

*Freedom of Speech and Academic  
Freedom in UK Higher Education:*

# THE ADVERSE IMPACT OF THE IHRA DEFINITION OF ANTISEMITISM

# ELSC

The European Legal Support Center is the first organisation of movement lawyers mandated to defend and empower the Palestine solidarity movement in mainland Europe and the UK. ELSC provides free legal advice and assistance to associations, human rights organisations, groups, individuals, students and academics advocating for Palestinian rights.

<https://elsc.support>

# BRISMES

Founded in 1973, the British Society for Middle Eastern Studies is a forum for educators and researchers working to promote Middle Eastern studies, and to raise awareness of the region and its interconnection with the world, and with the UK. It is the publisher of the British Journal of Middle Eastern Studies. It advocates on behalf of its members, supporting research and education, disseminating knowledge, deepening public understanding, and defending academic freedom.

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# EXECUTIVE SUMMARY

We are committed to the struggle against antisemitism and all forms of racism. Antisemitism exists within UK society and incidents of anti-Jewish prejudice occur in higher education institutions, just as in other institutional contexts. Antisemitism must be addressed, and institutions should seek to prevent it.

However, universities must do so in a way that does not discriminate directly or indirectly against others or undermine academic freedom and freedom of speech.

This report demonstrates that accusations of antisemitism levelled against students and staff in UK universities are often based on a definition of antisemitism that is not fit for purpose and, in practice, is undercutting academic freedom and the rights to lawful speech of students and staff, and causing harm to the reputations and careers of those accused.

This report was produced by the European Legal Support Center (ELSC) and the British Society for Middle Eastern Studies (BRISMES), Europe's leading scholarly association concerned with the study of the Middle East and North Africa. The report is based on an analysis of 40 cases that were reported to the ELSC and in which

UK university staff and/or students were accused of antisemitism on the basis of the 'IHRA working definition of antisemitism' ('IHRA definition'), between 2017 and 2022. In all instances, except for two ongoing cases, the accusations of antisemitism were rejected. The final two have yet to be substantiated. On the basis of these findings, this report recommends against the adoption and use of the IHRA definition in a higher education setting. However it is beyond the remit of the report to suggest alternative definitions while the Human Rights Act of 1998 and the 2010 Equality Act provide the necessary legal tools to combat antisemitism and hate speech more generally.

In 2016, the International Holocaust Remembrance Alliance (IHRA) adopted a 'working definition of antisemitism', to which was appended a list of illustrative examples. Several of the examples conflate criticisms of Israel, its illegal policies, practices and the political ideology on which the state was founded, with antisemitism. These examples contradict the IHRA definition itself and reflect positions advanced by advocates of Israeli policies towards Palestinians.<sup>1</sup>

The definition and illustrative examples have been invoked in many contexts in the UK. This report shows that since its adoption by UK higher education institutions, the IHRA definition has been used in ways that delegitimise points of view critical of Israel and/or in support of Palestinian rights, in violation of academic freedom and freedom of speech. It is noteworthy that the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, has warned against the use of the definition 'owing to its susceptibility to being politically instrumentalised and the harm done to human rights resulting from such instrumentalization.'<sup>2</sup>

There is widespread agreement among scholars and legal experts (including the lead drafter of the IHRA definition, Kenneth

Stern)<sup>3</sup> that the IHRA definition is not appropriate for university settings where critical thought and free debate are paramount. Nevertheless, in 2020, the then Secretary of State for Education threatened university leaders with punitive financial consequences if their institutions did not adopt the IHRA definition.<sup>4</sup> As a result, 119 universities (almost 75% of UK universities) have adopted some version of the definition as a basis for campus policies.<sup>5</sup>

Contrary to what many institutions seem to believe, it is simply not possible to use the IHRA definition to determine whether or not an individual incident or statement is antisemitic, whilst simultaneously protecting freedom of speech and academic freedom and preventing discrimination. To attempt to do so inevitably leads to damaging and iniquitous consequences for staff and students.

## *Key findings*

# THIS REPORT HIGHLIGHTS FOUR MAJOR CONSEQUENCES OF THE IHRA DEFINITION'S ADOPTION:

1. Advocates of Palestinian human rights, critics of the Israeli state and its policies and those researching and teaching about the history of and current situation in Israel-Palestine have been targeted with false accusations of antisemitism.

2. University staff and students are being subjected to unreasonable investigations and disciplinary proceedings based on the IHRA definition. These proceedings have harmed the wellbeing of the staff and students subjected to false allegations of antisemitism. Those falsely accused have felt their reputations to have been sullied, and they are anxious about possible damage caused to their education and careers.

3. The complaints have had an adverse effect on academic freedom and freedom of speech on campuses, leading, in some cases, to the cancellation of events or the imposition of spurious conditions on the format of events.

4. From testimonies received, it is clear that these cases are creating a chilling effect among staff and students, deterring individuals from speaking about or organising events that discuss Palestinian human rights and Palestinian self-determination out of fear that they will be subject to complaints, or else will face considerable bureaucratic hurdles and even costly legal action in order to allow events to take place. Academics employed on temporary contracts (who constitute a significant proportion of university teaching staff), as well as students, are particularly susceptible to self-censorship out of fear that any sort of accusations, even if not upheld, could jeopardise their future ability to obtain permanent employment.

Hence, overall, we conclude that the adoption and deployment of the IHRA definition in UK universities has already dealt a blow to academic freedom and freedom of speech. This not only threatens the ability of higher education institutions to meet their legal obligations in this regard, but is also preventing students from engaging in nuanced discussions about the Middle East, global politics, and the question of Palestine, which are also necessary as part of efforts to combat antisemitism.

# INTRODUCTION

The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental body whose stated purpose is 'to strengthen, advance and promote Holocaust education, research and remembrance'. The IHRA definition is intended by its authors to be a practical educational tool that help 'raise awareness of key issues'. It defines antisemitism as:

***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.***<sup>6</sup>

Advocates of the definition argue that its adoption is necessary to combat antisemitism in UK universities and assert that the definition ensures the safety and security of Jewish students and staff.<sup>7</sup> Further, they argue that as it is framed as 'non-legally binding' it will not impinge on freedom of speech, academic freedom or anti-discrimination law. Yet, there are repeated concerns raised by academics, activists and legal experts that the IHRA definition is suppressing lawful speech on Palestinian human rights and criticisms of the Israeli state. There are seven references to Israel in the illustrative examples

accompanying the definition. Several of these examples effectively conflate criticism of Israel and Zionism with racism and discrimination directed at Jews, for example, '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'. This example not only erroneously essentialises Jewish self-determination as indistinguishable from the State of Israel (a historically-contingent position particular to Zionist ideology) but also delegitimises Palestinian claims to self-determination and opposition to Israel's discriminatory policies against Palestinians as antisemitism. Most worryingly, it suppresses documented evidence of Israeli crimes against Palestinians.

The promotion of the IHRA definition in UK universities and its use in complaints against staff and students is part of a wider context and history of false accusations of antisemitism being levelled against those concerned with Israel's human rights violations. In 2022, after publishing its report entitled *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, Amnesty International was accused of deploying 'antisemitic tropes'.<sup>8</sup> In 2019, Tower Hamlets council refused permission for the Big Ride for Palestine, a charity event in aid of Palestinian

children, because of fears that it could breach the IHRA definition.<sup>9</sup> As such, this reconceptualisation of antisemitism serves to erase Palestinian existence and narratives and shield the rights-abusive policies of the State of Israel - and the structural basis for these actions - from criticism. It further prevents Palestinians from speaking about their oppression and silencing support for Palestinian rights.<sup>10</sup>

According to a recent report produced by the Taskforce on Antisemitism in Higher Education (established by the UK Government's Independent Adviser on Antisemitism, Lord Mann), that questioned 56 universities across the UK about their experience of using the IHRA definition:

***None knew of or could provide a single example in which the IHRA definition had in any ways restricted freedom of speech or academic research, or where its adoption had chilled academic freedom, research or freedom of expression. All these 56 institutions were using the definition and were seen to be listening to the Jewish community about how it experiences antisemitism.***<sup>11</sup>

Yet, the 40 incidents examined in this study contradict the above claims and raise serious questions about the findings of

the Taskforce on Antisemitism in Higher Education. This report confirms the views of recognised experts on antisemitism, Jewish history and related subjects that the IHRA definition is unsuitable for universities.<sup>12</sup> Scholars have expressed concern that research and teaching on Israel and Palestine has become increasingly difficult because of the IHRA definition's widespread adoption.<sup>13</sup> The case studies analysed in this report demonstrate that the imposition of the IHRA definition, in its varied forms in UK higher education institutions (regardless of the caveats included in some universities' policies), stifles free speech within the law in relation to teaching, research and discussion of Israeli government policies, the nature of the formation of the Israeli state, and the nature of Zionism as an ideology and movement. It has served to unfairly damage the reputation and careers of staff and students who speak about the violations of Palestinian human rights and crimes committed by Israel. Most egregiously, it erases the experiences of the Palestinian people, hides from public view documented evidence of the crimes committed against them and thereby prevents universities, staff and students from contributing to informed public debate on the matter.

# METHODOLOGY

This report draws on the work of the European Legal Support Center (ELSC), which has advised and represented people in UK higher education who have been affected by the adoption of the IHRA definition. The report has been produced together with experts from the British Society for Middle Eastern Studies (BRISMES), Europe's leading scholarly association concerned with the Middle East. Since 2019, BRISMES has been monitoring the impact of the IHRA definition through its Committee on Academic Freedom.<sup>14</sup>

The analysis in this report is based on 40 cases involving the use of the IHRA working definition of antisemitism. These cases occurred in 14 universities, of which 11 are part of the Russell Group. Of these 40 cases, 24 involved members of university staff, nine involved university students and seven involved student societies/unions. In all instances, except for two ongoing cases, the accusations of antisemitism have been rejected. The final two have yet to be substantiated.

The cases represent all the incidents recorded by the ELSC occurring between January 2017 and May 2022 and in which university staff and/or students were accused of antisemitism on the basis of the IHRA definition. In some cases, individuals and groups impacted by complaints reached out to the ELSC for support or to the Palestine Solidarity Campaign (PSC), which then referred them to ELSC.<sup>15</sup> In other cases, the ELSC reached out to individuals and groups after becoming aware of the incident either via the media, including social media, and after assessing the relevance of the case to

the ELSC mandate. All data related to the incidents were collected by means of Incident Report Forms, which were filled out by affected individuals or groups. Information was fact checked and completed by means of interviews and/or desk research carried out by ELSC staff.

The evidence analysed in this report reveals that the adoption of the IHRA definition by UK universities has led to complaints of antisemitism being levelled on the assumption or assertion that criticisms of Israel and/or of Zionism are forms of antisemitism. Our findings demonstrate that the IHRA definition is undermining academic freedom and freedom of expression in relation to discussions of Israel and Palestine and risks being used in a way that discriminates against Palestinians and others on campuses who wish to speak out against the oppression of Palestinians.

**Section 1** explains why the IHRA definition is inadequate for challenging antisemitism. **Section 2** analyses the cases supported by the ELSC. It details the nature of the accusations made against staff and students, the outcome of investigations and disciplinary hearings, and how they have affected the people accused. **Section 3** summarises the responses to the IHRA definition by universities and university staff. **Section 4** summarises the findings of this research and provides recommendations for the UK government, university leadership and other relevant constituencies.

**Section 1:**  
**LEGAL PERSPECTIVES ON  
THE IHRA DEFINITION  
OF ANTISEMITISM**

# 1.1 Legal Opinions

Lawyers and legal scholars have argued that the IHRA definition, including some of its illustrative examples, threatens legally guaranteed rights of freedom of expression and assembly by conflating anti-Zionism (a political standpoint) with antisemitism (a form of racism against Jews). The legal opinion of Hugh Tomlinson KC stresses that the definition has no legal standing in the UK; that public bodies have statutory duties to respect and ensure the right of freedom of expression and assembly; and that reliance on this definition to ban or restrict

events which are accused of being 'anti-Israel' but which express no hatred of Jews would be unlawful.<sup>16</sup> Tomlinson concluded that a public authority which sought to apply the definition to prohibit or sanction 'activities such as describing Israel as a state enacting policies of apartheid, as practising settler colonialism or calling for policies of boycott, divestment or sanctions against Israel... [which cannot] properly be characterised as antisemitic ... would be acting unlawfully'.<sup>17</sup>



Similarly, in a letter published in January 2021, distinguished lawyers in the UK, including Sir Stephen Sedley and Sir Anthony Hooper, two retired Lord Justices of Appeal, stated:

***The legally entrenched right to free expression is being undermined by [the IHRA definition]. Its promotion by public bodies is leading to the curtailment of debate. Universities and others who reject the instruction of the [former] secretary of state for education, Gavin Williamson, to adopt it should be supported in so doing.***<sup>18</sup>

The letter's authors urged the Government to withdraw its pressure on universities to adopt the IHRA definition.

Moreover, some have questioned the effectiveness of the definition itself. The legal opinion of Geoffrey Robertson KC points to the definition's inadequacy as a mechanism to protect Jews from antisemitism, arguing 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>19</sup> Even the principal drafter of the text that became the IHRA definition, Kenneth

Stern, has deplored the misuse of the definition as a tool to target or chill speech on college campuses. He called it not just misuse, but abuse.<sup>20</sup> Stern is a US attorney and the Director of the Bard Center for the Study of Hate. For 25 years he was a national staff member of the American Jewish Committee, acting as its antisemitism expert. As chief author of the definition, he is on record as criticising the vague wording of the core definition drafted by someone else, noting that it 'doesn't really say much'.<sup>21</sup>

It is also noteworthy that the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, has stated that:

***Notwithstanding the political endorsement of the International Holocaust Remembrance Alliance working definition across Europe and in North America, it has become highly controversial and divisive owing to its susceptibility to being politically instrumentalized and the harm done to human rights resulting from such instrumentalization. As a result, the Special Rapporteur cautions against reliance on the working definition as a guiding instrument for and at the United Nations and its constituent entities.***<sup>22</sup>





## 1.2 Universities' Duties to Protect Freedom of Speech

Freedom of speech and expression is generally protected by Article 10 of the European Convention on Human Rights (ECHR), to which the UK is a party. Article 10(1) of the ECHR provides that:

***Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority.<sup>23</sup>***

Interference with the rights contained in Article 10(1) are only permitted in the strictly defined circumstances set out under Article 10(2) and must be 'established convincingly'.<sup>24</sup>

The protections under the ECHR on the right to freedom of expression and assembly are incorporated into domestic law by the Human Rights Act of 1998, which states that UK courts must interpret primary and secondary legislation in a manner that is compatible with Convention rights (including case law of the European Court of Human Rights) insofar as possible.

The Human Rights Act requires that public authorities, including universities, act in compliance with the ECHR. Therefore, generally speaking, universities must refrain from interfering with the right to freedom of expression granted to individuals.<sup>25</sup> Moreover, they have duties to actively uphold these rights. Specifically, Section 43(1) of the Education (No.2) Act 1986 places an obligation on universities

in England and Wales to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'.<sup>26</sup> On 11 May 2023, the UK Parliament enacted the Higher Education (Freedom of Speech) Act 2023, which further requires higher education institutions to 'take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable' to achieve freedom of speech for staff, students and visiting speakers.<sup>27</sup>

Academic freedom is a specific and reinforced protection of the more general freedom of expression applicable to universities. Specifically, academic staff have freedom within the law '(i) to question and test received wisdom, and (ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges

they may have at the providers.<sup>128</sup> Political speech also benefits from heightened legal protection under Article 10 of the ECHR given that Article 10(2) has limited application to speech which can be categorised as political or pertaining to matters of public interest.<sup>29</sup>

The UK High Court has stressed that the right to freedom of expression 'includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence' as '[f]reedom only to speak inoffensively is not worth having'.<sup>30</sup>

In light of the above, Israel's history and politics, like the history and politics of any state, are legitimate

matters for discussion and debate in universities. No institution has the right to limit or forbid lawful criticism of Israel or anti-Zionist views. Similarly, the history and politics of Palestine, and the conditions of life of Palestinians, are also matters of institutional, national, and international public interest. They are all legitimate matters of public discussion and debate, just as discussions of human rights, international law, and related matters in other contexts. However, as this report demonstrates, the IHRA definition of antisemitism, and in particular its illustrative examples that conflate statements critical of the State of Israel with antisemitism, have been deployed in ways that undermine academic freedom and freedom of speech and expression in UK universities.

Section 2:

**UNFOUNDED  
ALLEGATIONS: TARGETING  
STAFF, STUDENTS, AND EVENTS**



In this section, we present an overview of the 40 cases that the ELSC recorded between 2017 and 2022, which demonstrate how the definition has been used as a basis for claiming that lectures, research, speeches, social media posts and campus activism amount to antisemitism for simply being critical of Israel and/or Zionism.

The deployment of the IHRA definition in these ways confirms Geoffrey Robertson KC's 2018 prediction:

***it is likely in practice to chill free speech, by raising expectations of pro-Israeli groups that they can successfully object to legitimate criticism of Israel and correspondingly arouse fears in NGOs and student bodies that they will have events banned, or else will have to incur considerable expense to protect them by taking legal action.***<sup>31</sup>

Accusations of antisemitism that depend upon the IHRA definition have been largely targeted at staff teaching and researching the Middle East, and at Palestinian students and others

concerned with advocating Palestinian human rights. In many of the cases, the complainants make reference to the IHRA definition to produce poor faith interpretations or misinterpretations of statements, often taking particular phrases or terms out of context. Another common feature across several cases is the occurrence of significant levels of monitoring and surveillance of any publicly expressed analysis or opinion about Israel or Palestine. This includes recording student speeches, staff lectures, and other presentations; monitoring student or staff social media posts (including the collection of social media posts several years after they were written); reviewing academic publications; and reviewing course syllabi and reading lists.

Those responsible for disciplinary processes at universities often do not possess the necessary tools or background to assess independently the merits of such allegations. In most cases, members of staff co-opted into judging whether a student, society or colleague have made statements that are antisemitic have extremely little, or no understanding of the Israel-Palestine question.

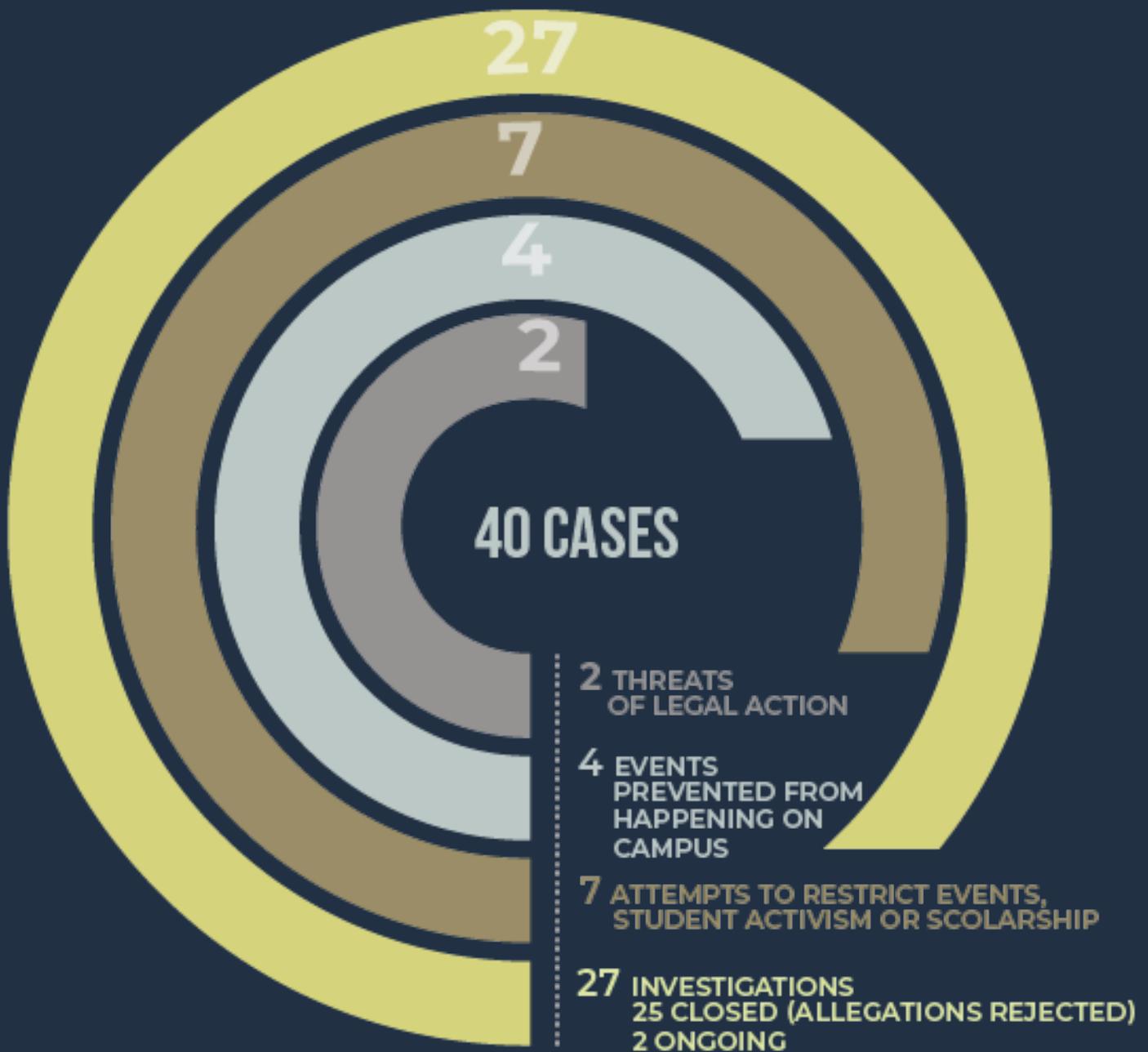


## 2.1 The Cases

For all 40 cases analysed, except two ongoing cases, the accusations of antisemitism have been rejected. The final two have yet to be substantiated. Attempts to restrict academic freedom and freedom of expression on campuses by means of the IHRA definition of antisemitism have directly affected 24 staff members, nine students and seven student groups. The cases occurred in fourteen universities, of which eleven are part of the Russell Group.

There were various outcomes for the individuals or groups affected: two have faced threats of legal action; 27 have faced investigations including, for many, long disciplinary processes; in four cases, events have been prevented from taking place on campus and, in seven cases, there was institutional interference in the respective events and/or scholarship.<sup>32</sup>

# MAIN OUTCOMES OF THE INCIDENTS



# WHAT DO THE ALLEGATIONS TARGET



7

**INCIDENTS  
AGAINST ISRAELI  
APARTHEID WEEK  
EVENTS OR  
OTHER STUDENT  
ACTIVISM**



9

**INCIDENTS MAINLY  
TARGETING  
SCHOLARSHIP**



24

**INCIDENTS MAINLY  
BASED ON ONLINE  
ACTIVITY OF  
INDIVIDUALS**

When looking at the objects of the allegations: in 24 cases, individuals were targeted mainly based on their online political commentary; in nine cases, allegations were made against an individual's respective scholarship; and in seven cases, the targets were Israeli Apartheid Week events<sup>33</sup> or other Palestine-related student activism.

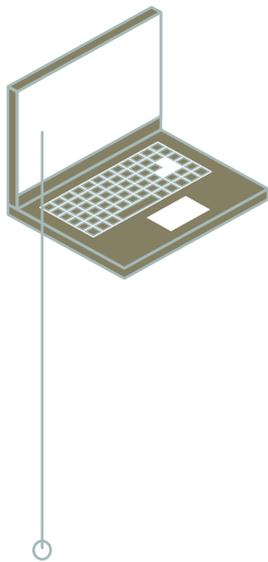
# STUDENT CASES

Of the nine accusations made against individual students, seven cases were investigated through university inquiries or hearings, and the students were found to have no case to answer or were cleared of allegations. In one case, no investigation or disciplinary process was launched. One case is still ongoing. Of those cases in which investigations or disciplinary hearings occurred, they took several months, resulting in prolonged student stress and anxiety, thereby undermining universities' duty of care to the students.

In seven cases, student societies and student unions were accused of antisemitism and/or experienced disruptions of events or initiatives in support of Palestinian rights. One of the cases is ongoing, and a complaint has been filed with the Office of the Independent Adjudicator for Higher Education, following substantial procedural errors in a lengthy year-long complaints procedure. The underlying allegation of antisemitism has yet to be substantiated.

# AN ILLUSTRATIVE CASE:

## HOW THE IHRA DEFINITION IS USED TO MISREPRESENT CRITICISMS OF ISRAEL



In June 2021, a university received an anonymous complaint and opened an investigation into alleged antisemitism against a student who had posted on their social media a Human Rights Watch infographic about Israel's system of apartheid in the West Bank. They referred to the latter as 'ethnic cleansing' and that it was 'reminiscent of South African apartheid'. According to the complainant, the post was antisemitic because it was in breach of examples of the IHRA definition. Following legal support, the university found that there was no case to answer but it took two months before it decided to drop the investigation.

# STAFF CASES

Of the 24 cases against university staff, 18 led to an investigation or to a formal disciplinary hearing. In the case of investigations, all resulted in findings of 'no case to answer'. In the case of formal hearings, all staff were 'exonerated of all charges'. In other

words, every allegation of antisemitism was found to be false.

In six cases, either a formal complaint was never lodged, the university decided not to open an investigation or the complaint was dismissed.

## **AN ILLUSTRATIVE CASE:**

### **HOW AN ANONYMOUS COMPLAINANT SCREENED AN ACADEMIC'S SOCIAL MEDIA ACTIVITY FROM 2016 TO PLACE THEM UNDER A 6-MONTH-LONG INVESTIGATION FOR ALLEGED ANTISEMITISM**

In December 2020, an academic staff member teaching on the Middle East received a notification from their university management that a recent graduate, whom the academic had never taught, had submitted complaints for antisemitism against them and that an investigation had been opened. The complaints concerned more than 20 social media posts, some of which were posted by the academic, whilst others were merely shared or liked, dating from 2016 to 2020. The posts consisted of criticism of Zionism as a political ideology; a media article about the Nakba, and comments about the allegations of antisemitism made against members of the Labour Party. The complainant argued that the posts breached the IHRA definition. The academic was cleared of all allegations but not before being subjected to a lengthy disciplinary process. This caused a considerable amount of stress and represented a significant burden on the academic, who had to request legal advice. The university referred to the IHRA definition as part of their policies to include in the disciplinary proceedings.

# OBSTRUCTION AND PREVENTION OF EVENTS

Among the case studies, 10 events between 2017 and 2022 were targeted with demands for their cancellation. The interference with and curtailment of meetings and events took many forms.

Four of these cases involved the actual cancellation of events by universities, including two events that went ahead outside of the university. In one case, the university imposed unreasonable vetting conditions on the speaker, including that he declare in advance his support for the IHRA definition. After he refused, the event was cancelled by the university. However, other organisations agreed to host it. In two other cases, a similar vetting was imposed on academics, who also refused to endorse the IHRA definition.

The events still went ahead after an exchange between the respective academics and the universities. In one case, the university asked lecturers to attend several events organised by a Palestine student society to make sure the content would not contravene the IHRA definition, creating a chilling effect on the students and speakers. In two cases, the event was allowed to go ahead but subject to many conditions, which included changing the title of the event, recording it, refusing access to the public and imposing security staff and checks. In another case, the event still went ahead, but speakers and organisers were subjected to smears, causing fear and leading the student society that had organised the event to lose members.

## **AN ILLUSTRATIVE CASE:**

# **HOW A SPURIOUS COMPLAINT FILED BY THE UNIVERSITY OF GLASGOW JEWISH STUDENT SOCIETY LED TO POTENTIALLY ILLEGAL UNIVERSITY REACTION AND THE CANCELLATION OF AN ACADEMIC EVENT**

Dr. Somdeep Sen, Associate Professor at Roskilde University, was invited to deliver a lecture on his book *Decolonizing Palestine: Hamas between the Anticolonial and the Postcolonial* (Cornell University Press, 2020) at the University of Glasgow. Following the announcement of the lecture in autumn 2021, the university received a complaint from the university's Jewish student society, claiming that the lecture's topic was antisemitic and expressing concerns that the event might lead to negative repercussions for Jewish students. In response, the university asked Dr. Sen to provide information about the talk's content in advance of the event and to confirm that he would not say anything during the presentation that would contravene the IHRA's working definition of antisemitism. Since the university's requests were discriminatory and undermined academic freedom, Dr. Sen decided to pull out and the event was cancelled.

Five of the cases involved the defamation of external speakers, including, Omar Barghouti, a scholar and founder of the Palestinian campaign for Boycott, Divestment and Sanctions; Marika Sherwood, a Jewish historian and Holocaust survivor; Dr. Somdeep Sen, an academic from Roskilde University; and a Local Government Councillor and Liverpool Hope University Professor, Michael Lavalette.

One case involved intense smears against a students' union for promoting Israeli Apartheid Week events on campus. Two other cases involved smears by pro-Israel media or watchdog groups against Palestine student society events that were due to happen during

Israeli Apartheid Week but that were cancelled by the universities, citing the IHRA definition.

In all these cases, allegations of antisemitism were found to be spurious. They were made by complainants who disagreed with the objectives and/or content of the event or the politics of one or more of the event's participants or organisers. The IHRA definition, which was explicitly referenced in all of these cases, undermined academic freedom and freedom of expression on UK campuses and in some instances had damaging repercussions for student organisers, student societies and invited speakers.



## 2.2 Consequences for Individual Staff and Students

### *Stress, Anxiety and Personal Distress*

All of the staff and students who were subject to disciplinary investigations followed by disciplinary hearings, registered varying levels of stress and anxiety caused by these processes. Many of those targeted specifically identified the protracted nature of the investigations or disciplinary processes as an exacerbating factor. Lack of regular communication from those conducting the investigations and lack of support from their respective institutions contributed to their distress.

The reflection of one academic staff who went on leave due to stress is illustrative:

***When you are in the process, you don't understand how stressed you are. My nerves made me hyper vigilant for two years. The impact of the cases, continual media coverage, and constant communication to deal with the case resulted in chronic stress.***



An academic staff member described their sense of isolation and anxiety about their future career:

***During the first investigation with the media smears, I felt really helpless and powerless at that point as the university was looking out for its own interests. They kept telling me not to say anything to the media. At that point I just kept quiet. I felt really alone. It was just me.***

Another member of staff explained their loss of confidence in her university as an employer:

***While the case was going on, it was really terrible. It was on my mind all the time. Really stressful. I was very angry and anxious. I never really thought I'd lose my job, but I couldn't rule it out. I felt betrayed by the university. As a tactic of intimidation, these accusations are effective because the university did put me through the [disciplinary] process. It will remain a big problem until the university is willing to put more measures in place to protect us from these accusations.***

Of the 16 staff whose cases involved investigations or investigations leading to hearings, a majority cited adverse consequences for their teaching preparation and research.



All of the students whose cases were analysed noted the adverse effects on their studies. Some became concerned about the consequences for their education, academic progress and career plans. One student explained how the accusations interfered with their studies and threatened their further education:

***It was really difficult to hear that you might be kicked out of university. It was very hard for me to focus on my studies. I had to do resits in the summer, so I didn't graduate until recently. I nearly didn't get into my Masters programme. I missed the deadline by two months. If it wasn't for Oxford University being really flexible, I wouldn't be sitting here right now.***

A targeted student described the negative effects of accusations on their studies:

***They make you waste time, sap your energy and make you exhausted. They make you not perform to your ability because you have other things to think about... You learn that [the University] is not there for you. Different interests trump your rights.***

Still another student reported:

***It affected me mentally, it took a lot of time and mental effort. It caused a lot of stress. It served as a distraction from other important things in my life.***

For many of the students and staff whose cases are analysed here, allegations of antisemitism are experienced as a personal assault on their identity, given that they have been engaged with anti-racist activism over a number of years. In some cases, the scholarship of accused staff focuses on antiracism. Being targeted in this way has had damaging psychological and sometimes physical effects.

## *Damage to Reputation and Career*

It is not possible to assess the precise long-term damage to the reputations and careers of students and staff who have been falsely accused of antisemitism, given the short timeframe of the incidents.

What is demonstrable, however, is that those falsely accused of antisemitism are very concerned that the accusations will have an adverse effect on their standing in their universities and communities. This fear is exacerbated when the accusations begin to circulate on social media and the internet. Of the cases in which individuals were represented or advised by the ELSC from 2017 to 2022, over half of those accused expressed concern about their reputations. Slightly fewer than half were equally concerned about their careers.

One targeted academic expressed this concern poignantly:

***I feel like I'm on this emotional roller-coaster. I feel like I won't get a job anywhere else. If I apply for another job, they might not hire me. Not that they would think that I'm antisemitic but because they would want to avoid controversy. That's the reality for me now. It's different for the people whose investigations didn't go public. Reputation is everything for academics.***

Another found that the accusations and the subsequent university process deterred them from continuing their academic career:

***It was very stressful. [It required] a lot of time out from my parental leave to go to meetings, look at documents, collect evidence. It was very disruptive [and] contributed to pushing me away from academia. There was also the context of government attacks on higher education, that was another reason, but this on top made me think the university sector is not the best place to stay.***



## 2.3 The ‘Chilling Effect’

The spate of allegations of antisemitism is damaging academic freedom, curtailing freedom of debate and discussion on campuses, leading to self-censorship among those who research and study Israel-Palestine, and, in some cases, harming personal and professional lives and livelihoods. In addition to these harms, it is likely that the IHRA definition and its use has a much wider chilling effect, causing others to avoid discussing issues related to Palestine, thereby acting as a form of self-censorship.

The difficulty for academic teaching staff is clear. Academic staff who lecture and write about Palestinian and Israeli history, society and politics believe that the IHRA definition, and specifically the examples that reference Israel, constrain what they can teach and write about to such a degree that it results in self-censorship. One member of staff asks pointedly:

***How should I discuss the 1948 colonial, ethnic cleansing that led to the creation of the State of Israel? Wasn't that—to use the words of one of the examples of 'antisemitism' included in the definition—an 'endeavour' to create a state based on a racist deployment of violence? And how should I approach the persistence of these practices of violence along racial lines carried out by the State of Israel? How should I discuss the endeavour of Israel's state courts to expel Palestinians from their homes? Can I raise the question with my students, or with guest speakers, or in my research? Am I even allowed to talk about these things?***

Similarly, an academic staff member described the cloud of potential threats that hang over their scholarship:

***I rewrote the title of a chapter and the abstract so it is not that easy to find it online. This is the chilling effect, and it is an unacceptable restriction on academic freedom. My book will be online for free ... easily accessible, and I'm particularly nervous. ... I already thought about arguments in case I'm***

***attacked, and I wrote the book thinking about how I could be attacked. It is an unreasonable situation. I do not even work directly on the Middle East. So, I cannot imagine what it must be like for people who work on Israel-Palestine. It's a horrible environment to have to try to think how your academic work could be ... misused.***

Another academic provided details of how the chilling effect silenced them:

***I do know now that I have support behind me, but the effect of the litigation is that it has had a chilling effect—not wanting to be overly visible, doubting statements, and things like that. What's also chilling is that it's all very secret. You have a sense that it's also happening elsewhere in other universities, but that you cannot say anything.***

An external speaker who was pressured by a university to endorse the IHRA also noted a sharp decline of invitations to speak at Palestine-related events in universities.

The chilling effect also serves to intimidate those who may wish to advocate for Palestinian rights. One targeted student described how they have limited their public support for Palestinian rights:

***I would still advocate but maybe not on such a big platform [namely, Facebook or Twitter].***

After incidents targeting their events, one Palestine student society lost almost the entirety of its membership (from 30 to 2 members) because, as a member testified, 'everyone was scared'.

**Section 3:**

**UNIVERSITY AND STAFF  
RESPONSES TO THE  
IHRA DEFINITION**



There is widespread assessment among scholars and legal experts that the IHRA definition of antisemitism is not appropriate for university settings—where critical thought and free debate are paramount and must be safeguarded. Nevertheless, in 2020, the then Secretary of State for Education threatened university leaders with punitive financial consequences if their institutions did not adopt the IHRA definition,<sup>34</sup> resulting in 119 universities (almost 75% of UK universities) adopting the definition as a basis for their campus policies.<sup>35</sup>

Adoption of the IHRA definition has typically been imposed by Senior Management, Council, or another governing body, most often without meaningful staff, student or trade union consultation, despite the disciplinary and other contractual implications of adoption, and contrary to objections raised by university staff, students and other stakeholders. These decisions have also been taken without consultation with academic experts in the relevant

fields of law, Jewish and Palestinian studies and Middle East studies in their own institutions, nor with all students who may be affected, specifically, Palestinian students and advocates of Palestinian rights. There has been a failure to conduct risk assessments regarding the impact on Palestinian staff and students as well as on staff and students who study and carry out research on Israel-Palestine. Whilst in many universities, management has consulted with Jewish student societies when considering adoption of the IHRA definition, they have failed to consult with Palestinian student societies or other societies that might be affected by the adoption of the definition (for example, anti-racism societies or societies concerned with decolonising the university). University leaders' failure to confer with their own academic experts as well as with the vast majority of relevant stakeholders runs contrary to obligations to create an inclusive environment and is anathema to academic freedom and democratic practice.



Staff at some universities have demanded that the IHRA definition be withdrawn from university policy, and in some cases, prevented the definition's adoption. As part of their opposition, in addition to raising concerns about academic freedom and freedom of expression, staff have highlighted the need to address all forms of racism equally in university policy and procedure, and that universities should educate staff and students about racism in its various forms, including antisemitism.

Some universities have attempted to safeguard against potential negative impacts of the IHRA definition by introducing caveats to protect academic freedom, such as the clarifications made

by the UK Home Affairs Select Committee.<sup>36</sup> Some universities have adopted the IHRA definition alongside the Jerusalem Declaration on Antisemitism, despite the fact that the latter contradicts some aspects of the IHRA definition.<sup>37</sup> Significantly, the authors of the Jerusalem Declaration on Antisemitism developed this document to provide clearer guidance 'to identify and fight antisemitism while protecting free expression'.<sup>38</sup>

Such caveats and other attempts to mitigate the negative effects of the IHRA definition have not prevented it from being used to target students and staff for their criticisms of Israel, nor prevented it from being used to suppress Palestine-related events.

Section 4:  
**CONCLUSIONS AND  
RECOMMENDATIONS**

# 4.1 Summary of Findings

Overall, this report finds that the IHRA definition of antisemitism is undermining academic freedom and freedom of expression on campuses through its use in complaints processes against protected speech in relation to Israel-Palestine. In all cases recorded by the ELSC, except for two ongoing cases, the accusations of antisemitism with reference to the IHRA definition have been rejected. The final two have yet to be substantiated. University leaders may conclude that their disciplinary procedures are working properly. Yet, the pursuit of lengthy investigations and disciplinary processes against staff and students is creating a chilling effect, leading to self-censorship when teaching, researching, studying and discussing the question of Israel-Palestine. Moreover, these investigations have negative impacts on the wellbeing of staff and students, whilst unfounded allegations also have the potential to damage the

reputations and careers of those who have been wrongfully accused of antisemitism.

It is particularly concerning that certain groups of staff and students, who are under-represented and marginalised within UK academia, are targeted with complaints that rely on the IHRA definition. Specifically, Palestinian students and staff who express their respective experiences of oppression and discrimination, and who talk about the history of the oppression of their people are among those targeted, alongside other students and staff—who are frequently Black and Minority Ethnic—who express solidarity with the plight of Palestinians. University management and its leadership bodies have a duty of care to these students and staff as they do to all others. These constituencies, no less than any others, have the right to protections afforded by university non-discrimination and equality policies.

## 4.2 Recommendations

### TO THE UK GOVERNMENT:

We recommend that the UK government should retract its instruction to universities to adopt the IHRA definition of antisemitism, as it is inappropriate for higher education institutions, which have legal obligations to secure academic freedom and freedom of speech.

### TO UNIVERSITY MANAGEMENT:

We recommend that the IHRA definition should not be adopted, implemented or promoted by any higher education institution. Where it has been adopted, the decision should be rescinded.

If it is not rescinded, we recommend that it not be applied, formally or informally, in any disciplinary proceedings, due to its vagueness and its potential to be used to stigmatise lawful speech and undermine academic freedom concerning Israel and its policies, in violation of legal obligations to ensure academic freedom and freedom of speech.

We also call on universities to be mindful of their obligations to uphold academic freedom and freedom of expression when considering whether to take forward complaints related to political speech or academic expression. Finally, we remind universities that they have a duty of care to their staff and students, which includes not subjecting them to unnecessary disciplinary processes due to the negative impact they have on an individual's wellbeing.

# TO ACADEMIC BOARDS AND SENATES:

We recommend that academic boards and senates call on university managers to rescind the IHRA definition and to ensure protection of academic freedom and freedom of expression for the entire university community.

We also recommend that academic boards and senates consider developing detailed guidance and procedures for the protection of academic freedom and freedom of expression.

# TO STUDENT UNIONS AND SOCIETIES:

We recommend to student unions not to adopt or endorse the IHRA definition, nor to use it to assess antisemitism in relation to complaints raised. Where it has been adopted, the decision should be rescinded.

We recommend that student unions and societies lobby university management to protect the academic freedom and freedom of expression of all members of their campus community.

# TO THE NATIONAL UNION OF STUDENTS (NUS):

We recommend that the NUS should retract its adoption of the IHRA definition of antisemitism and not use the definition as a tool to assess antisemitism in complaints raised.

# TO THE OFFICE FOR STUDENTS (OFS):

The IHRA definition is not a useful tool for interpreting and tackling antisemitism on campuses and, therefore, we call on the OfS to stop recommending the use of the definition by UK universities.

# APPENDICES

1. A table of all the cases informing this report can be found here:

<https://bit.ly/evidenceihra>

2. A list of all open letters written by the BRISMES Committee on Academic Freedom since 2019 that raise concerns about academic freedom and freedom of expression in relation to Israel-Palestine in UK universities can be found here:

<https://www.brismes.ac.uk/advocacy/committee-on-academic-freedom>  
Specifically (in reverse chronological order):



LETTER TO PROFESSOR SIR  
ANTON MUSCATELLI

*Principal of University of  
Glasgow, expressing deep  
concern regarding the  
university's treatment of Ms.  
Jane Jackman*

**1 November 2022**



LETTER TO PROFESSOR DAME  
NANCY ROTHWELL

*President and Vice-  
Chancellor of University  
of Manchester, to express  
our concerns about the  
University's treatment of  
Alistair Hudson, Director of  
the Whitworth Art Gallery  
(WAG)*

**8 March 2022**



LETTER TO PROFESSOR SIR  
CHRIS HUSBANDS

*Vice-Chancellor of Sheffield  
Hallam University regarding  
the investigation of Shahd  
Abusalama and cancellation  
of the class she was  
scheduled to teach*

**25 January 2022**



**LETTER TO PROFESSOR SIR  
ANTON MUSCATELLI**

*Principal of University of  
Glasgow, regarding the  
University's 'Protocol for  
Managing Speakers and  
Events' and the University's  
decision to adopt the  
IHRA working definition  
of antisemitism and their  
implications for Middle  
East Studies and academic  
freedom*

**19 October 2021**



**LETTER TO UCL PROVOST**

*Regarding the UCL Academic  
Board Vote on the IHRA  
Working Definition of  
Antisemitism*

**30 March 2021**



**LETTER TO PROFESSOR HUGH BRADY**

*Vice-Chancellor of Bristol  
University, regarding the  
University's decision to  
fire Professor David Miller  
following an investigation  
into comments that he made  
that were critical of Israeli  
government policy, Zionism  
and pro-Israel groups*

**12 October 2021**



**LETTER TO PROFESSOR DAME  
JANET BEER**

*on the IHRA definition  
of antisemitism*

**24 January 2019**



**LETTER TO UK MINISTER OF  
STATE FOR UNIVERSITIES**

*regarding the IHRA definition  
of antisemitism and the  
autonomy of universities*

**26 May 2021**

# NOTES

- 1** Lerman A. (2022). *Whatever Happened to Antisemitism? Redefinition and the Myth of the 'Collective Jew'*. Pluto Press; also see European Legal Support Center, 'Suppressing Palestinian Rights Advocacy through the IHRA Working Definition of Antisemitism', June 2023, online at [https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?\\_i=AA](https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?_i=AA)
- 2** The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, submitted to the 77th Session of the UN General Assembly, 7 October 2022, p. 14, available at: <https://www.ohchr.org/en/documents/thematic-reports/a77549-report-special-rapporteur-contemporary-forms-racism-racial>
- 3** Written Testimony of Kenneth S. Stern, Executive Director, Justus & Karin Rosenberg Foundation, Before the United States House of Representatives Committee on The Judiciary, November 7, 2017 Hearing on Examining Anti-Semitism on College Campuses, online at <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-SternK-20171107.pdf>
- 4** Eleanor Busby, 'Universities may face cuts if they reject definition of antisemitism, says education minister', *The Independent*, 9 October, 2020, online at <https://www.independent.co.uk/news/education/education-news/antisemitism-universities-gavin-williamson-funding-cuts-b911500.html>
- 5** UJS, 'IHRA Campaign', No Date, online at [https://www.ujis.org.uk/ihra\\_campaign](https://www.ujis.org.uk/ihra_campaign); see also Office for Students, 'OfS reports significant increase in universities signing up to IHRA definition of antisemitism', 10 November, 2021, online at <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-reports-significant-increase-in-universities-signing-up-to-ihra-definition-of-antisemitism>
- 6** For the definition and the list of examples, see The International Holocaust Remembrance Alliance, 'What is antisemitism?', No Date, online at <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>
- 7** Campaign Against Antisemitism, 'UCL Jewish Society, Backed By CAA And Others, Sends Letter To UCL Council Urging Rejection of Alternative Definitions Of Antisemitism', 23 March 2023, online at <https://Antisemitism.Org/Ucl-Jewish-Society-Backed-By-Caa-And-Others-Sends-Letter-To-Ucl-Council-Urging-Rejection-Of-Alternative-Definitions-Of-Antisemitism/>
- 8** The Institute for the Study of Global Antisemitism and Policy, 'ISGAP Fellows Reject Antisemitic Tropes in Amnesty Report', 23 April 2022, online at <https://isgap.org/post/2022/04/isgap-rejects-amnestys-report-on-israel>
- 9** Damien Gayle, 'UK Council Refused to Host Palestinian Event over Antisemitism Fears', *The Guardian*, 3 August 2019, online at <https://www.theguardian.com/uk-news/2019/aug/03/uk-council-refused-to-host-palestinian-event-over-antisemitism-fears>
- 10** Amongst others, see: Letters, 'Palestinian rights and the IHRA definition of antisemitism', *The Guardian*, 29 November 2020, online at <https://www.theguardian.com/news/2020/nov/29/palestinian-rights-and-the-ihra-definition-of-antisemitism>
- 11** Parliamentary Taskforce on Antisemitism in Higher Education, 'Understanding Jewish Experience in Higher Education', May 2023, pp. 11-12, online at <https://antisemitism.org.uk/wp-content/uploads/2023/05/Understanding-Jewish-Experience-in-Higher-Education.pdf>
- 12** For example, Peter Ullrich, Brian Klug and Amos Goldberg, "Expert submission in the context of a

public consultation launched by the European Commission for its upcoming 'Strategy on combating antisemitism and fostering Jewish life in the EU"', 5 July 2021, online at [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13068-Strategy-on-combating-antisemitism-and-fostering-Jewish-life-in-the-EU/F2661357\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13068-Strategy-on-combating-antisemitism-and-fostering-Jewish-life-in-the-EU/F2661357_en); and Taner Akçam and others, "Call by scholars on global leaders at Malmö Forum on Combating Antisemitism", 11 October 2021, online at <https://s3.eu-central-1.amazonaws.com/euobs-media/b7602129dc4791bd47267b593f517caa.pdf>

**13** For example, see written evidence by the British Society for Middle Eastern Studies (FOE0145), submitted on 29 January 2021 to the Human Rights (Joint Committee)'s inquiry, Freedom of Expression, available at: <https://committees.parliament.uk/work/778/freedom-of-expression/publications/written-evidence/?page=1>

**14** British Society for Middle Eastern Studies, 'BRISMES Committee on Academic Freedom', No Date, online at <https://www.brismes.ac.uk/advocacy/committee-on-academic-freedom>

**15** We would like to thank PSC for their inputs and for playing a key role in passing concerns to ELSC for legal analysis and support. The Palestine Solidarity Campaign (PSC) is the largest organisation in the UK advocating for the rights of Palestinians with over 8000 members and affiliations from 15 national Trade Unions. Many of its members are students or academics.

**16** Hugh Tomlinson, 'In the Matter of the Adoption and Potential Application of the International Holocaust Remembrance Alliance Working Definition Of Anti-Semitism', No Date, online at <https://freespeechonisrael.org.uk/ihra-opinion/#sthash.WDNEXkul.dpbs>

**17** Ibid.

**18** Letters, 'Antisemitism definition is undermining free speech', *The Guardian*, 7 January, 2021, online at <https://www.theguardian.com/news/2021/jan/07/antisemitism-definition-is-undermining-free-speech>

**19** Geoffrey Robertson, 'IHRA definition of antisemitism is not fit for purpose', 13 August 2018, online at <https://www.doughtystreet.co.uk/news/ihra-definition-antisemitism-not-fit-purpose>

**20** Written Testimony of Kenneth S. Stern, Executive Director, Justus & Karin Rosenberg Foundation, Before the United States House of Representatives Committee on The Judiciary, November 7, 2017 Hearing on Examining Anti-Semitism on College Campuses, online at <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-SternK-20171107.pdf>

**21** Ibid.

**22** The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, submitted to the 77th Session of the UN General Assembly, 7 October 2022, p. 14, online at <https://www.ohchr.org/en/documents/thematic-reports/a77549-report-special-rapporteur-contemporary-forms-racism-racial>

**23** European Convention on Human Rights, online at [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)

**24** *Gaunt v United Kingdom* (2016) 63 EHRR SE15, §§43-44.

**25** According to Article 10 (2) of the ECHR, the right to freedom of expression does not legally extend to speech that is unlawful, or, in other words, that incites violence, hatred or hostility towards a racial or religious group.

**26** Education (No. 2) Act 1986, Article 43, 'Freedom of speech in universities, polytechnics and

colleges', online at <https://www.legislation.gov.uk/ukpga/1986/61/section/43>

**27** Higher Education (Freedom of Speech) Act 2023, online at <https://www.legislation.gov.uk/ukpga/2023/16/enacted>

**28** Section 2(8)(c) of the Higher Education and Research Act 2017, online at <https://www.legislation.gov.uk/ukpga/2017/29/section/2/enacted?view=plain>

**29** *Wingrove v The United Kingdom* (1997) 24 EHRR 1, para 58; *Vajnai v Hungary* (2010) 50 EHRR 44, para 47; *Ceylan v Turkey* (1999) ECHR 44, para 34.

**30** *Redmond-Bate v Director of Public Prosecutions* (1999) EWHC Admin 733, §20, online at <https://www.bailii.org/ew/cases/EWHC/Admin/1999/733.html>

**31** Geoffrey Robertson, 'Anti-Semitism: The IHRA Definition and its Consequences for Freedom of Expression', 31 August 2018, online at <https://prc.org.uk/en/post/3992>

**32** A table of all the cases informing this report can be found online at <https://bit.ly/evidenceihra>

**33** Israeli Apartheid Week is an annual series of events organised globally to raise awareness about Israel's apartheid regime and to build support for the Boycott, Divestment and Sanctions movement. It is often the opportunity for student movements to demonstrate intersectionality and connect with other struggles for justice in the UK and beyond.

**34** Richard Adams, 'Williamson accuses English universities of ignoring antisemitism', *The Guardian*, 9 October 2020, online at <https://www.theguardian.com/education/2020/oct/09/williamson-accuses-english-universities-of-ignoring-antisemitism>; Fiona McIntyre, 'Universities threatened with defunding over antisemitism', *Research Professional News*, online at <https://www.researchprofessionalnews.com/rr-he-government-education-2020-10-universities-threatened-with-defunding-over-antisemitism/>

**35** UJS, 'IHRA Campaign', No Date, online at [https://www.ujis.org.uk/ihra\\_campaign](https://www.ujis.org.uk/ihra_campaign); see also Office for Students, 'OfS reports significant increase in universities signing up to IHRA definition of antisemitism', 10 November 2021 online at <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/of-s-reports-significant-increase-in-universities-signing-up-to-ihra-definition-of-antisemitism>

**36** UK Parliament, 'Defining antisemitism', Point no. 24, online at <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/13605.htm>

**37** The Jerusalem Declaration on Antisemitism, March 2021, online at <https://jerusalemdeclaration.org/>

**38** At UCL, the Academic Board Working Group on Racism and Prejudice found that despite the addition of two caveats in 'parliamentary riders', the IHRA definition had led to violations of academic freedom and freedom of expression at the university (December 2020, online at <https://www.ucl.ac.uk/ucu/sites/ucu/files/wg-racism-and-prejudice-report.pdf>).

Warwick University's Assembly expressed concerns about the definition's adoption and an Assembly Working Group has been reviewing antisemitism definitions. The University of Brighton's Race and Faith Commission considered the IHRA and recommend that no definition of any one form of racism should be adopted (2021, online at <https://www.jewishvoiceforlabour.org.uk/app/uploads/2021/11/IHRA-road-MAP-of-OPPOSITION.pdf>).

The University of Kent and the Open University adopted the Jerusalem Declaration on Antisemitism alongside the IHRA definition to highlight the distinction between anti-Zionism and antisemitism.

The University of Aberdeen Council decided that the Jerusalem Declaration on Antisemitism should be adopted instead of the IHRA definition. Sheffield Hallam University's announcement that it has adopted the IHRA definition clarifies that it 'will not limit legitimate criticism and debate' and the University will 'uphold and protect the rights of students and staff to hold legitimate debates on issues related to Israel, Palestine and the Middle East' (February 2021, online at <https://www.shu.ac.uk/news/all-articles/latest-news/university-statement-ihra-definition-of-anti-semitism>).



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