

Our Ref: AJ/DM/DS/30950.49

Your Ref:

Sally Hunt
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BY E-MAIL SHUNT@UCU.ORG.UK AND BY POST

Dear Ms Hunt

Anti-Semitism in the UCU

I act for Ronnie Fraser, one among the diminishing group of Jewish members of your union, and I write to you to complain on his behalf of the UCU's breach of ss. 26 and 57 (3) of the Equality Act 2010.

That is to say, the UCU has "harassed" him by "engaging in unwanted conduct" relating to his Jewish identity (a "relevant protected characteristic"), the "purpose and/or effect" of which has been, and continues to be, to "violate his dignity" and /or create "an intimidating, hostile, degrading humiliating" and /or "offensive environment" for him.

In simple terms, the UCU is not a place that is hospitable to Jews.

This is not just a violation of equality legislation, it is also a scandal.

(It is of course a further scandal that a union – moreover, of all unions, the one representing the interests of university and college teachers - is breaching energetically fought-for laws against discrimination.)

I have written to you in the past, on behalf of other UCU members, about your union's conduct. I attach a copy of my 3 June 2008 letter.

You will see that I complain, among other things, about the UCU's year-on-year anti-Israel boycott resolutions (and the conduct of the debates on those resolutions), the moderating of the on-line forum for UCU members, the penalising of anti-boycott activists, the failure to engage with Jewish and non – Jewish members' concerns

regarding these matters, the failure to address the resignation from the union of many of those members, and the rebuffing of the OSCE's special representative on anti-Semitism.

Conditions for the generality of Jewish members have only deteriorated since then. Further boycott resolutions have been passed; further incontinently anti-Semitic comments on the "Activists' list" have been posted; there have been further resignations from the union by Jewish members. And if I add to this sorry list the union's welcoming in 2009 of Bongani Masuku (and its 2010 endorsement of that welcome) it is only because the UCU's hospitality to a confirmed anti-Semite makes for such a pointed contrast with its inhospitality to its own Jewish members.

The scandal is thus a long-standing one. It is continuous with the history of the union (indeed, it reaches back into the histories of the predecessor unions, the AUT and NATFHE). From its inception, the UCU has been inhospitable to Jews. It persists in its inhospitable conduct – indeed, intensifying it year by year, piling fresh insults upon accumulated insults to its Jewish members.

The recent resolution repudiating an internationally-accepted working definition of anti-Semitism (Resolution 70 / 2011) is among the most recent of such insults.

It was a telling development, however.

Unable to defend itself against the charge of institutional anti-Semitism, the UCU sought instead to legislate anti-Semitism itself out of existence.

This indecent, discreditable resolution was passed in active disregard of the feelings of Jewish members – a disregard amounting to a kind of inflamed contempt for all Jews other than that minority among them ready to abet a degraded and obsessive "anti-Zionist" activism.

My client has had enough. He believes that the UCU's conduct, over so many years now, has limited his options to either resigning or suing. He has chosen to sue.

Unless I hear from you confirming that the UCU will meet his proper demands, as set out below, he will make an Equality Act claim to the Employment Tribunal. He expects to win, and in winning, to perform a service not just to his fellow Jewish UCU members and ex-members, but to the cause of decent, principled trades unionism.

Mr Fraser's demands are as follows:

1. The abrogation of Resolution 70/2011.
2. An open and unqualified acknowledgment by the UCU that it has been guilty of institutional anti-Semitism, and a public apology in this regard both to its Jewish members and ex-members, and those other members and ex-members who have complained about or who otherwise deprecate this anti-Semitism.

3. Commitment to abide by a code of conduct in respect of Jewish members, to be drawn up by a body comprising individuals approved by our client (“the body”), following its inquiry into the precise character of the UCU’s institutional anti-Semitism.
4. A further commitment to sponsor a programme (for a minimum of ten years, and conducted by the body) educating academics concerning the dangers of anti- Semitism, with special reference to the relationship between anti-Semitism and what now passes for “anti-Zionism.”

I await your response by no later than 5 August.

Yours sincerely



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3 June 2008

BY EMAIL AND POST: SHUNT@UCU.ORG.UK

Dear Ms Hunt

Motion 25

I act for certain groups of UCU members adversely affected in one or more ways by the passing of Motion 25, in respect of which they reserve their legal rights.

The purpose of this letter, however, is not to threaten legal proceedings. Such a letter, couched in more formal terms than the present one, may follow in due course. My clients' object here is to set out their concerns, in the hope that these concerns will be addressed when the NEC next meets.

Preliminary

On Wednesday 28 May 2008, UCU Congress passed Motion 25. Following a skewed and partial account of one aspect of the Israel – Palestinian conflict, and an affirmation that "criticism of Israel or Israeli policy are [*sic*] not, as such, anti-semitic," it resolved upon a course of boycott initiatives.

Prior to the vote, you announced, "the union will defend their right to debate this and other issues. Implementation of the motion within the law will now fall to the national executive committee." I understand that the NEC is meeting shortly for this purpose.

My clients consider Motion 25 to be both a "boycott motion" and anti-Semitic.

Motion 25 is a boycott motion

That the motion covers in the shadow of an (unpublished) legal opinion regarding the illegality of last year's boycott motions does not mean it is not itself a boycott motion. It is merely a craven version of a boycott motion.

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The invitation to "colleagues ... to consider the moral and political implications of educational links with Israeli institutions," the commitment to distribute material intended to promote "discussion by colleagues of the appropriateness of continued educational links with Israeli academic institutions," and the resolution to "investigate [Ariel College] under the formal Greylisting Procedure," comprise the opening stages of a campaign of boycott. It would be dishonest to suggest otherwise.

Motion 25 is anti-Semitic

Motion 25 is anti-Semitic because it is, in combination:

(i) *Irrational*, that is:

(a) It does not flow from any general principle, given general application. On the contrary. It is no different in character to a motion that resolved to boycott all Jewish-owned businesses considered delinquent, but no other businesses, though similarly or more delinquent. Its promoters could not give a non-anti-Semitic answer to the question: why just *those* businesses?

(b) It is contrary to the equality principles that the UCU itself embraces, and which it constitutionally binds itself to promote.

(c) It is incoherent on its face. The merely "*apparent* complicity of most of the Israeli academy" cannot furnish the justification for any sanction by the union. What is "apparent" may not be real. In addition, the "complicity" identified by the Motion is not related to any specified vice. It is enough, it would seem, for the promoters and supporters of the Motion that Israeli academics are "apparently" complicit in some or all of the things that the Motion lists in its opening section. This should not, however, be enough for any rational or fair-minded person.

(ii) *Continuous with episodes in anti-Semitism's history*, that is, in

(a) Its completely false claim that attempts were made "to prevent UCU debating boycott of Israeli academic institutions," which rehearses the anti-Semitic trope that Jews endeavour to stifle free expression in pursuit of their own nefarious interests.

(b) Its stipulation that Jews ("Israeli colleagues") submit to questioning on their views as a precondition to continued collaboration with UCU members, which revives the anti-Semitic programme that what others may enjoy as of right, Jews must work for.

(c) Its conceptualising of the Israel / Palestine conflict as a melodrama (pure villain confronting pure victim), which reproduces the anti-Semitic scenario of wicked Jews preying upon defenceless and innocent gentiles.

(d) Its proposed boycott of Jews, which has been a staple of anti-Semitic programmes for at least 800 years. Indeed, the history of anti-Semitism is in substantial part the history of boycotts of Jews.

(iii) *Frivolous (both intellectually, and morally)*, that is, it is

- (a) Indifferent to the pain it will cause Jewish members.
- (b) Indifferent to anti-Semitism, by implication treating the charge of anti-Semitism as made in bad faith.
- (c) Indifferent to the anti-Semitism it will foster.
- (d) Dismissive of the possibility that some "criticism" of Israel may indeed be anti-Semitic, and fails to consider whether its own proposals fall within that category.
- (e) Ignorant of / indifferent to the impact of a boycott campaign on Israeli society, and/or Palestinian society and/or research projects currently being undertaken by UCU members.

Causes of action

Of course, in the event that Motion 25 is not rescinded or otherwise treated as defunct by the NEC, litigation may well follow. The possible causes of action against the UCU and its trustees have been set out in detail in the unchallenged legal opinion obtained by Stop the Boycott (STB), and there is no need to repeat its contents here.

It is, however, worth elaborating the ambit of the likely claim against the UCU for harassment under s. 3A(1) of the Race Relations Act, that is, the creating of an intimidating, hostile, degrading, humiliating and / or offensive environment for Jewish members of the union and/or violating their dignity. Such a claim would rely upon, among other matters:

- (a) The conduct of the boycott debate, which (contrary to Standing Orders) was not balanced.
- (b) The moderating of the on-line forum for UCU members, known as the "Activists' List," which sanctions the open and incontinent expression of anti-Semitic opinion.
- (c) The penalising of anti-boycott activists, by exclusion from the Activists' List or by causing manifestly unfounded allegations of racism against them to proceed to formal inquiry.
- (d) The failure to engage adequately or at all with concern regarding the union's institutional anti-Semitism expressed by Jewish union members and by representative bodies of the Anglo-Jewish community.
- (e) The failure to respond adequately to the Report of the Parliamentary Committee against Anti-Semitism.

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(f) The rebuffing of Gert Weisskirchen, the OSCE's special representative on anti-Semitism.

(g) The failure to respond adequately to the steady stream of resignations by Jewish union members from the union.

Motion 25 is just the latest discreditable manifestation of the UCU's culpable indifference towards Jewish union members, and indeed, to the many Jewish and non-Jewish members who believe that unless an academic union is committed to academic freedom and the equal treatment of academics, it is nothing.

Yours sincerely



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