this way it is antisemitic.

6. Good Jews/Bad Jews

As controversy over Operation Protective Edge heightened in late July and early August, some journalists argued that denunciation of Israel had become the price Jews are required to pay to enter polite society. This accusation was directed at liberal-minded elites who it was said levy the price.⁴³

One incident which provoked complaints that Jews were being sorted into groups composed of the 'good' and the 'bad' was the decision taken by the Tricycle Theatre to withdraw its invitation to host the UK Jewish Film Festival [UKJFF]. The Tricycle Theatre explained its action as follows: 'given the situation in Israel and Gaza we do not believe that the festival should accept funding from any party to the current conflict. For that reason we asked the UK Jewish Film Festival to reconsider its sponsorship by the Israeli Embassy.'⁴⁴ The UKJFF organisers refused to replace sponsorship from the Israeli embassy with an equivalent sum from the theatre itself.⁴⁵ In a blog for *The Spectator* Nick Cohen proposed that in the eyes of the Tricycle Theatre and its supporters, 'good Jews' were those Jews 'sympathetic to the Palestinian cause.'⁴⁶ The editor of the *Jewish Chronicle*, Stephen Pollard, writing in the *Daily Telegraph*, followed his account of the Tricycle episode with the reflection that,

⁴² <http://www.jpr.org.uk/publication?id=94#.VKLs3ZAI-ng>

<http://www.jewishnews.co.uk/yachad-accepted-board-deputies/>

⁴³ <http://www.thejc.com/comment-and-debate/comment/121643/the-price-joining-polite-society;>

<http://www.thejc.com/comment-and-debate/leader/121188/racism-kilburn>

[http://www.telegraph.co.uk/news/uknews/crime/11041391/Removing-kosher-food-from-shelves-is-giving-in-to-hatred.html;](http://www.telegraph.co.uk/news/uknews/crime/11041391/Removing-kosher-food-from-shelves-is-giving-in-to-hatred.html) <http://www.theguardian.com/commentisfree/2014/aug/08/guardian-view-gaza-rise-antisemitism>

⁴⁴ <http://www.independent.co.uk/arts-entertainment/theatre-dance/news/gaza-crisis-tricycle-theatre-will-not-host-uk-jewish-film-festival-while-it-receives-israeli-embassy-funding-9652866.html> Initially, the theatre asked to view all films being shown at the Festival. The theatre did not press this demand after it had been rejected by the UKJFF. We should note, however, that by mid-August, in the wake of public controversy and private discussions, the theatre further revised its position and declared that henceforth sponsorship from the Israeli embassy for the UKJFF would be acceptable. <http://www.theguardian.com/culture/2014/aug/06/-sp-tricycle-theatre-row-is-cultural-isolation-ever-right>

<http://www.tricycle.co.uk/date/2014/08/>

⁴⁵ <http://www.thejc.com/comment-and-debate/leader/121188/racism-kilburn>

⁴⁶ [http://blogs.spectator.co.uk/culturehousedaily/2014/08/the-double-standards-of-artistic-anti-semitism/;](http://blogs.spectator.co.uk/culturehousedaily/2014/08/the-double-standards-of-artistic-anti-semitism/)

<http://www.telegraph.co.uk/news/uknews/crime/11041391/Removing-kosher-food-from-shelves-is-giving-in-to-hatred.html>

'For the *bien pensants* who inhabit this worldSome of their best friends are Jews...But they're the Good Jews who condemn Israel and to whom it's acceptable to give house room.'⁴⁷

Public debate over the Tricycle Theatre's decisions was characterised by a number of claims which bear examination. First, the theatre's initial decision was widely presented as a boycott.⁴⁸ This was mistaken. The theatre's policy was far more limited than the term 'boycott' suggests: it was a decision not to accept embassy money for a limited period of time. Second, the theatre's decision was said to be antisemitic.⁴⁹ In view of the theatre's offer to replace embassy funding and to continue to host the UKJFF it is difficult to see the substance of this accusation.

A third claim is better reasoned. In examining it we will be able to shed further light on the good Jew/bad Jew dichotomy. This claim, which appeared in its most articulate form in an editorial in *The Guardian*, is that the theatre's demand to the UKJFF required Jews to 'surrender' their connection with Israel.⁵⁰ Most Jews, the newspaper argued, 'feel bound up with Israel' but do not necessarily identify with its government or its policies; policies for which, of course, they are not responsible. The Israeli Embassy, the newspaper pointed out, not only represents the current government of Israel but also 'Israel itself, its society and people.' In refusing a connection with the Israeli embassy, *The Guardian* suggested, the theatre was not only refusing a connection with the government of Israel but also with its people. In this way the theatre's demand on the UKJFF sought to constrain 'something crucial about contemporary Jewish identity.'

How should we assess this argument? On one side, it is easy to understand why, at the time of Operation Protective Edge, it was the Embassy's role as the representative of the Israeli government that was uppermost in the Tricycle Theatre's deliberations. It is also important to keep in mind that the theatre's decision was one only for the meantime.⁵¹ Nevertheless, the argument made in *The Guardian* is helpful because it helps us to understand why so many Jews were offended by the theatre's action. In refusing funding from the Israeli Embassy, the Tricycle Theatre, in the eyes of many Jews, was asking the UKJFF, and by extension British Jews more widely, to dissociate themselves not only from the Israeli government but from Israel itself. Good Jews were those who would comply, bad Jews those who would not, the *Jewish Chronicle* suggested.⁵²

The Tricycle episode was symptomatic of wider tendencies in public debate on the conflict in Gaza. As we pointed out at the outset of this sub-report, in the weeks preceding Operation Protective Edge

⁴⁷ <http://www.telegraph.co.uk/news/uknews/crime/11041391/Removing-kosher-food-from-shelves-is-giving-in-to-hatred.html>

⁴⁸ <http://www.thejc.com/news/uk-news/121281/demonstrators-tricycle-protest-against-uk-jewish-film-festival-boycott>

<http://www.thejc.com/news/uk-news/121189/uk-jewish-film-festival-banned>

⁴⁹ <http://www.thejc.com/news/uk-news/121281/demonstrators-tricycle-protest-against-uk-jewish-film-festival-boycott>; <http://www.theguardian.com/stage/2014/aug/05/tricycle-theatre-jewish-film-festival-cancelled-israel-gaza>; <http://www.theguardian.com/culture/2014/aug/06/-sp-tricycle-theatre-row-is-cultural-isolation-ever-right>; <http://www.independent.co.uk/arts-entertainment/theatre-dance/news/gaza-crisis-tricycle-theatre-will-not-host-uk-jewish-film-festival-while-it-receives-israeli-embassy-funding-9652866.html>

⁵⁰ <http://www.theguardian.com/commentisfree/2014/aug/08/guardian-view-gaza-rise-antisemitism>

⁵¹ This point is reinforced by the suggestion that the theatre was concerned about the local public response to the embassy's logo on UKJFF publicity material. <http://ukhumanrightsblog.com/2014/08/07/have-the-tricycle-theatre-broken-the-law-by-refusing-to-host-the-jewish-film-festival/>

⁵² <http://www.thejc.com/comment-and-debate/leader/121188/racism-kilburn>. Unlike the *The Guardian*, the *Jewish Chronicle* did call this 'antisemitism'.

senior politicians in government and opposition in the UK held Israel responsible in part for the failure of the Kerry peace initiative. Further, the fact that the conflict between Israel and the Palestinians is not a struggle between military and economic equals was dramatized by the level of civilian casualties inflicted on the population of Gaza during Operation Protective Edge. Even staunch friends of Israel such as the Prime Minister, David Cameron, criticised this aspect of Israel's assault on Gaza on *humanitarian* grounds.⁵³

At the same time, some Jewish critics of Israel spoke out 'as Jews' against Israel's actions.⁵⁴ In other words, Jewish individuals and groups dissociated themselves from diaspora institutions which supported Israel's policies in the name of the 'Jewish community.' This is a longstanding pattern which was repeated during Operation Protective Edge. Non-Jewish campaigners for the Palestinians, and others sympathetic to the Palestinians, sometimes highlight these dissenting Jews in order to demonstrate that they [the non-Jews] are not anti-Jewish or antisemitic but are engaged in a legitimate political campaign.

The situation, therefore, was characterised by three conditions: a) most British Jews feel themselves to have a connection with Israel, b) the policies of the Israeli government were widely criticised not merely on political but on *humanitarian* grounds and, c) some Jews publicly associated themselves with that criticism and did so as Jews. This political dynamic greatly contributed to the tendency to perceive Jews as 'good' or 'bad' according to their position on Israel's actions in Gaza. For, if Jews did not respond critically to the bombing of civilians in Gaza, the terms of debate meant that they were rejecting not only the political claims of Hamas but also claims made on behalf of 'humanity'. One inevitable consequence was that some Jews felt that they personally were held to account for Israel's assault on Gaza. One Jewish journalist wrote, 'I am sick and tired of being told by people who haven't the faintest idea of my beliefs and circumstances what I ought to believe and feel.'⁵⁵ It is possible to understand why Jewish supporters of Israel felt under personal pressure. However, to label the dynamic which created this situation 'antisemitism' obscures the complex causes of the problem and devalues the meaning of the term.

This dynamic of debate has deeper causes than the conflict between Israel and the Palestinians. It is part and parcel of life in the modern Jewish diaspora. It is as old as the idea that Jews should be granted equal status with their Christian or non-Jewish fellow subjects. In the nineteenth century, the campaign for the Jews' equality was predicated on the idea that Jews were or, once allowed a level playing field, could become moral subjects. Jews who met this standard were deemed acceptable (or 'good') Jews, those who did not meet this standard were subject to criticism and were the objects of programmes designed to improve and reform them. In other words, the attempt to sort Jews into 'good' and 'bad' emerges with the Jews' integration as equals within modern states. Integration, therefore, was conditional on the Jews' acceptance of ideals of good conduct accepted by the

⁵³ <http://www.dailymail.co.uk/news/article-2715428/International-condemnation-Israel-grows-Appalled-US-David-Cameron-condemn-Gaza-school-air-strikes-France-decries-slaughter-civilians.html>

⁵⁴ This is clear in the nomenclature of organisations such as Jews for Justice for the Palestinians and Independent Jewish Voices.

⁵⁵ <http://www.thejcs.com/comment-and-debate/comment/121643/the-price-joining-polite-society>;
See too <https://twitter.com/jonronson/status/496731076812111874>;
<http://www.theguardian.com/commentisfree/2014/aug/08/dont-tell-me-what-think-about-israel>

majority.⁵⁶ In the circumstances of last summer, ‘good conduct’ meant asking Jews to distance themselves from what was seen to be Israel’s lapse from humanitarian norms.

In this light, we can see that the pressure brought on Jews to conform is broadly similar to that brought to bear on some other minority groups. It resembles the way in which British Muslims today are held collectively responsible for jihadists: though the cases are not identical there is a similar logic at work in both.⁵⁷ It is also similar to the case of other diasporic groups who identify with states whose practices do not match British norms, especially during periods of armed conflict. It indicates a widespread tendency to regard minority groups as cohesive communities whose acceptance by the majority is conditional.

There is no ready-made solution to this predicament. First, Jewish leaders and the Jewish press are eager to present the Jewish population as a community with a single voice, rather than as a conger of individuals with diverse opinions. Second, for as long as ‘integration’ for minorities is regarded as a desirable goal, all minorities, including Jews, will be vulnerable to voices which claim that the minorities’ values are not the same as those of the majority society. These dilemmas and difficulties experienced by Jews are not different fundamentally from those experienced by other minorities in modern Britain. They would benefit from discussion and debate within this larger frame of reference.

Conclusions

- The dynamics which tended to distinguish ‘good’ from ‘bad’ Jews according to their stance on Operation Protective Edge had two fundamental causes. Most immediately, these were rooted in the dynamics debate which identified the hardships of the inhabitants of Gaza as humanitarian in character. Second, and more fundamentally, they lie in the Jews’ position as a minority group in British society.
- The difficulties that arise from these circumstances cannot be termed ‘antisemitic’ in any meaningful way
- We should acknowledge the pressure that integration and conformity can place on minority groups, including Jews.
- This recognition should provide ground for dialogue both between Jews and the government and between Jews and other minority groups.

7. Boycotts

The campaign for Boycott, Divestment and Sanctions (BDS) against Israel, launched in 2005 has had an impact on public debate. This was felt during Operation Protective Edge when support for the Palestinians in Gaza and opposition to Israel’s actions gave rise to numerous boycott initiatives. Activists targeted supermarkets, stores which stock Israeli products, including the cosmetics store Kedem, and other stores with links to Israel or with suppliers linked to Israel.

⁵⁶ http://muse.jhu.edu.ezproxy.lib.bbk.ac.uk/login?auth=0&type=summary&url=/journals/history_workshop_journal/v076/76.feldman.pdf

⁵⁷ <http://tellmamauk.org/tag/anti-muslim-prejudice/>

How does the boycott movement bear on the issue of antisemitism? Outside the Kedem shop front in King Street, Manchester, John Nicholson from the Palestine Solidarity Campaign said ‘we are here for the sixth day running to try and close down Kedem, a shop selling Israeli goods.’ In other words, he expressed the widespread view among BDS activists that their movement targets Israel not Jews. By contrast, the boycotters in Manchester were described by one counter-demonstrator as ‘fundamentally racist’.⁵⁸

Many Jews are dismayed by the boycott movement for the same reason that they were wounded by the decision taken by the Tricycle Theatre: in so far as a connection or identification with Israel is significant to their identity as Jews, the BDS campaign questions the legitimacy of that identity and seeks to undermine its expression. This helps to explain the offence and distress the boycott movement causes among many Jews. It does not, however, render boycotts necessarily antisemitic in the discursive sense set out at the beginning of this report. As we have stressed elsewhere in this sub-report, the fact that something offends Jews does not render it antisemitic. Moreover, for reasons set out earlier, we cannot assume that the double standards which many of Israel’s supporters find in the BDS movement amount to evidence that the movement is antisemitic. Nevertheless, there is evidence that in the summer of 2014 the boycotts and, especially the demonstrations and counter-protests connected to them, were the occasion for a number of antisemitic incidents.⁵⁹ Moreover, when the boycott of Israeli goods mutated into a boycott of *kosher* goods it did *discriminate* against Jews and in this sense it became antisemitic.⁶⁰ Some *kosher* goods originate in Israel but by no means all. When it targeted *kosher* goods which originated outside of Israel the boycott movement not only pursued a political goal - an end to the bombing of Gaza, Palestinian statehood etc - but also brought into question the capacity of Jews to follow religious practices.

There is a second sense in which aspects of the boycott movement may be discriminatory. The Equality Act of 2010 lists a series of ‘protected characteristics’. These include ‘race’ and ‘religion and belief’. The protected category of ‘race’ includes ‘nationality’. In these ways the Equality Act applies to Jews [race and religion] and Israelis [nationality].

Under the Equality Act “A” is not allowed to discriminate against “B” because “B” has a ‘protected characteristic’. The Act specifies two forms of discrimination: direct and indirect. Direct discrimination arises if “A” is treated less favourably than “B” on account of a protected characteristic. Indirect discrimination arises if a rule or policy has a worse impact on someone with a protected characteristic than on someone without. Indirect discrimination is lawful, however, if an employer or service provider can demonstrate it is ‘a proportionate means of achieving a legitimate aim’.⁶¹

⁵⁸ <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/manchester-gaza-protest-israel-palestine-7512993>; <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/manchesters-jewish-community-suffering-backlash-7523966>

⁵⁹ Dave Rich, ‘The British Summer of 2014: Boycotts, Antisemitism and Jews’ in David Feldman (ed), *Boycotts Past and Present: From the American Revolution to the Campaign to Boycott Israel* (London: 2019), 250-1

⁶⁰ <http://www.thejc.com/news/uk-news/121515/outcry-over-sainsburys-removal-kosher-produce>

⁶¹ <https://www.gov.uk/discrimination-your-rights/types-of-discrimination>; <https://www.gov.uk/discrimination-your-rights/how-you-can-be-discriminated-against>

Do boycotts and other actions give rise to unlawful discrimination? This is a question which requires expertise in the law. All we will attempt here is to indicate that this is a question which should be investigated further. The barrister Adam Wagner has suggested that the Tricycle's decision to refuse funding from the Israeli embassy for the UKJFF may have been unlawful discrimination. He also concedes that the courts may wish to 'steer clear' and that lawyers take more than one view on the matter. We also need to bear in mind that in *Fraser v UCU* the Employment Tribunal concluded that Jews' 'attachment to Israel' did not amount to a protected characteristic.⁶² It is possible, moreover, that if the Tricycle decision was unlawful it was so because it discriminated against Israeli nationality rather than against Jews. The theatre may have been discriminatory under the law but not antisemitic.⁶³

Since nationality is a protected characteristic under the Equalities Act it may be that the ambition of some politicians to make their towns 'Israel free zones', if it were ever realised, would constitute discrimination under the Equalities Act.⁶⁴ However, it is arguable whether this would constitute direct or indirect discrimination, and if the latter whether the boycott could be said to be a 'proportionate means of achieving a legitimate aim.' A further feature of the Equality Act is the Public Sector Equality Duty, which came into force in April 2011.⁶⁵ This requires public bodies to consider all individuals when carrying out their day to day work and to foster good relations between different people when carrying out their activities. It may be that that the decision of Tower Hamlets, Preston and Bradford councils to fly the Palestinian flag from their respective town halls failed to fulfil the latter requirement.⁶⁶

Conclusions

- The movement to boycott Israel dismays Jews for understandable reasons. This does not mean it is inherently antisemitic
- The movement to boycott Israel has generated or been the site of antisemitic incidents
- Boycott movements become antisemitic when they discriminate against Jews.
- Boycotts may constitute unlawful discrimination – against Israelis – even when they are not antisemitic.
- Under the current law boycotters may argue that their action is a proportionate means of achieving a legitimate end.'

8. Some Jewish responses to public debate during Operation Protective Edge

Jews responded to Operation Protective Edge and to criticism of Israel in diverse ways. Left wing groups, including Jews for Justice for the Palestinians experienced a 'massive surge' in interest.⁶⁷

⁶² <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Judgments/eemployment-trib-fraser-v-uni-college-union-judgment.pdf>

⁶³ <http://ukhumanrightsblog.com/2014/08/07/have-the-tricycle-theatre-broken-the-law-by-refusing-to-host-the-jewish-film-festival/>

⁶⁴ <http://www.independent.co.uk/news/uk/politics/george-galloway-declares-bradford-an-israelfree-zone-9653894.html>

⁶⁵ <https://www.gov.uk/government/groups/review-of-public-sector-equality-duty-steering-group>

⁶⁶ <http://www.telegraph.co.uk/news/politics/11001371/Muslim-mayor-of-Tower-Hamlets-orders-the-Palestinian-flag-to-fly-over-town-hall-in-solidarity-with-Gaza.html>

⁶⁷ <http://www.haaretz.com/jewish-world/jewish-world-news/.premium-1.609800>

Nevertheless, expressions of alarm at the tone and direction of public debate were dominant in the Jewish communal press and in statements by spokespeople for the community. At the same time, the public debate on Operation Protective Edge gave rise to a new organisation, the Campaign Against Antisemitism which organised the London rally against antisemitism on 31 August. That event and other meetings brought forward criticism of Jewish communal leaders for being weak in their response to perceived antisemitism and to the widespread criticism of Israel.⁶⁸ This sub-report has demonstrated that there was some reason for Jews to be disquieted by antisemitism and to be offended by other features of public debate. This is not the place for a full account of Jewish responses to public debate. Here we will draw attention to two disturbing aspects of that response.

First, the concern expressed by many spokespeople for the Jewish community often lacked perspective and, in this way, contributed to a climate of insecurity. We should recognise that the antisemitic portion of the opposition to Operation Protective Edge amounted to only a small part of a large body of opinion.⁶⁹ Moreover, there was a want of perspective in assessing the current situation in comparison to the past. For example, the assertion from a leading communal figure that we are living through the most insecure time since the Jews' restoration in the seventeenth century has no basis in fact and encourages Jews to imagine their situation as far less secure than it really is.⁷⁰

Second, there are signs of a change in the way British Jews consider the relationship between antisemitism and controversy over Israel. In the past, it was customary for British Jewish leaders as well as non-Jews to draw a distinction between antisemitism and the debate on Israel. They argued that criticism of the Israeli government should not be regarded as antisemitic by definition.⁷¹ In the summer of 2014 the extent to which many British Jews conflated opposition to antisemitism with support for Israel, therefore, was a departure. Most visibly this could be witnessed at rallies against antisemitism when many people arrived bearing the Israeli flag.⁷² This identification of support for Israel with opposition to antisemitism was novel in its scale of expression. It was also dangerous. One point which we have tried to highlight in this report is that Jews hold a variety of opinions on Israel and the policies pursued by its government. Consequently, while it is correct to speak of a pro-Israel lobby, there is no Jewish lobby. Yet in the course of the summer many Jews appeared to suggest that support for Israel during Operation Protective Edge and opposition to antisemitism were one and the same thing. This is a hazardous move, not least because it might easily be taken to justify the antisemitic idea that Jews in the diaspora are collectively responsible for the policies of the State of Israel.

⁶⁸ <http://www.thejc.com/news/uk-news/121374/communal-leaders-attacked-over-response-gaza>;
<http://www.thejc.com/news/uk-news/122055/thousands-turn-out-london-rally-against-antisemitism>

⁶⁹ See, for example, Dave Rich cited here <http://www.haaretz.com/jewish-world/.premium-1.615871>

⁷⁰ <http://www.telegraph.co.uk/news/religion/11067645/It-is-time-to-say-with-one-voice-this-anti-Semitism-is-not-acceptable.html>

⁷¹ For example, Anthony Julius, *Propositions on Antisemitism*, London, 2011, p.32

<http://www.theguardian.com/commentisfree/2014/aug/08/guardian-view-gaza-rise-antisemitism>;

⁷² <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/protesters-gather-manchester-speak-out-7961855>

<http://www.thejc.com/news/uk-news/122463/singer-whos-voice-grassroots>

9. Conclusions and Recommendations (recommendations are italicised)

At the outset of this sub-report I offered two complementary definitions of antisemitism. First, I proposed that antisemitism is a form of hostility to Jews where Jews are seen as something other than what they are. Second, I suggested there is antisemitism which arises from discriminatory practices which disadvantage Jews. In the light of these definitions and the review of the evidence contained in this sub-report, it is possible to draw together the following conclusions and recommendations.

- In the course of the summer of 2014 the antisemitic elements in public debate grew. This registered in formal politics, in the media and in street politics. It is also clear that the rise in antisemitism was limited to a small portion of the public debate.
- The most egregious examples of antisemitic utterances and representations were to be found in compacted forms of communication: notably, placards, cartoons and tweets, where the medium allows little or no room for complexity.
- *It should be asked whether in these cases there is more that the police can do to deter and prosecute these cases under the existing law.*
- In more complex and extended forms of communication antisemitism was most likely to arise where people substituted 'Jews' for 'Israel'.
- *There is important work of education to be done in ensuring that politicians, activists and journalists understand the significance of this distinction. Jews do not all think alike, notwithstanding the sense of connection that most British Jews feel to Israel.*
- *There is also work to be done in persuading some British Jews of the importance of these distinctions.*
- *Boycotts raise questions under the 2010 Equality Act. To achieve answers to these questions the PCAA may want to consider taking appropriate legal advice.*
- There are aspects of public debate which are not antisemitic but which, nevertheless, are offensive to Jews.
- There are other aspects of debate which are not antisemitic but which, many Jews feel, constrain or question their capacity to identify with Israel.

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David Feldman