

NEC Code of Conduct: Antisemitism

Introduction

1. Clause 2.1.8 of the Party's 2018 Rule Book contains the basic conduct rules applicable to all Party members:

"No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party. The NEC shall take account of any codes of conduct currently in force and shall regard any incident which in their view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation as conduct prejudicial to the Party; these shall include but not be limited to incidents involving racism, antisemitism, Islamophobia or otherwise racist language, sentiments, stereotypes or actions, sexual harassment, bullying or any form of intimidation towards another person on the basis of a protected characteristic as determined by the NEC, wherever it occurs, as conduct prejudicial to the Party."

2. Where a complaint is made, and an investigation by the NEC or a CLP under Chapter 6 of the Rule Book results in a reference to the NCC, it is for the NCC to determine whether the member has breached that provision.
3. This is the Code of Conduct on antisemitism. It applies to all cases of conduct alleged to be in breach of Clause 2.1.8 because it constitutes an "incident involving antisemitism" or any other kind of hostility, prejudice or racist behaviour directed against Jews. In this Code, "antisemitism" refers to all conduct in those categories. The adoption of Codes of Conduct addressing antisemitism and other forms of racism was a key recommendation of the Chakrabarti Report. The NEC has adopted the Chakrabarti Report and agreed to implement it.
4. This Code supplements the brief "Code of Conduct: Antisemitism and other forms of racism", reproduced in Appendix 9 to the 2018 Rule Book. Future Codes of Conduct are likely to address other kinds of racism, in particular Islamophobia. Meanwhile some of the principles set out in this Code are likely to be relevant to cases involving racist behaviour other than antisemitism. This Code should to that extent be taken into account when dealing with such cases.

Antisemitism: principles

5. Labour is an anti-racist party. Antisemitism is racism. It is unacceptable in our Party and in wider society. To assist in understanding what constitutes antisemitism, the NEC has endorsed the definition produced by the International Holocaust Remembrance Alliance (IHRA) in 2016. This reads:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

6. The IHRA definition captures the idea of hostile conduct towards individuals and institutions on the ground that they are Jewish. In some cases it will be obvious that a member's conduct

falls into this category: for instance, denying or belittling the Holocaust (including accusing Jewish people of inventing or exaggerating it); and repeating familiar antisemitic tropes such as an international “conspiracy” of Jewish interests (the outlook identified long ago as the ‘socialism of fools’) or supposed negative character traits associated with Jewish people. But many cases are less obvious. The IHRA text is not a legal definition, and on its own does not provide clear guidance about the circumstances in which particular conduct should or should not be regarded as antisemitic. The publication of the IHRA definition was accompanied by a series of examples to guide IHRA in its intergovernmental work.

7. An area of particular difficulty, and the subject of much academic and legal debate around the IHRA definition, is the relationship between antisemitism and criticism of the State of Israel in the context of the long-running and complex dispute about political relations in the region. This is a dispute about which people have widely diverging and deeply held opinions, which can be closely bound with questions of personal identity. The expression of opinions on this topic can easily offend or upset people holding an opposite opinion. The European Court of Human Rights has long recognised that the principle of freedom of expression protects views which “offend, shock or disturb” society or a section of it. But the Court has also emphasised that the principle does not protect the expression of racist views or “hate speech”. Nor, as Chakrabarti made clear, should the party tolerate the expression of views in a manner simply intended to upset or offend. A “civility of discourse” is essential. In general terms, the expression of even contentious views in this area will not be treated as antisemitism unless accompanied by specific antisemitic content (such as the use of antisemitic tropes) or by other evidence of antisemitic intent. In short, the Party will encourage considered and respectful debate on these difficult topics, but will not tolerate name-calling and abuse.
8. What follows is a series of guidelines designed to help all those involved with the Party and its disciplinary processes understand what kind of behaviour is likely to be considered antisemitic, and – where a complaint is made – decide whether breach of Clause 2.1.8 has occurred. The guidelines draw on a number of sources, including the IHRA working examples, the Home Affairs Select Committee report of October 2016, the Chakrabarti Report itself and other contemporary material. They are not exhaustive or decisive. As the text of the IHRA examples points out, it is necessary to take into account the overall context in which the behaviour takes place. For example, a comparison or an argument made in a work of analysis or scholarship constitutes a different context to a curt social media post. The guidelines should be read in the light of the discussion and recommendations in the Chakrabarti Report under the headings “Explicit abusive language”, “Stereotyping”, “Insensitive and incendiary language, metaphors, distortions and comparisons” and “Zionism and Zionists”, which were framed with the context of the Labour Party’s rules and disciplinary procedures in mind.

Antisemitism: guidelines

9. The following are examples of conduct likely to be regarded as antisemitic. They are in part derived from the IHRA working examples:
 - a. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
 - b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

- c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
 - d. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during World War II (the Holocaust).
 - e. Accusing the Jews as a people, or Israel as a State, of inventing or exaggerating the Holocaust.
 - f. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis. Classic antisemitism also includes the use of derogatory terms for Jewish people (such as “kike” or “yid”); stereotypical and negative physical depictions/descriptions or character traits, such as references to wealth or avarice and – in the political arena – equating Jews with capitalists or the ruling class.
 - g. Holding Jews collectively responsible for actions of the State of Israel.
10. To those examples the Party would add the making of unjustified reference to the protected characteristic of being Jewish. This practice, often a disguised form of racism or racial stereotyping, is well-known in relation to other kinds protected characteristic. For example, well into the 1970s, media reports of alleged crime would routinely refer to the race of a “black” suspect when no equivalent reference would be made to the race of a white suspect.
 11. Discourse about the State of Israel raises two issues that can cause particular difficulty in the context of deciding whether language or behaviour is antisemitic: Israel’s description (of itself, and frequently by others) as a “Jewish State”; and the use of the term “Zionism” and “Zionist”.
 12. Article 1(2) of the 1948 UN Charter refers to “respect for the principle of equal rights and self-determination of peoples”. The Party is clear that the Jewish people have the same right to self-determination as any other people. To deny that right is to treat the Jewish people unequally and is therefore a form of antisemitism. That does not, of course, preclude considered debate and discourse about the nature or content of the right of peoples to self-determination.
 13. In contrast, discussion of the circumstances of the foundation of the Israeli State (for example, in the context of its impact on the Palestinian people) forms a legitimate part of modern political discourse. So does discussion of – including critical comment on – differential impact of Israeli laws or policies on different people within its population or that of neighbouring territories. It is not racist to assess the conduct of Israel – or indeed of any other particular State or government – against the requirements of international law or the standards of behaviour expected of democratic States (bearing in mind that these requirements and standards may themselves be contentious).
 14. However, care must be taken when dealing with these topics. The fact of Israel’s description as a Jewish State does not make it permissible to hold Jewish people or institutions in general responsible for alleged misconduct on the part of that State (see paragraph 9.g.). In addition, it is wrong to apply double standards by requiring more vociferous condemnation of such

actions from Jewish people or organisations than from others – a form of racist treatment also all too common in other contexts, eg. holding Muslims or Muslim organisations to a higher standard than others as regards condemnation of illegal or violent acts by self-defining “Islamic” organisations or States (such as Saudi Arabia or Pakistan). It is also wrong to accuse Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

15. The term “Zionism” is intimately bound up in the history of Israel’s foundation as a State and in its role in international relations more generally. It is inevitable that the expressions “Zionism” and “Zionist” will feature in political discourse about these topics. The meaning of these expressions is itself debated. It is not antisemitism to refer to “Zionism” and “Zionists” as part of a considered discussion about the Israeli State. However, as the Chakrabarti Report advised, it is not permissible to use “Zionist” (and still less any pejorative abbreviation such as ‘zio’ which the Chakrabarti report said should have no place in Labour Party discourse) as a code word for “Jew”. Chakrabarti recommended that Labour Party members should only use “the term *Zionist*’ advisedly, carefully and never euphemistically or as part of personal abuse”. Such language may otherwise provide evidence of antisemitic intent.
16. Discourse about international politics often employs metaphors drawn from examples of historic misconduct. It is not antisemitism to criticise the conduct or policies of the Israeli state by reference to such examples unless there is evidence of antisemitic intent. Chakrabarti recommended that Labour members should resist the use of Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel-Palestine in particular. In this sensitive area, such language carries a strong risk of being regarded as prejudicial or grossly detrimental to the Party within Clause 2.1.8.