

# BRICUP Newsletter 138

BRICUP

British Committee for the  
Universities of Palestine

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**NOTE FROM THE EDITOR:** We welcome comments from our Supporters on any of the issues raised in our newsletter

## Special Issue of *Molecules*: An Ongoing Saga

*Malcolm H. Levitt, Professor of Physical Chemistry, University of Southampton*

Scientific publishing is a strange business. Publishing houses make profits through the following extraordinary business model: (1) hundreds of highly qualified professionals perform thousands of hours of academic and scientific research at the expense of the tax payers or charitable foundations, (2) they and their teams produce with great care scientific publications conforming to rigorous quality standards, (3) the research teams typeset their papers at their own expense using freely available software, to the specifications of the journal, (4) the paper is submitted to rigorous peer review by other highly qualified professionals, performed entirely without pay, (5) if successful, the authors' institution pays a large fee to publish the article in one of the many thousands of scientific journals, with transfer of copyright to the publisher, (6) the authors or institution libraries buy back the rights to view or use the articles, even if they themselves did all the work and wrote the article. Steps (1) to (4) are performed entirely free, at no cost to the publishing house. Steps (5) and (6) result in huge profit for the publishers. It is all completely mad and has been for years. The scientific world is struggling like an insect in a spider's web to break free from this insane model, but it is remarkably resilient, for reasons beyond the scope of this article.

Not surprisingly this, to put it mildly, attractive business model has attracted the attention of all sorts of dubious operators, some of them respectable and some of them less so. One of the big operators in this marketplace is called MDPI (<https://www.mdpi.com/>). Its boss is called Shu-Kun Lin (more on him later), and although it is largely based in China, it maintains a small office in Switzerland presumably for residency advantages. MDPI runs 283 scientific journals, and one of those is a Chemistry journal called *Molecules*. *Molecules* has itself several sections, one of them being Organic Chemistry. At some point in the summer, the Organic Chemistry section of *Molecules* opened a special issue on a particular branch of Chemistry with a Guest Editor called Dr Mindy Levine, who declared her affiliation as "Department of Chemical Sciences,

Ariel University, 65 Ramat HaGolan Street, Ariel, Israel"

(see [https://www.mdpi.com/journal/molecules/special\\_issues/organic\\_fluorophores](https://www.mdpi.com/journal/molecules/special_issues/organic_fluorophores)).

This contentious affiliation came to the attention of BRICUP and PACBI (The Palestinian Campaign for the Academic and Cultural Boycott of Israel) in July. I was asked if I could help to raise the issue of the affiliation and I agreed. I thought the best way was to contact the editorial board of the special issue and request that the author's affiliation is corrected to one meeting international standards. As the readers of this newsletter will know very well, Ariel is not in Israel. I should mention that I am a UK scientist with a lifetime of experience in chemistry and physics and my reading of the situation was that the best way to handle this issue was to avoid stirring up a political campaign, with open letters, press releases and the like, but to calmly raise the issue through the academic channels. My experience of the vast majority of scientists is that political campaigns or stunts are a big turn-off, with few exceptions. I know that this view may not be entirely consonant with BRICUP members, but that was, and remains, my reading of the situation.

While preparing to contact the editorial board I was astonished to discover that just the Organic Chemistry section of *Molecules* has 69 members. This is very unusual - the editorial boards of most journals have no more than 10-20 members. The reason that MDPI journals have enormous editorial boards is not because those members actually do anything. It's seen as good for one's CV to be on the editorial board of a journal. In return for the nominal kudos, one of the expectations of an editorial board member is that they contribute an article a year to the journal. Hence by appointing 69 scientists to the editorial board, the Organic Section of *Molecules* (note - just one section of a single journal) more or less ensures about 50 articles a year, together with its publication charges. Repeated over all sections of all 283 journals of MDPI, this constitutes a very nice stable profit for doing absolutely nothing except counting the income. Nice.

Anyway, I spent a good afternoon tracking down and emailing all 69 members. The email I sent was very restrained and professional in tone, and

merely proposed that the Guest Editor should be requested to correct her affiliation to one conforming to international law. I cited at least one UN resolution on the status of the occupied territories. I deliberately did not suggest a specific corrected affiliation since I did not think, and still do not think, that is a wise or appropriate thing to do. It's likely that my view differs from many other BRICUP members here, but I do not consider myself qualified to propose the correct form of the affiliation of someone living in Ariel. However, I do consider it within my rights to point out that "*Ariel, Israel*" is not correct under international law.

I did not know at the time, but later came to know that the American Physical Society, an academic society that also publishes a raft of academic journals, some of them the best in the field, had already adopted an explicit policy on the acceptable form of affiliations, for example "*Ariel University, Ariel, West Bank*", see <https://journals.aps.org/prl/authors/independent-nations#gaza>. If I had known this, I would have used that information.

Anyway, after sending that email, nothing appeared to happen, except that I received two or three supportive responses from members of the editorial board. However, on 14 September, I was copied in to an email from the section managing editor of *Molecules* to one of the editorial board members, stating that "*Our leader contacted Dr Levine to discuss, and Dr Levine disagreed to change her affiliation. And in order to avoid further mistakes, they decided to close her special issue and remove her information from our journal website.*" Indeed, the reference to the special issue had disappeared from the journal website.

This small victory proved to be temporary. The subsequent developments are quite confusing, but I think instructive. My inclination was to bank this small victory, and start to chip away, using a similar low-key behind-the-scenes approach wherever the same issue cropped up again. Maybe eventually enough momentum could be built up to open up the campaign and make it more public. However, I felt that the time was not right. That cautious view was definitely not shared by PACBI, and in my opinion what followed was a textbook case of overplaying one's hand, although many others will disagree with me on that.

Quite rightly, this was seen primarily as a PACBI issue (and indeed, they had originally raised the issue with BRICUP who had got me involved.) But, in going for the declaration of a big victory with attendant press releases and open letters, the gains were lost. In my view it was a case of misguided overreach. A Zoom call between several of us ended up with an agreement to publish a press release and an open letter (although my recollection of the call seems to differ a bit from the others.) PACBI issued a press release which contained the following phrases: "*Nobel Chemistry Laureate George P Smith and Royal Society Fellow Malcolm H Levitt congratulate journal on principled decision*". In a letter to the editors, they urged the journal to "*correctly and factually*" indicate the professor's affiliation as "*Ariel University, illegal Israeli settlement of Ariel, Occupied Palestinian Territory*".

see <https://noarielties.org/2020/09/28/scientific-journal-refuses-normalization-of-illegal-israeli-settlement-based-ariel-university/>.

Although I have omitted some of the intermediate text, the press release can certainly be read as meaning that I, and also George P Smith, demanded that the journal corrected the affiliation to include "*illegal Israeli settlement of Ariel*". As stated above, that is not strictly accurate. I never suggested such an affiliation, and I would not have done so. To be fair, I agreed to sign this press release, having failed to read it closely enough.

Possibly the only people who read the press release were at the offices of the *Jerusalem Post* in Israel. They published an article on 5 October stating that "The group is led by Prof. George Smith, winner of the 2018 Nobel Prize in Chemistry, and Prof. Malcolm Levitt, a Fellow of the Royal Society. The group asked the journal to change the address to say "*Ariel University, illegal Israeli settlement of Ariel, Occupied Palestinian Territory*". As you can imagine from my views above, I was not at all happy about this. In fact, I felt that I and George were now branded as well-meaning but misguided idiots indulging in a stunt, which was of course, precisely the intention of the *Jerusalem Post*. George and I immediately received, as expected, a good portion of hate email. More importantly, the fuss caused the journal to reverse its decision. Indeed, the special issue has been reinstated (link above) and

will now appear with "Ariel, Israel" as the affiliation of the Guest Editor.

There is a curious sequel. George Smith, who is indeed a Nobel Laureate and a quite extraordinary person, managed to get in contact with Shu-Kun Lin, the director of MDPI. He asked him in a measured and polite email to reconsider the decision to reinstate the special issue. He received this terse reply from the man himself: *"If your guys are scholars please do research. The political issue is not your business."* George and I discussed this, and I followed up with a polite email to Lin which sneakily informed him that George was a Nobel Prize winner and that maybe someone had hacked his (Lin's) account since his email was so out of character. To my astonishment I got a prompt response from Lin apologising for his email to George, saying that he was very busy and had responded hastily, etc., and that he would consider the issue further, in light of the APS policy (see above). However, nothing has happened. That's where we are now.

I think that for BRICUP members there is quite a bit to consider and discuss here. Did the cautious and low-key approach lead to a small but concrete gain which was thrown away? Or was the loss of the small gain a small price to pay for the attendant publicity and coverage? I have my own view.

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## **Limiting free speech (on Israel) and Controlling Virtual Spaces:**

**How voices are shut down, dissent limited and topics taken off the agenda.**

*Adam Abdulla, Apartheid off Campus, University of Leeds*

Universities and students' unions should be the bastions of free speech and academic debate; they are meant to be open spaces for debate where faculty and students are encouraged to engage in critical discussions around issues that shape our world. It would seem, however, that some issues are more desirable than others and that some voices are more equal than others. Have we discovered the limit of free speech on western campuses and are we entering a time when arbitrary censorship of dissent will be the

hallmark of higher education with virtual spaces curated by 'big tech'? More particularly, what are the implications of marginalising Palestinian and Muslim voices in academic institutions that are also materially complicit in the continuation of Israeli violations of international law, at a time when the fight against racism and decolonisation is used as a marketing technique by universities both in the UK and the US?

In late October 2020, Zoom unilaterally deleted an online event which was originally going to be co-hosted by the Leeds University Union Palestine Solidarity Group (PSG) titled: *'We Will Not Be Silent with Leila Khaled'*. The event was in solidarity with the Palestinian feminist, freedom fighter and organiser who was prevented by the company from participating in an online panel on feminism and marginalisation of women's voices and dissent on 23 September. The panel was organised by Professor Rabab Abdulhadi of the San Francisco State University, which failed to support Professor Abdulhadi and bowed to pressures from pro-Israel legal groups and Zoom.

Professor Abdulhadi and the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) thereupon urged solidarity groups at universities across the world to take action and organise online events to demonstrate their resistance to Zoom censorship and pressure from Zionist lobbying groups. The various groups were invited to show a video of Leila Khaled speaking on various occasions about her people's resistance to the Israeli occupation and colonisation of their land, which has been going on continuously for nearly a hundred years with the support of major Western powers (notably the UK and US). Rising to prominence as a member of the Popular Front for the Liberation of Palestine in the 70s, Leila Khaled was the first woman to hijack an aeroplane and was the feminist face of the armed struggle against the Israeli military Occupation of the West Bank and Gaza. Labelled a terrorist by some, today she is an advocate of the boycott of Israel, recalling the successful campaign against Apartheid South Africa and the global solidarity with the ANC's armed struggle. Given the historical context and Leila Khaled's long-held support for voluntary non-violent BDS, the cancellation of her platform and the silencing of her voice should disturb every progressive

academic and student who cares about the struggle for global justice and academic freedom.

After deleting the event, Zoom went on to [disable](#) the present author's private account. In response to the Zoom censorship and pressure from the Leeds University Union (LUU), the organisers decided that PSG would not hold the event. Instead it was held by Apartheid Off Campus (a network of UK student activists), an organisation unaffiliated to the University of Leeds or the LUU. Despite this, an [article](#) appeared in the *Daily Telegraph* (27.10.20) falsely claiming that the events was 'organised by the Leeds University Palestine Solidarity Group', and stating that 'The university has launched an investigation into how the webinar took place despite the society [Leeds PSG] having been denied permission to host it.'

This controversy comes only a few months after the LUU failed to protect the author from racist, Islamophobic smears circulated, in secret, by two senior committee members of Leeds University Jewish Society to more than 200 student societies at the Union during the final weeks of student executive elections. The smears included accusing the author of being linked to 'terrorists' and implying that I am a threat to the Jewish community on Leeds campus. In reaction to the smear, an open letter to the LUU and in support of the author was signed by more than 500 students and academics across the UK within days.

Additionally, two Jewish colleagues penned a second letter, complaining to the LUU and defending the author from the bogus claims. The LUU investigated the matter and penalised the authors of the smear but failed to deliver on its promise to revise its policies with special attention to the issues that pertain to POC and Muslim students. The recent behaviour of the LUU has left some students feeling excluded and marginalised by their union at a particularly difficult time for all. Indeed, being Muslim and Palestinian at this university it is a constant struggle to have one's voice heard and perspectives respected. Unfortunately, this sort of treatment of pro-Palestine voices does not come as a surprise.

The University of Leeds is known to be complicit in the continuation of Israeli violations of international law in Occupied East Jerusalem. Despite being forced by student activists in 2018 to [divest](#) from a number of complicit companies

and recently [urged by sabbatical officers](#) in the students' union immediately to cut its ties to the Hebrew University, Leeds still maintains the [institutional connection](#). The Hebrew University's student accommodation in Jerusalem is partially built on [illegally annexed Palestinian land](#), which amounts to a war crime under international law. It has also been accused of [systematically racist treatment](#) of Palestinian students and the surrounding neighbourhood.

This recent spike in censorship should be a warning light to everyone who cares about their ability to criticise institutional racism and engage in non-violent forms of resistance to oppression. Dissent and free critical academic thought are the basis for any movement that aims to change the status quo and motivate mass solidarity, whether for the Palestinian struggle for liberation, the Black Liberation struggle or the struggle of the indigenous peoples of the Americas against continuous oppression and ongoing land theft. We must unite in our efforts and recognise that oppression and violence come in more than just a physical form.

Marginalisation, epistemic violence and denial of agency are forms of violence that complement its physical counterpart. They must not be tolerated at institutions that claim to champion equality and diversity.

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## **Terrorism and false claims of 'Islamofundamentalism' add to troubles on French university campuses**

*Robert Boyce*

A series of terrorist attacks in France carried out by lone perpetrators, culminating in the brutal beheading of a middle school teacher on 16 October has had serious consequences for free speech in the country's universities. One threat comes from conservative academics who have intensified their campaign against what they call 'Islamofundamentalism'. This is an extremely vague term which in substance amounts to an attack on French Muslims who seek to maintain their religious and cultural traditions, academics who engage in post-colonial studies which allegedly encourages 'separatism' among ethnic minorities, and the social sciences in general. On 22 October the Minister of National Education, citing the

example of ‘Carlos the Jackal’, another solitary terrorist of no less than 45 years ago, publicly denounced ‘*Islam-leftism*’. He claimed that the dangerous ideas that contributed to ‘*Islam-leftism*’, having originated in the United States, were spreading like a virus through French universities and were responsible for the current bout of terrorism. Almost immediately several hundred academics signed a petition in support of the Minister, followed by a more measured counter-petition denouncing this threat to free speech, teaching and research on campus. (The counter-manifesto can be found [here](#) )

In the midst of this controversy the French government adopted a bill on financing for future academic research which includes a clause that would inflict a year in prison and a fine of 7,500 euros on anyone who ‘*disrupts the harmony*’ of a university campus and three years in prison and a fine of 45,000 euros on groups who cause disruption. Rather than denounce this hopelessly vague charge, the Minister for Higher Education attempted to minimise this assault on free speech by lamely suggesting first, that there was really nothing new in the legislation which begged the question why it was introduced, and second, that the law would only be enforced against individuals coming from outside the university and was unlikely to be applied because university presidents would decide whether the police should intervene on campus, although this is not what the law actually states. Not surprisingly these assurances failed to dissuade the association of university presidents from declaring ‘*no confidence*’ in the Minister and requesting the Prime Minister to replace her.

Neither assault has directly targeted campus advocates of Palestinian human rights. But it is significant that the academic at the centre of the ‘*Islam-leftism*’ campaign, the philosopher Pierre-André Taguieff, has also been the leading populariser in France of the argument that anti-Zionism is the ‘*new antisemitism*’ and that leftist critics of Israel are joined in an unholy alliance with Muslimists. It seems highly likely therefore that the ‘*Islam-leftism*’ campaign will soon fix on supporters of Palestine. It also seems only a matter of time before pro-Palestinian activists who challenge the presence of Israeli agents on campus find themselves charged with the crime of ‘*disrupting the harmony*’ of their university.

## ON THE IHRA DEFINITION

### Undefining Antisemitism

#### A comprehensive survey of key contributions so far to the debate on the IHRA Definition of Antisemitism

*Tom Hickey and Jonathan Rosenhead*

This is an account of an ongoing campaign in which BRICUP is deeply involved. This means, first that some of the facts may have changed before you read this, and second, that some identifying details of individuals and institutions are omitted.

#### Beware, Rogue Minister

In October Gavin Williamson, the Secretary of State for Education [told English universities](#) that they must adopt in complete form the IHRA (International Holocaust Remembrance Alliance) ‘working definition’ of antisemitism by Christmas, or face financial penalties. This instruction has caused widespread consternation among university managements. They know he has no powers to instruct them on matters of internal governance, and many of them doubt that he has the powers to take any of their money away in such a cause. However, to deliberately go against the minister, particularly one not known for subtlety (or even competence) is not done lightly. For many Vice-Chancellors, ducking and weaving might be the highest form of resistance.

A Freedom of Information request has revealed that Williamson’s initiative was not preceded by any civil service preparation. There are no policy papers within the Ministry on this subject – no departmental research on the current state of adoption, no systematic information gathering, no assessment of the consequences of the policy in terms of Departmental objectives, no checking that his proposed action wasn’t ultra vires. That is, it’s a personal political objective masquerading as considered government policy.

These circumstances don’t make the definition any less of a threat to university autonomy. But they do alter the balance of political and legal leverage and advantage in the ongoing tussle between the institutions and the Minister. BRICUP is engaged with other organisations to strengthen the hand of those within all of our

universities that want no truck with this definition, a campaign we will describe below.

## Deconstructing the Definition

The IHRA definition itself remains what it always was: inadequate as a definition of antisemitism. It fails to capture some of the most virulent and most insidious forms of the disease; and its ambiguity and lack of precision leaves it seriously defective for use for either disciplinary, regulatory or legal purposes. It is also mired in controversy as an unsubtle attempt to block campaigns over the suppression of Palestinian rights by allowing them to become targeted as antisemitic.

As a definition, it has been [widely criticised](#), but it is the illustrative examples attached to it that have been seen as most damaging. Their conflation of criticism of Israel with antisemitism has been noted with disapproval by the [Institute of Race Relations](#); by eminent legal experts including ex-Court of Appeal Judge [Sir Stephen Sedley](#); by [Liberty](#); by leading academic experts on anti-Semitism, including [Anthony Lerman](#) and [Brian Klug](#); by 40 global [Jewish social justice](#) organisations, and by more than [80 UK-based BAME groups](#). The most recent authoritative demolition of the definition, in this case specifically focused on Williamson's attempt to impose it on universities, is that of [David Feldman](#), Director of the Pears Institute for the Study of Antisemitism at Birkbeck College, University of London. It was published as we were completing this article.

A [legal opinion](#) from distinguished QC Hugh Tomlinson has pointed out that restrictive use of the definition would violate both the European Convention on Human Rights' and universities' statutory duties under the Education Act 1986. In his conclusion, Tomlinson points to these issues which universities need to take extremely seriously:

*“that public authorities cannot lawfully act in a way which is inconsistent with the European Convention on Human Rights' protection of freedom of expression; and*

*that under the Education Act 1986 universities in particular have a specific statutory duty to ensure freedom of speech expressed in the widest terms.”*

Related concerns have been expressed in the [opinion by Geoffrey Robinson QC](#) who concludes

*“[t]he IHRA definition of anti-Semitism is not fit for any purpose that seeks to use it as an adjudicative standard. It is imprecise, confusing and open to misinterpretation and even manipulation.”*

Even the definition's lead author, Kenneth Stern, a US attorney and member of the American Jewish Committee Against Anti-Semitism, is opposed to this use. It wasn't constructed with a view *“to target or chill speech”*, he has said; it was, rather, drafted with consistent data gathering in mind. Stern [has complained](#) that the definition *“was never intended to be a campus hate speech code”*, and that when so used it *“is an attack on academic freedom and free speech, and will harm not only pro-Palestinian advocates, but also Jewish students and faculty, and the academy itself.”* (Stern is due to [speak at a meeting](#) on December 14th.)

Yet that is precisely how it is now being used by Williamson in relation to university campuses; by local authorities in the UK to deny meeting venues to pro-Palestine advocacy groups; and by US Secretary of State Pompeo to attempt the [proscription](#) of charitable organisations that are critical of Israel, including Amnesty International, Human Rights Watch, and Oxfam. Since President Trump's Executive Order on Combating Anti-Semitism, the IHRA definition has, in effect, been codified into law. It is being used in the Americas and in Europe to delegitimise the Boycott, Divestment and Sanctions movement. The general purpose is to silence the voice of Palestinians, and to prevent any criticism that requires Israel to meet the demands of international law.

Palestinians have long warned that the widespread adoption of the definition and its examples would block campaigns over the suppression of Palestinian rights in just this manner. In November this year, 122 Palestinian and Arab scholars, journalists and intellectuals published an impressive [letter of protest](#) in The Guardian. One of the points it makes is that the definition has mostly been deployed internationally against left-wing and human rights groups supporting Palestinian rights and specifically the Boycott Divestment and Sanctions (BDS) campaign. Perversely, they say, it also sidelines the very real threat to Jews coming from right-wing, white nationalist movements in Europe and the US.

## Academic opposition

For those of us in the Academy there is an additional concern: that wherever it is adopted, the definition will become a lever for external interests to press for the abbreviation both of the right to free expression and of the freedom of scholarly inquiry. This pressure would impact most intensely on issues related to Israel and Palestine, but also be felt across a whole range of disciplines from history and politics through international relations, archaeology, cultural studies and psychology, to philosophy and jurisprudence.

This concern is not a theoretical possibility - it has [already happened](#) across the world. In the UK there are numerous cases in which academic colleagues have been challenged, often by outside bodies, alleging that the content of their lectures or publications is antisemitic according to the definition; in some cases this has led to formal internal disciplinary processes. In all cases to date these charges have been found to be without substance, but their negative effect on free scholarship and debate is not limited to those who have been targeted in this way.

Opposition to Williamson's attempt to impose the definition on universities is rising. The feeling against it can be judged from messages circulated by staff at universities where possible adoption is threatened. One academic wrote this in a letter of concern to the management and Academic Board of her university:

*When mobilised for political purposes alongside its illustrative examples, the definition deters criticism of Israeli law and of Israeli government policy and of the illegal occupation and settlement of the West Bank. It can be used to prevent critiques of Zionism as a political ideology that focusses on its role in the justification of the colonisation of Palestine, or on its relationship to the systematic discrimination against Palestinians in Israel.*

Another wrote

*... as someone who has suffered directly from continued armed Israeli aggression against my country, I find that to be denied the basic right even to criticise this violence through the peaceful production and dissemination of knowledge is an abnegation of any principle of justice.*

Concern amongst academics is not limited to the curtailment of academic freedom for research on, and teaching about, the Israel-Palestine conflict. Once that Rubicon is crossed the omens are that the move will be followed in the medium term by other government interventions to influence the diet of provision (the educational ethos of institutions, the range of disciplines supported, the character and purpose of degree programmes, and even the details of syllabuses). The beginning of an onslaught on teaching based on critical race theory is a pointer to the direction of travel.

Another staff letter of dissent argued,

*I am very concerned that a concession by the University ... to the threat from the Secretary of State for Education in the UK would have serious implications for the status of our Institution as an autonomous site of learning and research. For this reason alone, even were there no other grounds for its rejection, the IHRA definition should not be adopted by the University.*

Opposition in universities to the adoption of the IHRA definition has been widespread. In some, this has taken the form of senior academics, and those who teach and research in the most immediately affected areas, writing letters of concern to their Academic Boards. Elsewhere it has involved adopting motions at branches of the University and Colleges Union (UCU) that are critical of the definition and urge their local Academic Boards and Councils to reject the instruction from the Secretary of State, and to defy his threat of financial penalties.

In one institution in which the Academic Board last year rejected the IHRA definition as unfit, the (majority lay) Council overrode that decision and announced its adoption, though with added caveats giving rhetorical support to the ideal of free speech. The response of the Academic Board was to set up an impressive and broad Working Group to consider how the situation should be resolved. As we write the Working Group's report, the product of almost a year of intensive work, is about to be considered by the Academic Board that established it. This could become a test case for the definition, and for the right to academic rather than government control of universities' internal processes.



## UCU opposition

The UCU branch at another university made a submission to its local management which argued that the intervention by the Secretary of State was improper and that adoption would both be incompatible with the public duty of a university, and would also create legal and industrial jeopardy for the institution. Furthermore the adoption of the IHRA definition will embroil the University in a potentially unending series of procedural challenges to the authority of its management, in a potential series of industrial disputes as the UCU is obliged to defend its members against interventions forced on the management by malevolent or innocent but misguided external forces, in the exacerbation of differences of opinion amongst its staff, and in the inevitability of legal action that seeks either to force the implementation of one interpretation of the definition or on the contrary to protect staff and students from inappropriate managerial censure provoked by malicious accusations of antisemitism. [Free Speech on Israel](#)

BRICUP has been playing a central role in this campaign, together with the [Palestine Solidarity Campaign](#) (PSC), [Free Speech on Israel](#) (FSOI) and [Jewish Voice for Labour](#) (JVL). The three groups have jointly written to all Vice-Chancellors in the UK explaining the case against adoption of the definition, and urging a defence of academic freedom for staff and open discussion and freedom of assembly on the issue of Palestine. For institutions that have already adopted the definition, the letter was necessarily somewhat different. It asked what measures had been put in place to protect staff from malicious accusations, protect Palestinian students and their supporters from attempts to prevent campus discussions, and preserve the freedom of scholars to research the history and practices of the Middle East, and design and teach courses without fear of scurrilous attempts at intimidation.

Separately, BRICUP has written to every UCU branch in the HE sector to explain the case against the definition, to register the motions against the IHRA definition passed at successive UCU Congresses, to urge the branches to make representations to their local managements and Academic Boards, and to promise vigorously to defend any members who fall foul of malicious allegations based on the definition. It has offered

UCU branch officers and activists the following model motion for debate in their branches:

### **This branch notes:**

the Secretary of State's attempt to force universities to adopt the IHRA definition of antisemitism through threats of financial penalty; that the definition has been criticized as both inadequate and dangerous by eminent lawyers and experts on antisemitism;

that its illustrative examples conflate antisemitism with criticism of Israel and Zionism;

that it has already been used to discipline colleagues' teaching and research, and against campus meetings.

### **The branch believes that:**

this intervention threatens university autonomy;

the definition threatens academic freedom, and seeks to outlaw support for Palestinian resistance, and specifically the BDS campaign.

### **The branch resolves to:**

defend members and students facing malicious accusations of antisemitism;

urge Academic Board and Senate/Council to reject the definition;

circulate the BRICUP statement to all UCU members, and members of AB and Council;

organise a members' campus (or Zoom) meeting on Palestine, Settler Colonialism, and the Threat to Academic Freedom.

If BRICUP supporters and Newsletter readers would like further information on how you might contribute to this campaign by raising the issue in your own university or school, or in your UCU branch, please contact us at [j.rosenhead@lse.ac.uk](mailto:j.rosenhead@lse.ac.uk).

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## **A [statement](#) from 400+ Current UK Students on IHRA Definition of Antisemitism**

As students in the UK, we are deeply concerned that the space to bring the facts of the past and ongoing dispossession faced by Palestinians into the public domain, including in UK universities,

is under severe threat by the adoption of the IHRA definition of anti-Semitism with its attached examples.

We believe that the IHRA definition is a threat to the fundamental right for Palestinians to describe their lived experience of oppression. The discredited definition, and specifically its illustrative examples, conflates anti-Semitism and legitimate criticism of the laws, policies and constitutional order of the State of Israel.

We are therefore gravely concerned by the Secretary of State for Education, Gavin Williamson's, announcement that he is actively exploring measures to force universities to adopt the definition, including cutting their access to funding streams. The vast majority of UK universities have so far rightly withstood pressure to adopt.

As a broad coalition of Palestinian civil society organisations warned back in 2018, the discredited IHRA examples erase Palestinian history and shield Israel's far-right regime of occupation and oppression by conflating discrimination against Jews on the one hand with legitimate critiques of Israel's policies and system of injustice on the other.

The concerns raised about by Palestinian civil society around the definition, and its illustrative examples, are shared by the Institute of Race Relations; eminent lawyers including ex-Court of Appeal Judge Sir Stephen Sedley; civil rights organisation Liberty; leading academic experts on antisemitism Anthony Lerman and Brian Klug; 40 global Jewish social justice organisations; and more than 80 UK-based BAME groups.

These concerns are not merely academic; they have unfortunately been substantiated by many examples across the globe.

The right of Palestinians to accurately describe their experiences of dispossession and oppression, to criticise the nature and structure of the state that continues to oppress them and to openly criticise the ideology of Zionism which informs the actions, policies and laws of that state, is a core right, protected under numerous international laws and conventions, including Article 10 of the European Convention for Human Rights.

Likewise we affirm the rights of all students, alongside all UK citizens, to study and disseminate information around the constitutional

order and structure of the State of Israel, as well as to stand in solidarity with Palestinians facing continued dispossession and oppression, including through advocacy for Boycott, Divestment and Sanctions against the State of Israel until it complies with international law. As recently upheld by the European Court for Human Rights, advocating for boycott is a protected right under Article 10.

Attempts to suppress our right to bring information about Palestinian history into the public domain violate our right to free expression, and serve to render Palestinians invisible as a people. These attempts also contradict our academic freedom to learn, discuss, question and test received wisdom.

We call on UK Universities to unequivocally protect our right to describe the facts of Palestinian oppression, to describe Israel's laws, policies and actions as racist or as constituting apartheid; to criticise the political ideology of Zionism and to call for Boycott, Divestment and Sanctions (BDS) against Israel as nonviolent measures of accountability to bring about its compliance with its obligations under international law and its respect for Palestinian rights.

Signed

If you are a UK student, and would like to add your name to the letter, you can do so [here](#)

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## **Americans for Peace Now Refuses to Adopt 'Weaponized' Definition of Antisemitism**

*Editor*

[Americans for Peace Now](#), a Jewish non-profit organisation, whose stated aim is to help find a political solution to the Israeli-Palestinian conflict, is refusing a request from the [Conference of Presidents of Major American Jewish Organisations](#) to adopt the International Holocaust Remembrance Alliance's working definition of antisemitism on the grounds that the International Holocaust Remembrance Alliance definition is '*already being abused to quash legitimate criticism and activism directed at Israeli government policies*'

See [here](#) \* for further details

\*Haaretz is currently offering [a promotion](#) which gives a first months subscription for just \$1

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## The University of Cambridge Adopts the IHRA Definition

### [Announcement](#)

On November 4<sup>th</sup>, the General Board of the University agreed to adopt the International Holocaust Remembrance Alliance’s (IHRA) working definition on antisemitism in full, with clarifications recommended by the [Home Affairs Select Committee in 2016](#).

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## OTHER NEWS

### News from PACBI

*Monday, Dec 7<sup>th</sup>*

A November 2020 [report](#) from Scholarsatrisk (Scholars at Risk Academic Freedom Monitoring Project) documents Israel’s systematic targeting of Palestinian academia via:

- House raids and detention without trial or charge of scholars & students
- Movement/travel restrictions and visa denials
- Barring imports of equipment & books

For more information, go to

<https://t.co/wCAPOJOn57>

(<https://twitter.com/PACBI/status/1335987903873372165?s=03>)

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## Israel lobby spreads more lies about Palestine groups at New York University

*From the Electronic Intifada, 23 October 2020*

New York University has agreed to settle with the US Department of Education over allegations that the university had not appropriately responded to claims of anti-Semitism.

Two attorneys [filed the complaint](#) last year on behalf of a student who alleged that she faced “two years of extreme anti-Semitism on the NYU

*campus which has created an intolerable and unlawful hostile atmosphere for Jewish students.”*

Echoing previous attempts by Israel advocates to silence Palestinian rights activists on campuses, the complaint accused Students for Justice in Palestine of creating the “hostile” climate due to the group’s criticism of Israel and its state ideology Zionism. But in the end, Israel lobby groups seeking censorship and punishment of Palestinian rights advocates barely got what they came for. The university has committed to tackling bigotry against Jews – but, notably, it has not explicitly conceded any undertaking to prevent criticism of Israel.

Read the full article [here](#)

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## MEDICAL CAMPAIGN

### BOOK REVIEW

**Steven H. Miles, *The Torture Doctors: Human Rights Crimes and the Road to Justice* (Georgetown University Press 2020), ISBN 9781626167520, 224 pages.**

*Reprinted from the Human Rights Quarterly*

<https://muse.jhu.edu/article/773457>

*Derek Summerfield*

During the Middle Ages in Europe torture drew a distinction from its association with confessed truth, repentance, and salvation, yet by 1874 Victor Hugo could write that “torture has ceased to exist.” This magisterial book reminds us how much torture has outlived its obituarists, noting in the Preface that the US Office of Refugee Resettlement estimates that 500,000 torture survivors live in the United States alone. It would seem astonishing to the average citizen that a practice so noxious, the ostensible province of the barbarian—the very antithesis of the professed values and public reputation of the medical profession—should have so intimately involved doctors in so many countries, not least in Western democracies. Steven Miles sets out to exhaustively document and interrogate this role, a vital ethical task.

He starts with examples—from Haiti, Malawi, Syria, Turkmenistan, Ivory Coast, Bosnia, Rwanda—where the torturers-in-chief were

physicians themselves—before going on to the Nazi doctors and their trial at Nuremberg in 1946–1947. He describes a striking aftermath—the election in 1992 of Dr. Hans Sewering of Germany to the Presidency of the World Medical Association (WMA). The WMA had been specifically created after World War II as the official watchdog of the ethical behaviour of doctors worldwide. During the war Dr. Sewering had been in the SS, the Nazi organization most responsible for genocidal killings, and had dispatched over 900 disabled children to their deaths. It is telling—touching on the core question of impunity running through the whole book—that after the war Dr. Sewering experienced no challenge to his career and rose to be president of the German Medical Association. However, the WMA Presidency was exposed as a step too far and Sewering was forced to stand down. But in 2008, fifteen years later, he was awarded Germany’s highest medical honor. His obituary did not mention his Nazi past.

The WMA’s Declaration of Tokyo is the seminal anti-torture text for doctors. This makes it clear that the ethical duties of a doctor go well beyond not directly participating, or not being in the room where the torture is taking place. Whenever he encounters or thinks he encounters torture the doctor has a duty to protest, speak out, and protect the detainee. If he is a working member of a unit whose methods during interrogation include torture, he is in what Amnesty International has called “*institutional complicity*” with such practices, and this cannot be fudged.

Why do doctors collude with torture? The medical advisor in the Nazi doctors’ trial concluded that a morally lazy careerism lay at the core of most physicians guilty in this way. I think it is much deeper than that, touching on matters of personal identity. In a famous lecture on “Politics as a Vocation,” the sociologist Max Weber distinguished between an “ethic of responsibility” and an “ethic of conviction.” (1) By “ethic of responsibility,” Weber meant conformity to professional standards and accountability. In our profession this means the ethical standards by which doctors should practice, including a commitment to factual evidence— standards determined by peer opinion, by patients and public, employers, and the licensing authority. By “ethic of conviction,” Weber was identifying actions that were inspired by personally valued

ideals, political or other philosophies, or identities. In my thirty-five years of anti-torture human rights work, and with an emphasis on the collusion of doctors, I have witnessed how regularly, in doctors, an ethic of conviction trumped an ethic of responsibility, even in matters of grave human rights abuse.

I will give two personal examples. First, in the early 1990s when I was principal psychiatrist at the Medical Foundation for Victims of Torture in London, we documented in the medical journal, *The Lancet*, accounts of the torture of Turkish Kurds (a persecuted people in that country) given to us directly after they had sought asylum in the UK. This prompted a number of Turkish doctors to publish protesting letters in *The Lancet*. One began memorably:” No state tortures its citizens unless it has to.” Second, in 1999 Professor Eran Dolev, then Head of Ethics of the Israeli Medical Association, told a visiting delegation from the Medical Foundation for Victims of Torture interviewing him that “what’s a couple of broken fingers?” in the interrogation of a Palestinian detainee for the information this could yield. (2) It seems to me that Professor Dolev and the Turkish doctor were both expressing Weber’s ethics of conviction, that doctors were doctors but also citizens, and here saw patriotism and loyalty to the state as the higher value and what was expected of them.

Moreover, Dolev was Head of Ethics, no less: what kind of ethical leadership had he been offering, for example, to the Israeli physician implicated in the Nader Qumsieh case in 1993, documented by Amnesty International?(3) Five days after his arrest, Qumsieh was brought to a medical center in Be’er Sheva, where a urologist diagnosed a torn scrotum and bleeding. Qumsieh testified that he had been beaten during interrogation and kicked in the testicles. The urologist later received a call from the Israeli military, and as a result wrote a second report which he antedated by two days, without further examination of the patient. In it he recorded that “according to the patient, he fell downstairs two days before he came to the emergency room.” This time his medical findings were recorded as: “superficial haematoma in the scrotal area, which corresponds to local bruises sustained between 2 and 5 days prior to the examination.”(3) The urologist’s original report disappeared from Qumsieh’s medical file.

These issues, sometimes referred to as the “dual loyalty” question, come through strongly in Miles’s account of United States health professionals like Larry James and James Mitchell in defence of their active roles at the heart of the “enhanced interrogation” program in the United States post-9/11. These professionals knew what they were doing, and were doing it willingly, unthreatened and uncoerced. There is a significant distinction to be drawn here: in many highly repressive states, protesting or refusing to cooperate is dangerous, and silence a survival strategy. In the 1990s in Saddam Hussein’s Iraq, the director of the Al-Basra military hospital and a doctor at Saddam Hospital in Nasiriyah were both executed for refusing to carry out punitive amputations ordered by the authorities for those caught evading the draft or for other offenses.

In drawing a global map of torture doctors, Miles describes physician complicity as a “pandemic.” Doctors monitor torture, fail to record injuries, and write medical reports which do not record torture, or attribute injuries to an innocent cause, as in the Qumsieh case above. Miles writes that it is reasonable to estimate that torture doctors ply their trade in more than 100 countries. Taking the specific example of the UK, he describes a troubled history regarding medically supervised flogging during the Troubles in Northern Ireland. His view that the UK and the British Medical Association have been reticent on the matter of holding torture doctors accountable is one I would entirely endorse. In 1976 the European Commission of Human Rights ruled that the UK was using techniques on prisoners in Northern Ireland that constituted “inhuman and degrading treatment” and “torture.” In 2014 two authoritative organizations—the European Centre for Constitutional and Human Rights, and Public Interest Lawyers—detailed a total of fifty-eight allegations of UK doctors’ involvement in the torture of Iraqi prisoners between 2003 and 2008. In one case, from the Al Shaibah Detention Centre, the victim related that he told the doctor about the beatings he had suffered but the doctor made no comment. *He told me he thought I had a stomach ulcer. He said this without examining me. . . . I told him that I had never had anything wrong with my stomach before, until the soldier had smashed me in it with the hammer. . . . My t-shirt and shorts were covered in blood from the beatings to my face and in particular my nose.*

*The doctor could clearly see this and didn’t ask me about it. I told him about the injury I had received to my nose and that I thought it was broken because it was so swollen but he didn’t do or say anything.*

In only one Iraqi case has a UK military doctor, Derek Keilloh, been brought to account, being eventually struck off the medical register. Miles comments that “the penalty against Keilloh appears to be unique in the long history of British complicity with torture.” This was in the case of the torture-murder of Baha Mousa, a hotel receptionist, in Basra in 2003. His head was covered by a bag for twenty-four hours and a group of soldiers beat and kicked him. He died of asphyxia with at least ninety-three injuries evident all over his body. Dr. Keilloh (who had unsuccessfully attempted to resuscitate Mousa) did not report his bodily injuries.

Miles ends the book with an extended account of what is the nub of the matter: accountability, and its flipside, impunity. We may wonder why only one case was brought against a UK doctor in relation to the war in Iraq when there was evidence against as many as fifty-eight. Why were the British Medical Association and the General Medical Council so silent, and initiated no proactive work to investigate credible allegations about the conduct of member doctors? In the US we witness the refusal of the American Psychological Association (APA) to respond to cast-iron evidence of complicity in torture by one of their members. By way of deeper implication, Miles tells us that in 2005 the APA was in covert collaboration with military intelligence officials specifically to create a cover for psychologists in the program, in effect licensing them to do what they had to do. Are national medical associations proactive in any country in relation to opposing state torture, and in ensuring their member doctors behave ethically in terms of the WMA Declaration of Tokyo? To pluck another example from the book, one survey found that three quarters of India’s physicians had seen a tortured person and one seventh had witnessed torture. What role is the Indian Medical Association playing in its silence and inactivity regarding such matters? It is hard not to conclude that national medical associations, and comparable bodies like the APA, function at base as buttresses and shields of the state and its policies. The effect of this, explicit or implicit, is to impart legitimacy

and support for what is being done, and to those who do it to hint that in the world of realpolitik medical ethical codes are largely window dressing. What this then instills is a sense of impunity, so vividly illustrated in the case material in the book.

Beyond national medical associations lies the WMA. The WMA calls itself an “independent confederation” of currently 111 national medical associations. Some associations claim that their WMA membership is of itself evidence of their ethical probity. But in practice, does the WMA provide real leadership regarding doctors and torture, part of its core mandate as I noted earlier? Is it proactive and even-handed in investigating incriminating evidence from credible human rights sources? To these questions I offer my own experience as convener of a campaign regarding the well documented complicity of Israeli doctors with torture in interrogation units, shielded by the Israeli Medical Association (IMA). The IMA is a member of the WMA. In 2009, 725 physicians from forty-three countries made a joint submission to the WMA, attaching a dense evidence base—from Amnesty and other international NGOs, but chiefly comprising detailed case studies (some with the involved doctors’ names) compiled by the well-respected Israeli NGOs Physicians for Human Rights Israel and the Public Committee Against Torture in Israel. (4)(5)(6) The result? No acknowledgement, even of receipt of the dossier, and only later we heard indirectly from WMA Council Chair, Dr. Edward Hill, that the WMA would definitely not respond to the material. But there was a response of a different kind, a libel lawsuit initiated in London against me personally as convener by the WMA President himself (Dr. Yoram Blachar). At the time Dr. Blachar was also the IMA President, as he had been in 1997 when he defended Israeli practices in a letter to the *Lancet*. He wrote that “the guidelines on interrogation recommend only that ‘moderate physical pressure’ be sanctioned. Even this is restricted to cases defined in terms of a ‘ticking bomb.’”(7) Yet in 1994 the UN Committee Against Torture had reiterated that “moderate physical pressure” was indeed torture, and also outlawed the “ticking bomb” justification. Here we witness the president of a national medical association defending torture in the pages of a famous medical journal. Our subsequent

submissions spanned the terms of office of two further WMA presidents, but with the same result. The WMA is in violation of its own mandate, which is to ensure that its member associations adhere to its codes, but it seems it will not act when the case is Israel, nor I suggest if it was the UK or other influential Western states.(8)

Miles says that the WMA and others should craft and endorse procedural guidelines to help medical licensing boards convene and conduct hearings. This is right, but assumes a shared probity and a process free from political pressures—on the evidence in his book, it is very unlikely. And there is one bullet Miles doesn’t bite on regarding the WMA: the WMA is composed of national medical associations, so what happens when one of those is the principal accused party? And how free is the WMA of political influences? From our experience, the WMA is hollowed out and does not fulfill the ethical purposes for which it was created. (9) Overall, the evidence suggests that there is no effective supervision of the ethical behaviour of doctors worldwide, nor much political momentum to rectify the situation. Perhaps there never was. As Miles says, “a complete lack of accountability is the norm.” This is a mournful note to conclude on, but *The Torture Doctors* is a work of great scholarship, an essential piece of documentation and likely to be a seminal work.

1. Max Weber, *Politics as a Vocation* (1965)
2. Bamber H, Gordon E, Heilbronn R, Forrest D. ‘Attitudes to torture’, *Journal of Royal Society of Medicine* 2002;95:271-2
3. <https://www.amnesty.org/en/documents/mde15/09/1993/en>
4. “Ticking Bombs”. Public Committee Against Torture in Israel/ Physicians for Human Rights Israel. 2007. <http://www.stoptorture.org.il/en-node/69>.
5. Doctoring the Evidence, Abandoning the Victim: the Involvement of Medical Professionals in Torture and Ill-treatment in Israel. Public Committee Against Torture in Israel/ Physicians for Human Rights-Israel. [stoptorture.org.il](http://stoptorture.org.il) 2011. <https://stoptorture.org.il/wp-content/uploads/2015/10/Doctoring-the-Evidence>.
6. Adameer Prisoner Support and Human Rights Association. Adameer collects hard evidence on

torture and ill-treatment committed against Palestinian detainees. 2019.

<http://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>

7. Blachar Y. 'The truth about Israeli medical ethics', *Lancet* 1997;350:1247

8. Summerfield D. 'The WMA speaks out on Iran but not on Israel. Why not?' *BMJ* 2009;339:b4635

9 <https://electronicintifada.net/content/global-medical-watchdog-complicit-israeli..>

## NEWS FROM OTHER CAMPAIGNS

Association of Academics for the Respect of International Law in Palestine ([AURDIP](#)),

US Campaign for the academic and Cultural boycott of Israel ([USACBI](#))

Belgian Campaign for the Academic Boycott of Israel ([BACBI](#))

See their November newsletter [here](#)

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## SIGN THE COMMITMENT

### by UK Scholars to human rights in Palestine

This commitment, which has been signed by over 700 academics across UK's higher education system, is not to accept invitations for academic visits to Israel, not to act as referees in activities related to Israel academic institutions, or cooperate in any other way with Israeli universities.

It is a response to the appeal for such action by Palestinian academics and civil society due to the deep complicity of Israeli academic institutions in Israeli violations of international law. Signatories [here](#) have pledged to continue their commitment until Israel complies with international law, and respects Palestinian human rights. For more information, and to sign, go to <http://www.commitment4p.com>

## NOTICES

**Speakers:** We are always willing to help provide speakers for meetings. All such requests and any comments or suggestions concerning this Newsletter are welcome.

Email them to: [newsletter@bricup.org.uk](mailto:newsletter@bricup.org.uk)

## Register as a supporter of BRICUP

You can register as a supporter of BRICUP, and of the academic and cultural boycott of Israel, [by completing this form](#).

We recognise that many individuals may wish to support our aims by private actions without wishing to be publicly identified. Supporters receive our regular newsletter by email and receive occasional emails giving details of urgent developments and of ways to support our activities. We do not disclose the names of our supporters to anyone outside BRICUP or share them with any other organisation.

## Financial support for BRICUP

[here](#)

We welcome one-off donations, but we can plan our work much better if people pledge regular payments by standing order.

You can [download a standing order form](#) here.

One-off donations may be made by sending a cheque to the Treasurer, at BRICUP, BM BRICUP, London, WC1N 3XX, UK or by making a bank transfer to BRICUP at Sort Code 08-92-99

Account Number 65156591

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If you use the direct funds transfer mechanism, please confirm the transaction by sending an explanatory email