



BRISMES

British Society for Middle Eastern Studies

British Society for Middle Eastern Studies, 71-75 Shelton Street, Covent Garden, London WC2H 9JQ

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Christian Lindner, Chairman, FDP parliamentary group
Friedrich Merz, Chairman, CDU/CSU parliamentary group
Omid Nouripour, Chairman, Bündnis90/Die Grünenparliamentary group
Ricarda Lang, Chairwoman, Bündnis90/Die Grünenparliamentary group
Rolf Mützenich, Chairman, SPD parliamentary group

Sent by Email: christian.lindner@fdp.de; info@friedrich-merz.de;
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3 September 2024

Dear Ms Lang, Mr Lindner, Mr Merz, Dr Mützenich, Mr Nouripour,

We write on behalf of the Committee on Academic Freedom of the British Society for Middle Eastern Studies (BRISMES) to express our profound concern over a draft joint parliamentary resolution of the parliamentary groups of the SPD, Bündnis90/Die Grünen, FDP and CDU/CSU that claims to aim to protect, preserve and strengthen Jewish life in Germany, a draft version of which recently became public. We request that you respond to this letter in writing.

Founded in 1973, BRISMES is the largest national academic association in Europe focused on the study of the Middle East and North Africa. It is committed to supporting academic freedom and freedom of expression, both within the region and in connection with the study of the region, both in the UK and globally.

BRISMES is firmly opposed to racism in all its forms, including antisemitism, and is committed to the struggle against it. The draft resolution that you are proposing, however, fundamentally undermines artistic and academic freedoms protected both by international law and by Germany's Basic Law, and therefore must be abandoned. There are several deeply concerning aspects of this proposed resolution.

Firstly, the draft resolution calls for “screening” applicants when funding is awarded for arts and sciences, to ensure funds are not “used for antisemitism,” where this screening relies on the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. Not only are terms such as “support for antisemitism” or “used for antisemitism” far too vague and imprecise, but it has been widely demonstrated in recent years that the IHRA definition is not fit to be used as a



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tool to assess whether individuals' utterances or views constitute antisemitism. One of the IHRA definition's own [drafters](#), Kenneth Stern, has repeatedly clarified that it was not designed for nor is it suitable to be used to arbitrate what hate speech is. Moreover, the definition has been instrumentalized for political purposes. As a result, over 100 civil society organisations from across the world [wrote](#) to United Nations Secretary-General Antonio Guterres, urging the United Nations not to adopt the definition, because it has "often been used to wrongly label criticism of Israel as antisemitic, and thus chill and sometimes suppress, non-violent protest, activism and speech critical of Israel and/or Zionism." In light of the International Court of Justice's advisory [opinion](#) on 19 July 2024 that Israel is in breach of the International Convention on the Elimination of All Forms of Racial Discrimination's Article 3 (on racial segregation and apartheid), the IHRA definition could even be used to label as antisemitic those who share, or state their agreement with, the decisions of the highest court in the world.

In the United Kingdom, a [report](#) by BRISMES and the European Legal Support Centre (ELSC) analysed 40 cases recorded between 2017 and 2022 in which university staff and students were accused of antisemitism based on the IHRA definition. In all but two instances, the accusations of antisemitism were rejected by the university after investigation, while the remaining two are yet to be substantiated. The BRISMES-ELSC report also found that the IHRA definition is unfit to identify antisemitism; undermines academic freedom and freedom of expression in relation to the discussion of Israel and Palestine; and that it risks being used in a way that discriminates against Palestinians and others who wish to teach, research, study, discuss or speak out against Israel's egregious and systematic violation of basic Palestinian human rights.

Secondly, the proposed resolution contravenes both Germany's international and domestic legal obligations. Freedom of expression, including academic freedom, is protected by numerous human rights instruments and international organizations of which Germany is a signatory or member. The European Court on Human Rights treats academic freedom as a special concern of the Article 10 freedom of expression clause, Article 13 of the European Union Charter of Fundamental Rights explicitly guarantees academic freedom, Article 19 of the International Convention on Civil and Political Rights protects freedom of expression and UNESCO's recommendations on academic freedom clearly emphasise the importance of academics being free from political interference. Article 5 of the International Convention on the Elimination of all forms of Racial Discrimination furthermore obliges signatories to guarantee that the right to freedom of expression is enjoyed by "everyone, without distinction as to race, colour, or national or ethnic origin." In Germany, in addition to the aforementioned protections under international law, academic and artistic freedom are under the special protection of the Basic Law, subject to limits determined by the German Criminal Code. Under the constitutional protections afforded to art and science, the state may not dictate content to artists and academics or restrict them based on the recipients' political viewpoint. Discrimination on

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the basis of political opinion is specifically prohibited by Article 3 paragraph 3 of Germany's Basic Law.

Yet in proposing to use the IHRA definition of antisemitism – which erroneously conflates criticism of Israel with antisemitism, and which has frequently been used to discriminate against individuals based on their political opinion – as an arbitrator of antisemitism, the proposed resolution contravenes the Basic Law and Germany's international legal obligations. It undermines the principle that artistic and scientific funding should be allocated according to merit, instead making the receipt of funding conditional on the content of the artistic or academic project, and thus on artists' and academics' political views on Israel, the Palestinian question, and specifically on the actions and policies of the Israeli government. The [recent attempts](#) to undermine academic freedom by the Federal Minister for Education and Research, and other politicians' suggestions that funding should be withdrawn from academics exercising their right to freedom of expression, clearly demonstrate the potential for the resolution you are proposing to be abused for political ends. It represents egregious and unjustified state interference in the arts and academia, and a serious attack on academic and artistic freedom and freedom of expression more generally.

Finally, the draft resolution reaffirms the so-called BDS resolution from 2019. Very concerningly, it does not appear to address the fact that the Bundestag's Parliamentary Research Service has deemed this BDS resolution unlawful, raising profound questions about your parties' commitment to the rule of law and democratic processes. Moreover, the American Association of University Professors recently published a [statement](#) affirming that academic boycotts are not in themselves violations of academic freedom and can instead be legitimate tactical responses to conditions that are fundamentally incompatible with the mission of higher education. When faculty choose to support academic boycotts, they can legitimately seek to protect and advance the academic freedom and fundamental rights of colleagues and students who are living and working under circumstances that violate freedom and one or more of those rights.

We therefore urge you - in the strongest possible terms - to abandon this draft resolution. We furthermore call on you to:

- publicly confirm your commitment to academic freedom and freedom of expression and to safeguarding these constitutionally-guaranteed rights for all people in Germany;
- engage in a meaningful dialogue with representatives from the arts, academia and civil society to jointly and publicly develop policies that strengthen the arts and sciences;
- abandon the IHRA definition of antisemitism.



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We look forward to hearing what measures you will take in order to respond to each of the concerns outlined in this letter.

Yours sincerely,

Professor Nicola Pratt
BRISMES President

Dr Lewis Turner
Chair, BRISMES Committee on Academic Freedom