



**AUSTRALIAN JEWISH
DEMOCRATIC SOCIETY**
a progressive voice among jews, a jewish voice among progressives

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23 August 2024

The Senate
Legal And Constitutional Affairs Legislation Committee
Parliament House
Canberra 2600

SUBMISSION: INQUIRY INTO THE COMMISSION OF INQUIRY INTO ANTISEMITISM AT AUSTRALIAN UNIVERSITIES BILL 2024 (No. 2)

The Australian Jewish Democratic Society (AJDS) appreciates the opportunity to make this submission. The AJDS was established in 1984 by Norman Rothfield, AM and Moss Cass (a former Minister in the Whitlam government), as a politically progressive voice in the Australian Jewish community. The AJDS has taken positions on a range of freedom of expression issues over four decades, including opposition to racism and antisemitism. While long a critic of Israeli politics, AJDS remains a supporter of a negotiated resolution of the conflict between Israel and the Palestinian people.

We write to you from the perspective of a progressive Jewish organisation which believes that an Inquiry into campus antisemitism, along the lines of that proposed in the Bill, is off-target and politically compromised. We have not commented about Muslim or Palestinian concerns that may exist concerning the proposed bill because we feel it best addressed by representative organisations and hope that the Committee seeks appropriate input.

The AJDS has made submissions to the House and Senate on different occasions, dealing with hate and speech issues, including antisemitism. AJDS and its members have also been engaged

on this issue in general advocacy, media publications, and have had correspondence with universities regarding antisemitism and higher education.¹

We are deeply concerned that the proposed legislation, using the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and its examples, gives a Commissioner authority and direction under Section 6.3 of the legislation to investigate what is alleged to be antisemitism on campuses, whether in teaching, student behaviour, or other activity. Since the IHRA definition of antisemitism is so contested, as outlined below, the bill has elements of a McCarthyite form of inquiry with its threat of sanctions against universities (Section 6.4.b.iii). For a Royal Commission type inquiry to use IHRA as its framework is simply dangerous and a threat to free speech and association and prioritizes one narrow interpretation of Israeli/Zionist politics in Australia over all others when historically, there has always been a diversity of opinion in the Jewish community on Israel, Zionism, and the Palestine issue.

The bill, if passed, also has the potential to set the ground for 'anti-BDS' legislation of the type that has been used to quash non-violent protest in some states in the US. The AJDS does not support generalized academic boycotts, but to characterize non-violent boycotts as a form of antisemitic activity, as contained in the proposed legislation, is wrong. The AJDS has long supported a lawful boycott of Israeli products and services from the Occupied Territories as do other progressive Jewish organisations, including the Zionist New Israel Fund. Are we also to be regarded as antisemitic?

We have three areas of particular concern

1. International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and examples
2. The quality of data concerning antisemitism/political activism on campus
3. Campus responsibilities

From the outset, we wish to make it clear that we know that there are instances of traditional antisemitism in universities as there are throughout Australian society and universities should work to stamp this out as with all forms of unacceptable racism and intolerance. Whether neo-Nazi slogans on walls, stickers, or identifiably Jewish students being harassed (cold stares, sneers, remarks, or worse). We, like other Jewish organisations are disturbed by the increase in such things since October 7, but we also think there is a problem with data collection and interpretation, as discussed below. Still, there are real and disturbing instances of easily recognisable antisemitism on campus, though it appears that much of this, according to the Community Security Group affiliated with the Jewish Community Council of Victoria, is the work of outsiders, notwithstanding politically abusive language coming from some students.² There have also been attacks on pro-Palestine students by people bearing Israeli and Australian flags. These on-campus attacks should be of concern to the committee.³

¹ <https://ajds.org.au/nazi-symbols-bill-2023/>; <https://ajds.org.au/counter-terrorism-legislation-amendment-bill-2023/>; <https://www.aph.gov.au/DocumentStore.ashx?id=f22bd0fd-3941-4f6c-96a3-5645f371417d&subId=758545>

² <https://jewishindependent.yourcreativeagency.com.au/wp-content/uploads/2024/07/University-Impact-Report-Public-Release-FINAL.pdf>

³ <https://www.theguardian.com/australia-news/article/2024/may/08/monash-university-pro-palestine-campus-police-investigation-gaza-solidarity-ntwnfb>

However, the last thing needed would be fenced-off universities with ID only entry, and all classes and events video-recorded and checked for allegedly offensive content. Universities have a historically significant and crucial role in a democracy as public spaces for challenging ideas. At the same time, we of course do not countenance any form of harassment or violence. We oppose “close down” culture on campus from the left or right, the retreat into dogmatism, and the current incapacity to engage in reasoned discourse with persons with other viewpoints on a significant political issue such as the Israel-Palestine conflict.

1. INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF ANTISEMITISM AND EXAMPLES

The International Holocaust Remembrance Alliance (IHRA) short working definition of antisemitism is itself relatively uncontroversial, as definition of the nature of the phenomenon.⁴ However, the illustrative examples dealing with Israel and Zionism as distinct from traditional antisemitism confuse criticism of Israeli politics with antisemitism. Thus, referencing IHRA in the proposed legislation (Section 6.3.b) is regrettable and dangerous. Kenneth Stern, the antisemitism expert who played a major role in drafting the original definition and examples that the IHRA later adopted, has written that it was never intended to be used as a sweeping, all-purpose hate speech code and that its use by the Trump administration and conservative Jewish groups “is an attack on academic freedom and free speech”.

Many Jewish academics internationally including Israelis also have spoken against IHRA because these examples are being weaponized to discredit and silence legitimate criticism of Israel’s policies as antisemitism.⁵ *The IHRA Definition at Work* report of 4 March 2022 reports on the negative effects adoption of the definition has had on universities, amongst other institutions, internationally.⁶ This problem continues, despite the claims of proponents of IHRA that it does not stop legitimate criticism of Israel.

A letter supported by 130 Jewish and other signatories from Australia and around the world was sent to all Vice-Chancellors and Universities Australia early in 2022 during a push for universities to adopt IHRA. Many of the signatories are highly distinguished persons. The letter and signatories are attached. As stated in the letter,

Australia’s universities should not be relying on a partisan definition as a means of determining what is proscribed political speech. The independence of universities and their commitments to free thought and speech, research and teaching should be paramount. In fact, Australian Universities should independently develop an enhanced policy for combatting racism (including antisemitism) so that there is consistency between institutions.

We know from correspondence that most universities have not accepted the IHRA and its guidelines, and for the minority that have done so, there are considerable caveats, including reference to the alternative Jerusalem Declaration on Antisemitism which has more liberal

⁴ <https://holocaustremembrance.com/resources/working-definition-antisemitism>

⁵ 128 scholars warn: ‘Don’t trap the United Nations in a vague and weaponized definition of antisemitism’ 3 November 2022, <https://media.euobserver.com/9e86df02ddf67c6046d190b65e4380df.pdf>

⁶ <https://www.ijvcana.org/ihra-definition-at-work/>

IHRA states that something can be antisemitic because it:

"[A]pplies double standards by requiring of it (Israel) a behaviour not expected or demanded of any other democratic nation"

This is clearly contentious, given the view taken by many (including Israeli experts) that the Israeli action in Gaza has been disproportionate, notwithstanding Hamas' war crimes on October 7. Such "whataboutism" as expressed by IHRA is intellectually and morally indefensible. Jews have long criticized Israeli politics in forthright terms. Why should critics of Israel's treatment of Palestinian citizens (at least 20% of the population), or those under occupation in a by a country that claims democratic status – be they Palestinians, Jewish Israelis, Diaspora Jews, or anyone else – be obliged to criticise other countries' treatment of other peoples or groups to avoid being labelled as antisemitic? People who boycotted the USSR because of its treatment of Soviet Jews could not justly have been called anti-Soviet because they did not also boycott other countries over treatment of other minorities.

As the situation between Israel and Palestinians will probably worsen in the context of the Gaza War, the debate about Israel and Palestinians will grow, and language and ideas discussed will inevitably grow sharper, not just on campus. Sometimes the language will be sober, at other times, as happens in the public sphere, impolite, disturbing, and at times improper. As an example, the issue of genocide is now before the International Court of Justice. Genocide is a controversial term, but it is now very much part of public discourse. IHRA Guidelines would classify terms such as genocide as "drawing comparisons of contemporary Israeli policy to that of the Nazis", when it is very clear that international lawyers and legitimate scholars are using the term as a legal idea. Antisemitic motivations cannot be claimed of the ICJ or sober academics.⁷

As a local example of this absurdity, in 2021, the Australia/Israel & Jewish Affairs Council used IHRA-type reasoning to accuse Israeli human rights organisation B'Tselem of antisemitism because it used the word "apartheid" in criticising policies and actions of the Israeli government.⁸ Yet the word "apartheid" is familiar in Hebrew-language and English-language discourse on the situation in Israel.

Furthermore, under IHRA, questioning Israel's status as a Jewish state is antisemitic. But Dennis Altman, the distinguished Australian academic and writer has also said: "I am unwilling to accept that criticism of Israel's status as a defined Jewish state is itself antisemitic. The idea of defining a state in this way—which applies equally to the Islamic Republic of Iran—marginalises the 25% of Israelis who are not Jews."⁹

By way of comparison, the Chinese government found teaching material drawn from the respected journal *Nature* was being used to "slander the Chinese government, spread rumours, sow discontent between ethnicities, and have a strong anti-China sentiment."¹⁰ Does Australia

⁷ <https://www.theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov>;
<https://www.lrb.co.uk/the-paper/v46/n12/adam-shatz/israel-s-descent>;
<https://contendingmodernities.nd.edu/global-currents/statement-of-scholars-7-october/>

⁸ <https://aijac.org.au/featured/btselem-apartheid/>

⁹ <https://thejewishindependent.com.au/crying-antisemitism-drowns-out-the-real-problem>

¹⁰ <https://www.hrw.org/report/2021/06/30/they-dont-understand-fear-we-have/how-chinas-long-reach-repression-undermines>

support banning the use of the journal *Nature* in Universities and associated curricula or human rights protests concerned with China?

Strong Zionists can also be critical of the misuse of IHRA. Mark Baker, the highly respected and sadly deceased director of the Australian Centre for Jewish Civilisation at Monash University attested to the dangers of adopting the IHRA definition. He said that imposition of IHRA:

*[Would] immediately have Jewish lobby groups, whether it is AIJAC [Australia Israel Jewish Affairs Council] or the Anti-Defamation Commission or the Zionist Federation who would seize upon one of the 6 sections ...I think it is extremely counterproductive. What they want is a view of Israel that is taught through hasbarah [Israeli propaganda]. They are professional outside organizations arming people with tape recorders and then politicians get involved.*¹¹

IHRA “appears in many respects to be a document that is uniquely suited to generate misunderstanding, misapplications and, ultimately, abuses of its stated intent. In brief the IHRA definition intervenes in public discourse by way of obfuscation”.¹²

2. POLITICAL ACTIVISM ON CAMPUS/ THE QUALITY OF DATA CONCERNING ANTISEMITISM

AJDS does not deny that some Jewish students are deeply distressed by politically challenging events such as protests, simplistic and ambiguous or offensive slogans, calls for Boycott Divestment and Sanctions (BDS), or naïve student resolutions. But campus debate over Israel is not occurring in a vacuum. It reflects societal concerns at large as well as debate within the Jewish community locally and internationally. Some speak of a rift in the Jewish community at large.¹³ The fact that there are Jewish students involved in pro-Palestine protests illustrates this difference. There are of course documented examples of students and academics who have crossed the line from legitimate political criticism into traditional antisemitism and calls or support for violence. Antisemitism and support for violence is entirely unacceptable and deserves to be called out and disciplinary action taken.

However, it should also be noted that antisemitic behaviour is not just a feature of a minority on the left. Antisemitism has been identified with a Christian religious group at UTS in 2014, [REDACTED], St Marks College, Adelaide, and at Charles Sturt University in 2018. There may well be more recent instances, and we know this still occurs in schools.¹⁴

Despite the presence of undoubted antisemitism, there is also the problem of survey bias and individual and anecdotal evidence being extrapolated without attention to standard procedures for research quality. Much better data and research is required to know more precisely and

¹¹ <https://youtu.be/AsgMSMFg-3M>

¹² Gould, R.R. (2020). *The IHRA Definition of Antisemitism: Defining Antisemitism by Erasing Palestinians*. The Political Quarterly. 2020. Vol. 91, Issues 4, pp829.

¹³ <https://www.theguardian.com/world/2023/nov/04/us-jews-rift-gaza-israel-crisis>;
<https://thesocialblueprint.org.au/who-speaks-for-australian-jews/>

¹⁴ <https://www.hrlc.org.au/human-rights-case-summaries/2023/1/12/kaplan-v-state>;
<https://www.smh.com.au/national/swastikas-schoolboys-and-social-media-teachers-face-growing-problem-20240201-p5f1lk.html>

authoritatively what is going on at universities with respect to the experiences of a wide variety of Jewish students.

As an example of this problem, the Australian Union of Jewish Students and the Zionist Federation of Australia released a survey in August 2023.¹⁵ It was widely reported in the media because it claimed widespread antisemitism on campuses.¹⁶ Furthermore, the survey was based on a self-selection from a non-scientific pool of respondents clearly linked to a particular political and religious orientation.

The survey also claimed that 29% of university staff were “actively participating” in antisemitic behaviour and that 70% chose to ignore what were called antisemitic incidents. These appear to be extraordinary numbers. However, the antisemitism recorded was mostly around issues to do with Israel, that is, political discussion. Not all criticism of Israel is necessarily antisemitic, despite the discomfort caused to students because of their beliefs.

Additionally, the survey conflated traditional antisemitic behaviour (language about Jews, holocaust denial, Nazi graffiti, and physical actions), in with Israel/Palestine politics and student perceptions of discomfort. This category conflation is at the core of the dispute over what is antisemitic and what is political activity and is also reflected in the antisemitism reports of the Executive Council of Australian Jewry which otherwise, do an important job in documenting antisemitic extremism.¹⁷ The same problem continues with more recent reports.

AJDS also believes there are issues with sensationalist media reporting that looks for polarized political argument and confrontation on campus that is then classified as antisemitism.

A step in the right direction is that Monash University “will commit \$1M over a two-year period to support an action-based research program led by Associate Professor David Slucki and Dr Susan Carland. The project will investigate specifically the nature and experience of antisemitism, Islamophobia and related prejudice and develop and test programs and initiatives that support social cohesion on campus. To facilitate prompt action, they will make rolling recommendations to the University.”¹⁸ This is a bipartisan project between Jewish and Muslim academics and is an important opportunity to set baseline research and action into place at a campus with substantial Jewish and Muslim enrolment.

We also welcome the announcement that the Australian Human Rights Commission will be undertaking a study into antisemitism, Islamophobia and the experience of First Nations peoples at universities and that such a study will consider “community concern[s] about the rise in antisemitic and Islamophobic incidents in Australia, including in the months following 7 October 2023”.¹⁹

AJDS also hopes that both these studies will be able to consider what Slucki and Carland have called “related prejudice”, which we assume to be activity which stigmatizes or marginalizes

¹⁵ <https://www.zfa.com.au/survey/>

¹⁶ <https://www.abc.net.au/news/2023-08-14/students-face-antisemitism-at-university-7-30/102726396>

¹⁷ <https://www.ecaj.org.au/antisemitism-report/>

¹⁸ <https://www.monash.edu/students/news/articles/towards-a-more-peaceful-monash-community2>

¹⁹ https://humanrights.gov.au/sites/default/files/2024-08/Study%20into%20the%20Prevalence%20and%20Impact%20of%20Racism%20in%20Australian%20Universities%20-%20Terms%20of%20Reference%20_1.pdf

Palestinians in general (not all are Muslim), or supporters of Palestine in universities. Such research may be able to determine in a far more effective way than the proposed Inquiry if the issue of antisemitism or Islamophobia/anti-Palestinian sentiment on campus is any different or more prevalent than to other forms of prejudice (alluded to in Section 6.3.c. iii of the bill). It is well established that social cohesion is declining, and international conflicts contribute to tensions, including less acceptance of people of Muslim backgrounds.²⁰

The Committee should seek input from both Monash and AHRC.

3. CAMPUS RESPONSIBILITIES

We know that universities have in the past been reluctant to respond to real instances of campus intolerance, antisemitism, and racism towards members of minority groups, including Indigenous Australians. Complaints procedures are cumbersome and anecdotally, people are reluctant to act. Our universities can do better by active engagement with Federal and State Human Rights Commissions and authoritative community bodies in dealing with these issues. Authoritative data such as that referred to above is particularly needed for policy and decision-making about the extent of antisemitism or other forms of prejudice.

Students should not feel that it is unsafe to come onto campus because of their background or looks. In this regard, universities could take much better symbolic and practical action. When there are behavioural and disciplinary issues over speech and protest –particularly confrontation between young adults —these are best dealt with under existing behavioural codes in the same way that there are expectations for gender relations or personal behaviours. This may alleviate some confronting and ambiguous situations.

There should also be increased effort by universities to promote civil and rational debate and behaviour on controversial issues difficult as this can be. Universities need to reinforce the principle that reasoned debate, not abusive bullying or racist behaviour is what is expected of young adults on campus, difficult as that message is to put across. They need to reinforce the message that behaviour on campus that breaches internal protocols or state or national laws will not be tolerated.

None of these measures, however, impinge upon the tradition of campus free speech and non-violent protest or teaching, learning, and research as supported in the Model Code of Conduct recommended by the Hon Robert French AC in his 2019 *Review of Freedom of Speech in Australian Higher Education Providers*.²¹ The proposed bill interferes with this.

Sincerely

Dr Larry Stillman

Itamar Livnie

²⁰ <https://scanloninstitute.org.au/sites/default/files/2023-11/2023%20Mapping%20Social%20Cohesion%20Report.pdf>

²¹ <https://nla.gov.au/nla.obj-3062854449/view>

An Open Letter to Australian University Vice-Chancellors

18 January 2023

Dear Vice-Chancellor,

Opposing the Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition on Antisemitism in Australian Universities.

We, Jewish and non-Jewish current and former academic and university staff, graduates, and educators write to you concerned for the preservation of research autonomy, teaching and free speech in Australian higher education.

The campaign¹ by the recently convened federal Parliamentary Friends of the International Holocaust Remembrance Alliance (IHRA)² for Australian universities to adopt the *Working Definition on Antisemitism*³ is regrettable. The IHRA definition, if adopted by universities, as demanded by the Parliamentary Friends group in their letter to you of 30 November last, will have far-reaching implications for academic teaching, research and publications, and will interfere in student politics. The claim in their letter that adoption of the definition will not interfere with free-speech in higher education is either disingenuous or naive. *The IHRA Definition at Work*⁴ report of 4 March 2022 reports on the negative effects adoption of the definition has had on universities, amongst other institutions, internationally. Significant other criticism of the international IHRA campaign is presented below.

The term “antisemitic” is over-generalized and when applied to opinions on the Israel-Palestine issue may be akin to claims by the Chinese government about academic articles from the internationally respected journal *Nature* being used in an Information Technology class to: “slander the Chinese government, spread rumours, sow discontent between ethnicities, and have a strong anti-China sentiment.”⁵ The attempt to adopt a politicized speech code like the IHRA definition is like the pressure brought to bear on universities by Chinese interests and government in this country. In our view the two campaigns are similar in that foreign government interests are being served by mobilising local community perceptions that can be highly subjective.

¹ Australian Jewish News, 9 December, 2022. <https://www.australianjewishnews.com/parliamentary-friends-of-ihra-engage-universities/>

² Australian Jewish News, 3 November, 2022. <https://www.australianjewishnews.com/parliamentary-friends-of-ihra-officially-launched-in-canberra/>

³ IHRA Non-legally binding Working Definition of Antisemitism. <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

⁴ <https://www.ijvcanda.org/ihra-definition-at-work/>.

⁵ <https://www.hrw.org/report/2021/06/30/they-dont-understand-fear-we-have/how-chinas-long-reach-repression-undermines>

There are other countries which may at some point choose to bring similar complaints about what is said about their politics in Australian universities. University autonomy and the commitment to reason and free speech can be threatened if a low bar, like the IHRA definition and its attendant examples are used to police speech in universities. Professor Ruth Gould, of the University of Birmingham noted of the IHRA definition in the peer-reviewed *Political Quarterly* in 2020 that:

the working definition appears in many respects to be a document that is uniquely suited to generate misunderstanding, misapplications and, ultimately, abuses of its stated intent. In brief the IHRA definition intervenes in public discourse by way of obfuscation.⁶

In her more recent study, *Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech*, Professor Gould evidences:

The IHRA] document reaches beyond its self-described status as a “non-legally binding working definition” and comes to function as what I call a quasi-law, in which capacity it exercises the *de facto* authority of the law, without having acquired legal legitimacy. Broadly, this work elucidates the role of speech codes in restricting freedom of expression within liberal states.⁷

The umbrella body of Australian Jewry, the Executive Council of Australia Jewry, and the Zionist Federation of Australia, and the private Australian Israel Affairs Council take an aggressive stance against criticism of Israel, even though many of these criticisms are similar to those made by Israeli politicians and civil society actors. These Australian organisations pursue a partisan position on what they claim are ‘Jewish’ interests for Australian politicians.

Interestingly, the Zionist Federation of Australia issued a statement on 7 October, 2022 welcoming the creation of the federal Parliamentary Friends of the IHRA, three weeks before the launch of the group was announced.⁸ The campaign by this lobby to stigmatize criticism of Israel has been effective over many years in limiting reporting and criticism about Israel’s treatment of its Palestinian citizens and subjects in the Occupied West Bank.⁹ The demand that the IHRA definition be adopted by Australian universities follows campaigns in the UK, the US, Canada and Europe that have resulted in the definition having the *de facto*, albeit mistaken, authority of law thereby stifling free speech about Israel and Palestine.¹⁰ This is especially so when the Commonwealth Racial Discrimination Act 1975 already provides a legal remedy for complaints about racist speech.

Of course, these organizations are entitled to lobby for Israeli interests and reflect Israel government policy, notwithstanding, in our view, the tragic outcomes for Palestinians,

⁶ Gould, R.R. (2020). *The IHRA Definition of Antisemitism: Defining Antisemitism by Erasing Palestinians*. *The Political Quarterly*. 2020. Vol. 91, Issues 4, pp829. <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-923X.12883>

⁷ Gould, R.R. (2022). *Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech*. *Law, Culture and the Humanities*, 18(1), 153–186. <https://doi.org/10.1177/1743872118780660>

⁸ <http://www.zfa.com.au/statement-on-the-creation-of-the-parliamentary-friends-of-ihra/>

⁹ Lyons, John (2017) *Balcony Over Jerusalem. A Middle East Memoir*, Harper Collins Australia. Lyons, John (2021). *Dateline Jerusalem : Journalism's Toughest Assignment* Clayton, VIC: Monash University Press.

¹⁰ Gould, R. R. (2022). *Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech*. *Law, Culture and the Humanities*, op. cit.

Jewish Israelis and the Jewish diaspora. However, they cannot claim to speak for *all* Jews¹¹, nor to police free speech in Australia. Since 2018 the IHRA definition has been opposed by more than 40 Jewish groups worldwide.¹²

Critics of the IHRA definition point out that it both defines legitimate criticism of Israel too narrowly and demonization of it too broadly, that it trivializes the meaning of antisemitism, and that the definition is used in practice to silence political debate and freedom of speech regarding Israel/Palestine. It is far too prescriptive.

In fact, some of the definitional material would result in the speech of Israeli opponents of the actions of the Israeli state and government being deemed antisemitic. This is a ridiculous situation, and one with which universities should not engage. Reasonable people can have different opinions about when antisemitism is reflected in anti-Zionism. But is demanding Australian universities use a partisan definition of antisemitism to stigmatise anti-Zionism or criticism of Israel as antisemitism *per se* the way to fight it?

Geoffrey Robertson AO. KC. advised in his legal opinion of 3 September, 2018 that the IHRA definition is not fit for purpose as an instrument for dealing with antisemitism and that it also is a restriction of free speech with regards to Palestine/Israel.¹³ There are other effective, less controversial definitions of antisemitism that can be used in addressing this ancient form of racism, including the Jerusalem Declaration on Antisemitism¹⁴ and that of UK philosopher Brian Klug,¹⁵ amongst others.

The International *Statement by Scholars* of 3 November 2022 identifies fundamental problems with the IHRA definition and its associated campaigns.¹⁶ That statement was signed by 128 noted scholars of Antisemitism, Holocaust Studies, Modern Jewish History and related fields including more than a dozen Israeli professors, most from the Hebrew University, Jerusalem. It is only the latest in a long line of informed criticism of the IHRA definition.¹⁷ Among those denouncing misuse of the IHRA definition is Kenneth Stern, the lead author of the definition who has said that he never intended the definition to be a “campus hate speech code”.¹⁸ However, its wording suits the political role of false allegations, as documented in the reports: *The IHRA Definition at Work*¹⁹ and *Unveiling the Chilly Climate – The Suppression of Speech on Palestine in Canada*.²⁰

¹¹ <https://www.abc.net.au/religion/the-divisiveness-of-the-state-of-israel-for-jews/14119182>

¹² <https://www.jewishvoiceforpeace.org/2018/07/first-ever-40-jewish-groups-worldwide-oppose-equating-antisemitism-with-criticism-of-israel/>

¹³ Geoffrey Robertson AO KC. *Anti-semitism: The IHRA Definition and its Consequences for Freedom of Expression*. Legal Opinion, 3 September, 2018 <https://www.doughtystreet.co.uk/news/ihra-definition-antisemitism-not-fit-purpose>

¹⁴ <https://jerusalemdeclaration.org/>

¹⁵ Brian Klug, *The collective Jew: Israel and the new antisemitism*, Patterns of Prejudice 37(2) (2003), 117– 38.

¹⁶ Statement by Scholars: 128 scholars warn: ‘Don’t trap the United Nations in a vague and weaponized definition of antisemitism’ 3 November 2022.

<https://media.euobserver.com/9e86df02ddf67c6046d190b65e4380df.pdf>

¹⁷ Peter Slezak, *How should antisemitism be defined? A reply to Peter Wertheim - ABC Religion & Ethics*

¹⁸ <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>.

¹⁹ <https://www.ijvcanada.org/ihra-definition-at-work/>.

²⁰ Palestine, Academic Freedom, and the International Holocaust Remembrance Alliance Working Definition of Antisemitism in *Unveiling-the-Chilly-Climate_Final-compressed.pdf* (ijvcanada.org) pp13-17.

Free speech is a complex issue as the recent decision of the Federal Court in the case brought by Sydney University academic Tim Anderson and the NTEU demonstrates. The Court overruled the University of Sydney in its attempts to dismiss Anderson for abusive and antisemitic speech acts.²¹

The President of the Sydney University branch of the NTEU noted:

The principle of academic freedom is always going to be hardest to uphold with controversial positions, especially given the pressure universities are under from the Israel lobby. Regardless of your views on Anderson, everyone who is serious about universities should welcome this decision.²²

The Institute of Public Affairs' policy director Gideon Rozner said about the Anderson case that:

In a liberal democracy, the price of free speech is that the worst of human thought has as much a chance of being expressed as the best," Mr Rozner said. "We cannot make intellectual freedom contingent on whether we like the speech being aired.

In conclusion, antisemitism and racism are real and damaging and they occur in universities. Universities have in the past, been reluctant to respond to real instances of intolerance and racism towards members of minority groups, including Indigenous Australians. Our universities can do better for example by active engagement with Federal and State Human Rights Commissions. But Australia's universities should not be relying on a partisan definition as a means of determining what is proscribed political speech. The independence of universities and their commitments to free thought and speech, research and teaching should be paramount.

Universities Australia should independently develop an enhanced policy for combatting racism (including antisemitism) so that there is consistency between institutions. Given the evidence against the IHRA definition, Vice-Chancellors must consult about the implications of a stand-alone antisemitic speech policy for university autonomy in research, teaching and free speech.

A number of signatories to this letter requested anonymity for fear of personal or professional repercussions. They are listed as "name withheld".

Sincerely

Australia

Adjunct Professor Robert Richter, KC, Victoria University, VIC
Dr Larry Stillman Faculty of IT, Monash University, VIC
Mr Martin Munz University of Sydney (Retd), NSW
Associate Professor Peter Slezak, UNSW, NSW
Dr. Mathew Abbott Federation University, VIC

²¹ <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2022/2022fca1265>

²² <https://honisoit.com/2022/10/federal-court-rules-tim-anderson-termination-violated-academic-freedom/>.

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Dr Mirna Cicioni Monash University, VIC
Professor Emeritus Stuart Rees University of Sydney, NSW
Dr Marcelo Svirsky University of Wollongong, NSW
Professor Joseph Pugliese Macquarie University, NSW
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Professor Emeritus Damien Kingsbury Deakin University, VIC
Dr John Walsh University of Adelaide, SA
Professor Emeritus Joseph Camilleri, La Trobe University, VIC
Dr Margaret Cargill University of Adelaide, SA
Ms Dolores Neilley UNSW, NSW
Dr Claudia Prestel Monash University (Retd), VIC
Dr Vicki Crinis University of Wollongong, NSW
Professor Emerita Suvendrini Perera Curtin University, WA
Dr Jumana Bayeh Macquarie University, NSW
Dr Matthew Horsley, Monash University, VIC
Professor Emeritus Alastair Davidson Monash University, VIC
Dr Gregory Rolan Monash University, VIC
Mr David Langsam, Former lecturer Central Queensland University (Melbourne), VIC
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Professor Emeritus Martin Chanock, Latrobe University, VIC
Dr Rick Kuhn ANU (Retd), ACT
Associate Professor Matthew Zagor ANU, ACT
Professor Richard Tanter, University of Melbourne & RMIT VIC
Professor Emerita Judith Brett Latrobe University, VIC
Dr Jack Frawley, Batchelor Institute, NT
Dr Bill Garner University of Melbourne (Retd), VIC
Mona Adelfattah Educator, NSW
Lyn Malone University of Melbourne, Graduate, VIC
Helen Bienstein University of Melbourne, Graduate, VIC
Dr Maurice Windleburn University of Melbourne, VIC
Julie Copeland, ABC Broadcaster (Retd)
Professor Andrew Jakubowicz University of Technology, Sydney, NSW
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Professor Spencer Zifcak Australian Catholic University, VIC
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Dr Steve Wright Monash University, VIC

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International

Professor Noam Chomsky University of Arizona
Professor Peter Beinart School of Journalism, City University of New York, US
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