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RESEARCH-ARTICLE

Anti-Zionism as 'Protected Belief': The Case of David Miller

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ABSTRACT

This article explores the impact of the legal category of 'protected philosophical belief' on one of the most contested political issues today: the line between legitimate criticism of Israel and antisemitism. It focuses on the Employment Tribunal of David Miller, a sociology professor who in 2024 won a discrimination claim against Bristol University after being dismissed for contending that the university's Jewish Student Society was a 'political pawn' of Israel. The article traces the genealogy of 'protected belief' in English law, arguing that the peculiar way Miller was required to present his views as a 'belief' to qualify for protection inadvertently revealed their 'pre-judicial' presuppositions. Paradoxically, the article argues, the more Miller's 'anti-Zionism' is understood as a 'belief', the less it can be distinguished from antisemitism. The article then explores the legal relation between 'belief' and 'manifestation'. It suggests that the university's acceptance of Miller's minimalist account of his core belief, and the separation of his statements into 'active' and 'passive' elements, hindered its case from the outset. Pushing for a comprehensive account of Miller's full views would have hindered his claim for protection, making it much easier to demonstrate the proximity of his broader worldview to forms of antisemitic belief previously ruled unworthy of legal protection.

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1. INTRODUCTION

The concept of a legally-protected 'belief' was introduced into English law in 2003, aimed at protecting members of religious groups from workplace discrimination. It is doubtful that lawmakers intended for the concept of 'belief' to play a totemic role in some of the most charged disputes in contemporary politics: indeed, initial guidance stated it was not 'intended to protect against discrimination on grounds of "political opinion"'.[1] And yet in the years since, so many different political activists—from 'ethical vegans' and foxhunting abolitionists to British National Party members, Trotskyists, and anti-'political correctness' campaigners—have attempted to have their worldviews declared a legally-protected 'belief' that it could almost be regarded as a core strategy of political movements today.[2] Legal protection of a 'belief' unlocks a set of rights that are viewed as carving out space for political expression both within and without the workplace. The status of 'protected belief' (PB) increasingly acts as a form of public legitimation for political movements and the first line of defence against opponents, particularly in the context of a social media-driven 'cancel culture'.[3] The rising political salience of PB is expressed in the number of belief-focused Employment Tribunals (ETs), which have generated unprecedented levels of media coverage and public debate.

This article examines one such ET, centred upon one of the most contentious debates of our time: the relationship between anti-Israel politics and antisemitism. In 2023, David Miller, a sociology professor at Bristol University, was dismissed after becoming embroiled in a conflict with members of the university's Jewish Student Society (JSoc), who had complained that the content of his lecture on the 'transnational Zionist movement' was antisemitic. Miller then accused JSoc members of being 'political pawns' of the Israeli state, describing the latter as a 'violent, racist, foreign regime engaged in ethnic cleansing'. These and other statements generated a large public response, with

[1] Russell Sandberg, 'Are Political Beliefs Religious Now?' (2015) 175 *Law & Justice (The Christian Law Review)* 180, 180–181.

[2] *Costa v League of Cruel Sports* (2018) ET/3331129/18; *Hashman v Milton Park (Dorset) Ltd* (2011) ET/3105555/09; *Redfearn v United Kingdom* (2013) 57 EHRR 2; *Kelly v Unison* [2009] ET 2203854/08; *Dunn v University of Lincoln* (2017) ET/2601819/17.

[3] cf Holly Morrison, 'Preserving Employee Rights in the Era of Cancel Culture' (2024) 38 *ABA Journal of Labor & Employment Law* 107; Helen Fenwick, 'Exploring Narratives about 'Cancel Culture' in UK Educational/Employment Settings under the ECHR' in Philip Czech, Lisa Heschl, Karin Lukas, Manfred Nowak and Gerd Oberleitner (eds), *European Yearbook on Human Rights* (Cambridge: Intersentia, 2022).

many observers regarding them to be antisemitic. Multiple legal rulings in both European and domestic courts have established that antisemitic 'beliefs' should not be granted legal protection.[4] Miller, however, denied he had done or said anything antisemitic. Instead, he argued that his subsequent dismissal was due to his 'anti-Zionist beliefs', which were entirely distinct from antisemitism, and which merited legal protection. He therefore claimed that he had suffered unlawful discrimination on the basis of 'belief'. In February 2024, the Tribunal found that Miller's 'anti-Zionism' did qualify as a PB, and that the university had discriminated against him.[5]

Grappling with a number of crucial political and legal questions—from defining antisemitism to the limits of academic freedom—the Miller case caused controversy. Lord John Mann, the UK government's 'independent advisor on antisemitism,' described the decision as 'ludicrous' and called for Parliament to intervene.[6] Others viewed it as a significant step in the defence of free expression and academic freedom in the face of attempts to conflate antisemitism with legitimate criticism of Israel.[7] At the time of writing, the judgment is being appealed.

Given the public interest in the case and the variety of pressing problems it raises, *Miller* merits sustained scrutiny. This article, therefore, proceeds as follows. First, I trace the genealogy of PB in English law, tracking its development from the European Convention on Human Rights (EHRC) to recent case law. Turning to the *Miller* case, I suggest that the peculiar way the law required Miller's 'belief' to be presented to qualify for protection—in particular, what was needed to make it a 'belief' rather than an 'opinion or viewpoint'—forced what I term the 'pre-judicial' underpinnings of his anti-Zionism to the surface. In order to make his views fit into the law's structure of 'belief', Miller argued that his research on the 'Zionist movement' followed, rather than acted as the basis for, his unfalsifiable convictions about the inherently malign character of Zionism. Paradoxically, the more Miller's 'anti-Zionism' is understood as a normative 'belief', the less it can be distinguished from antisemitism, and the less it is protected as a matter of law. Similarly, I argue that the more Miller's research is understood as being derived from a set of prior convictions that are impervious to evidence, the less it fulfils the basic

[4] *Cave v Open University* [2020] ET 3313198/2020; *Arya v London Borough of Waltham Forest* [2013] EqLR 858; *Pavel Ivanov v Russia* [2007] ECtHR 35222/04.

[5] *Miller v University of Bristol* [2022] ET Case No: 1400780/2022.

[6] Jane Prinsley, '"Parliament Must Act Over Ludicrous Miller Judgment"', *Jewish Chronicle*, 8 February 2024.

[7] Jewish Voice for Labour, 'David Miller Verdict—Anti-Zionist Beliefs are Protected in the Workplace', *Jewish Voice for Labour*, 6 February 2024.

norms of scholarly practice that are the condition for the additional legal protections granted to academic free expression.

I then explore the relation between 'belief' and 'manifestation', setting out the legal background and its application in *Miller*. I argue that the university's acceptance of Miller's minimalist account of his beliefs hindered its case from the outset. Pushing for a comprehensive account of Miller's full views would have complicated his claim for their protection. Showing how Miller's pleaded belief about Zionism was, *contra* the judgment, inseparable from his depiction of the 'transnational Zionist movement' that underlay his attack on the JSoc, would have made it much easier to demonstrate the proximity of Miller's *Weltanschauung* to the types of antisemitic belief previously ruled unworthy of legal protection.

A. 'Protected Belief' in English Law

The roots of PB in English law lie in ECHR Article 9, which protects the right to freedom of thought, conscience and religion, including the right to 'manifest' one's 'religion or belief'. By making a distinction between 'religion' and 'belief', Article 9 extends beyond religion, although the meaning of non-religious 'belief' is not set out. That said, as Lucy Vickers notes, given that the category of 'belief' would automatically include 'religion,' the explicit inclusion of 'religion' indicates that the kinds of belief warranting protection should be 'analogous' to religious faith.[8] Article 9 explicitly protects both 'belief' and 'manifestation'. 'Belief' is generally understood to belong to the *forum internum*—the internal sphere of private conscience—and 'manifestation' to the *forum externum*, the external arena of public expression.[9] While the private holding of a belief is not subject to qualification, Article 9(2) allows for restriction of a 'manifestation' if it is 'necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others'.

In 2000, the Council of the European Union issued the Framework Directive for Equal Treatment in Employment and Occupation. This explicitly prohibited discrimination against employees on the grounds of 'religion or belief,' although again neither term was defined. In 2003, the Employment Equality (Religion or Belief) Regulations brought the Directive into English

[8] Lucy Vickers, *Religious Freedom, Religious Discrimination and the Workplace*, 2nd edn (Oxford: Hart, 2016) 22–23.

[9] See Caroline K. Roberts, *Freedom of Religion or Belief in the European Convention on Human Rights* (Cambridge: Cambridge University Press, 2023) ch 1 and *passim.*

law, with discrimination on grounds of 'religious belief, or similar philosophical belief' prohibited. At this point, efforts *were* made to define the kinds of 'similar' belief meriting protection—and those that did not. The then Labour government asserted that 'political beliefs would not be protected…whilst atheism and humanism would be a "similar philosophical belief", support for a political party or football team would not'.[10] The word 'similar' was subsequently used in ET judgments to exclude 'beliefs' such as the importance of wearing a national flag, or those associated with far-right political parties.[11]

The Employment Equality Regulations were amended by the Equality Act 2006. 'Religion' and 'philosophical belief' were redefined. In the process, the word 'similar' was removed. It is this definition which is now contained in the Equality Act (EqA) 2010. The minister responsible for the 2006 amendement argued that removing 'similar' made no difference to the law's meaning, as 'philosophical beliefs must always be of a similar nature to religious beliefs'.[12] Ultimately, however, it was 'for the courts to decide what constitutes a belief,' with European law—particularly the European Court of Human Rights' (ECtHR) 1982 judgment in *Campbell and Cosans v UK*—said to provide relevant guidance.[13]

Campbell and Cosans was brought by parents opposed to the corporal punishment practised by their children's school.[14] They argued the school was in breach of ECHR Article 2 Protocol 1, which protected 'the right of parents to ensure…education and teaching in conformity with their own religious and philosophical convictions'. In ruling that opposition to corporal punishment did constitute such a 'conviction,' the ECtHR made an important distinction between a 'conviction' or 'belief,' and 'opinions' or 'ideas': a belief 'denotes views that attain a certain level of cogency, seriousness, cohesion and importance'. A '*philosophical* belief' should be 'worthy of respect in a "democratic society" and…not incompatible with human dignity'.[15]

In 2010, this definition was introduced into English case law through the seminal Employment Appeal Tribunal (EAT) judgment of *Grainger PLC v Nicholson*. Here, Burton J ruled that a belief in man-made climate change was a protected 'belief'. He set out five 'tests' that subsequently became the

[10] Sandberg, n.1, 181.
[11] Ibid.
[12] HL Deb 13 July 2005, vol 673, cols 1109–1110.
[13] Ibid.
[14] *Campbell and Cosans v United Kingdom* (1982) 4 EHRR 29 18 (1982) 4 EHRR 293.
[15] Ibid., [36].

criteria by which courts have judged whether a belief merits legal protection. The belief must:

i. be genuinely held.
ii. be a belief and not … an opinion or viewpoint based on the present state of information available.
iii. be a belief as to a weighty and substantial aspect of human life and behaviour.
iv. attain a certain level of cogency, seriousness, cohesion and importance.
v. be worthy of respect in a democratic society, be not incompatible with human dignity [or] conflict with the fundamental rights of others.[16]

As Gwyneth Pitt notes, the adoption of the *Grainger* criteria as a 'test' for protection pulls English law away from the European trajectory, despite the latter being the source for those criteria.[17] European courts tend to assume that all beliefs are protected and move directly to whether any manifestation has been restricted illegitimately. Only beliefs which contravene ECHR Article 17's prohibition of the 'abuse of rights'—using rights to destroy them for others—lose protection. Article 17 was traditionally reserved for outright Nazism or totalitarianism, although recent decisions indicate an increasingly expansive interpretation, to the consternation of some observers.[18] In England, the dominance of the *Grainger* criteria means that a belief's protected status must be established *before* its limitation is considered. For Pitt, this leads English courts to veer into value judgements about a belief's contents.[19]

Perhaps to remedy this, in *Forstater v CGD Europe and others*—a significant case for current debates around belief—Choudhary J ruled that the threshold for being 'worthy of respect in a democratic society' should 'not be set too high'.[20] The benchmark in English law should mirror that of Article 17, such that 'only a conviction that…challenges the very notion of democracy' would 'not command such respect'.[21] The legal meaning of the phrase 'worthy of respect in a democratic society' thus has little of the normative weight often attributed to it within political debates: it does not signal the court's *approval* of a belief, beyond the very low threshold of Article 17.

[16] *Grainger PLC v Nicholson* [2010] IRLR 4 [24].
[17] Gwyneth Pitt, 'Keeping the Faith: Trends and Tensions in Religion or Belief Discrimination' (2011) 40 *ILJ* 384, 387.
[18] cf Natalie Alkiviadou, *Hate Speech and the European Court of Human Rights* (Abingdon: Routledge, 2025).
[19] *Pitt*, above n.17, 390–391.
[20] [2021] IRLR 706 [57].
[21] Ibid., [59].

B. 'An Opinion or Viewpoint Based on the Present State of Information'

In this section, I will focus on the second *Grainger* 'limb' (*Grainger* II): the difference between a 'belief' and an 'opinion or viewpoint'. This distinction was explored in the 2007 EAT *McClintock v Department of Constitutional Affairs*.[22] McClintock was a magistrate opposed to the adoption of children by same-sex couples. The court ruled that McClintock's position was not a 'belief,' but an 'opinion or viewpoint' which did not pass the threshold of protection. This was because McClintock said his views were based on the 'present state of knowledge' about the impact on children of being raised by same-sex parents.[23] Rather than 'a rooted philosophical or religious objection to placing children with gay parents', he simply thought 'insufficient research had been undertaken in relation to whether this was desirable'.[24] He therefore did 'not discount the possibility that further research might reconcile the conflict which he perceived to exist'.[25] But in legal terms, the court said, a 'belief' must 'be a religious or philosophical viewpoint in which one actually believes, it is not enough "to have an opinion based on some real or perceived logic or based on information or lack of information available"'.[26]

Pitt is scathing about this, in her words, 'breathtaking conclusion'.[27] The judgment implies that 'a stupid, but sincere, belief, based on nothing at all, is within the scope of the protection, but an opinion based on logic and information is not'.[28] McClintock 'would have been better off as an out-and-out bigot', with his views based on a deep and unshakeable homophobia. As Keith Patten puts it, *Grainger* II suggests that 'absolutist and fundamentalist', if not 'extreme', positions are more worthy of protection than 'more nuanced' views. Legal protection here is 'not really a function of the belief itself, but more a function of how that belief is held'.[29]

This issue was considered in *Grainger*: it was submitted that the complainant's perspective on climate change could not be a belief because it was 'based upon conclusions drawn from science and resulting from research or the gathering of information'.[30] Burton J rejected this, arguing that a

[22] [2008] IRLR 29.
[23] Ibid., [7].
[24] Ibid., [20].
[25] Ibid., [45].
[26] Ibid., [45].
[27] *Pitt*, above n.17, 389.
[28] Ibid.
[29] Keith Patten, 'Protected Beliefs Under the Equality Act: Grainger Questioned' (2024) 53 *ILJ* 239, 248.
[30] *Grainger* [11].

'philosophical belief' could indeed be drawn from science rather than evidence-less faith, and citing the empiricist philosophies of David Hume and John Locke, as well as Darwinism, as examples.[31] However, as Patten points out, this inclusion of scientifically based views within the category of 'philosophical belief' is not 'as plain as [Burton J] made it appear'.[32] The fallibility of knowledge, or the perpetual possibility of 'falsification', is the founding principle of the scientific method. If further experimentation 'cast[s] doubt on the prevailing theory then that theory must be open to being modified or abandoned. All scientific beliefs are, therefore, beliefs based on the present state of the evidence and not fixed'.[33] From a strict reading of the *Grainger* criteria—and *contra* the judgment itself—it seems that research-based beliefs that acknowledge their fallibility should be classified as opinions or ideas.

If this is so, then how do we classify the beliefs held by the claimant in *Forstater v CGD Europe*? Forstater alleged she had suffered discrimination due to her 'gender critical' views—her belief that sex is 'biological and immutable', such that subjective declarations of a change in 'gender identity' do not change a male into a female, or vice versa. At the first instance tribunal, Forstater's views were ruled to have failed the 'worthy of respect' criterion, and so were not protected. On appeal, this judgment was overturned: the ET had misrepresented Forstater's 'core belief' by assuming, in the face of the evidence, that it necessitated 'misgendering' individuals in all circumstances.[34] In both judgments, however, it was accepted that, by her own reckoning, Forstater's views were 'avowedly not religious or metaphysical' but grounded in a particular scientific understanding of 'reproductive biology'.[35]

Forstater argued that her views reflected a scientific consensus that all mammals, including humans, can be divided into those who produce large (female) and small (male) gametes. Even if further research uncovered new findings regarding rare intersex conditions, she did 'not believe…[it] will disprove the basic reality that there are two sexes'.[36] Yet, Forstater also insisted that her views constituted a *belief*, rather than an opinion based on information. This was principally because they were not subject to change—in the ET's summary, '[e]ven though she has come to this belief recently she is fixed in it, and appears to be becoming more so. She is not prepared to consider the possibility

[31] Ibid., [30].
[32] *Patten*, above n.29, 248.
[33] Ibid.
[34] *Forstater* [89].
[35] Ibid., [15].
[36] Ibid., [13].

that her belief may not be correct'.[37] The aspect of belief thus seems to become relevant to a scientifically based argument—one that must, at least initially, be based on information—once the holder has decided the issue is closed, and that no further evidence could overturn the current conclusion.

Naomi Waltham-Smith and James Murray suggest a further way of interpreting the difference between 'scientific' belief and opinion that grounded the *Forstater* decision. Rather than relying solely on the fixity of a given position, they argue that the *Grainger* II threshold also rests on the 'moral imperative'—the 'ought'—that the holding of the belief imposes on the life of the bearer.[38] For a viewpoint based on 'scientific conclusions' to pass *Grainger* II, 'something more' than supposed infallibility is required: '[t]here must be some overarching principle governing one's actions, some "philosophy of life", or moral imperative that derives from the scientific knowledge and at least minimally exceeds it'.[39] In this understanding, the difference between Forstater's views and McClintock's, despite their shared 'scientific' basis, is that Forstater did not simply assert the reality of biological sexual difference, but contended that recognising that difference was of fundamental normative importance for the well-being of biological females as such. She believed that she had a moral obligation to defend politically and legally the biological definition of 'woman' and 'female' from competing interpretations based on 'gender identity'. It follows that McClintock's failure to pass *Grainger* II was not simply due to his willingness to consider further, potentially contradictory, evidence, but rather because he had not convinced the court that his beliefs regarding same-sex adoption imposed the kind of normative burden on his life that Forstater was able to show.

C. The Miller Case

This, then, was the legal background against which David Miller's claim of discrimination against the University of Bristol took place. Before turning to the details of the case, it is worth getting a sense of the broader context by tracing the trajectory of Miller's career prior to becoming Professor of Political Sociology at Bristol in 2018. Miller's early research focused on media influence in politics, drawing heavily on Edward Herman and Noam Chomsky's

[37] Ibid., [15].
[38] Naomi Waltham-Smith and James Murray, 'Academic Freedom and Protected Philosophical Belief: Strengthening the Legal Analysis' (2024) 53 *ILJ* 711, 726.
[39] Ibid.

'propaganda model'.[40] He then turned his attention to corporate lobbying, creating numerous 'wiki'-style websites—*Spinwatch, Neocon Europe, Spin Profiles, Powerbase*—which purported to reveal hidden networks corrupting the British state on behalf of corporate, conservative or foreign interests.[41] In the wake of 9/11 and the 'war on terror', he focused on the political movements which, in his view, demonised Muslims by stoking fear of a phantom Islamist terror threat. Borrowing the language of Islamic theology, Miller argued there were 'Five Pillars of Islamophobia': the state, the far right, the 'neoconservative' movement, liberals critical of Islamist extremism, and—crucially in this context—the 'transnational Zionist movement'.[42]

Long before joining Bristol, concerns had been raised about the methodology and ethics of Miller's research. Critics pointed to Miller's close association with Islamist organisations accused of, at best, tacit support for convicted terrorists.[43] Anti-extremism researchers warned that unsubstantiated claims on their *Spinwatch* profiles threatened their security.[44] Others pointed to the marked disparity in who was included on Miller's sites and who was left aside. As Shiraz Maher noted in 2010, *SpinProfiles, Neocon Europe* and *Powerbase* rarely included entries on self-identified Muslim organisations advocating for 'Muslim interests' in public policy.[45] They did, however, include numerous entries about Jewish communal organisations, from the Board of Deputies of British Jews to the Community Security Trust (CST—a charity that monitors antisemitic incidents and provides security for Jewish communal buildings) and the Jewish Leadership Council.

The inclusion of these organisations was justified by their alleged 'Zionist' commitments—*Powerbase* hosted an entire 'portal' dedicated to the 'networks of power, lobbying and deceptive PR' of the 'Israel lobby'. But for Maher, the frequency with which Jewish individuals and organisations appeared on

[40] See, for example, David Miller, 'Information Dominance: The Philosophy of Total Propaganda Control' in Yahya R. Kamalipour and Nancy Snow (eds), *War, Media, and Propaganda: A Global Perspective* (Lanham: Roman & Littlefield, 2004). cf Edward Herman and Noam Chomsky, *Manufacturing Consent* (New York: Pantheon, 1988) 1–35.

[41] *SpinWatch* <spinwatch.org.uk> accessed 12 September 2025; *Powerbase* <powerbase.info> accessed 12 September 2025.

[42] Narzanin Massoumi, Tom Mills, David Miller (eds), *What is Islamophobia? Racism, Social Movements and the State* (London: Pluto Press, 2017); David Miller et al., 'The Five Pillars of Islamophobia', *Open Democracy*, 8 June 2015.

[43] Max Farrar, 'Why on Earth Would Leftists Go Out of Their Way to Support Cage?', *Open Democracy*, 12 August 2015.

[44] Alexander Meleagrou-Hitchens, 'Spinwatch Must Offer Right of Reply', *The Guardian*, 13 July 2010.

[45] Shiraz Maher, 'Questions David Miller Must Answer', *Standpoint*, 13 July 2010.

Miller's websites, the fact that he never missed an opportunity to reveal a targeted individual's Jewish background, and the way that any connection to Israel, however slight, was framed in terms of underhand machinations, amounted to an 'apparent obsession with "Jewish power" or…"the Jewish lobby"'.[46] Others suggested Miller displayed 'a keen interest in Jews', promoting a 'Jewish conspiracy theory of history' in which Jews and/or 'Zionists' were attributed vast power over global events.[47] One *Neocon Europe* article, for example, written by a then-close associate of Miller, speculatively claimed that conflict in Darfur was driven by 'Zionist interests'—including the US Holocaust Memorial Museum—seeking a 'strategic distraction from Israeli crimes'.[48]

Further evidence for Miller's alleged 'keen interest in Jews' emerged when *Neocon Europe* published an article by the Neo-Nazi sympathiser Kevin MacDonald, entitled 'Characteristics of Jewish Intellectual Movements'.[49] MacDonald claimed that 'Jews form a cohesive, mutually reinforcing core' committed to 'furthering specific Jewish interests', and benefiting from 'Jewish influence on the media'. Miller removed the article after it attracted media criticism—but did not explain how such clearly antisemitic content had found its way onto his site.

While increasingly the focus of criticism by specialists in counter-extremism and antisemitism, these controversies did not prevent Miller from being awarded substantial research grants, nor from progressing in his academic career.[50] By 2018, however, Miller faced further media scrutiny through his participation in the 'Organisation for Propaganda Studies' and the 'Working Group on Syria, Propaganda and the Media', small networks of non-expert academics who denied the Assad regime's use of chemical weapons in Syria and spread discredited conspiracy theories about the White Helmets

[46] Ibid.

[47] 'A Keen Interest in the Jews', *Spinwatch-watch* <https://web.archive.org/web/20211113124956/https://spinwatchwatch.wordpress.com/a-keen-interest-in-the-jews/> accessed 12 September 2025.

[48] Muhammad Idrees Ahmad, 'The Darfur Deception' <https://dissidentvoice.org/2009/06/the-darfur-deception> accessed 12 September 2025.

[49] Meleagrou-Hitchens, above n.44. In 2000, MacDonald gave evidence at the High Court in support of the Holocaust denier David Irving. See: 'Irving Not Anti-semitic, Claims US Professor', *The Guardian*, 31 January 2000.

[50] UK Research and Innovation, 'David Miller' <https://gtr.ukri.org/person/D67C2058-C376-4DD7-B333-A5973B33B729> accessed 12 September 2025.

humanitarian group.[51] Miller then disputed Russian responsibility for the 2018 Skripal poisonings, before throwing himself into the controversy over antisemitism in Jeremy Corbyn's Labour party, which he regarded as confected by 'Zionists'.[52] During one public discussion, he described an intra-faith youth event where Jews and Muslims made chicken soup together as a 'Trojan Horse' to 'normalise Zionism in the Muslim community'.[53]

In March 2019, the CST submitted the first formal complaint about Miller's conduct to Bristol on behalf of two Bristol students. It focused on a lecture in which Miller had set out his 'Five Pillars' thesis as part of a module entitled 'Harms of the Powerful'. One PowerPoint slide, widely circulated on social media, displayed a complicated diagram showing the connections that made up Miller's 'transnational Zionist movement'. The state of Israel was depicted presiding over a network of Israeli institutions, British Jewish communal organisations and individuals, all of whom, in Miller's account, work in concert to promote Israeli interests, fabricate accusations of antisemitism and spread Islamophobia. Each branch of the network ultimately fed into the British Labour and Conservative parties, implying that the Israeli and British-Jewish organisations and individuals identified aim to control or manipulate the British political system.

The university dismissed the CST complaint due to it coming from a third party. A further complaint was then made by the President of Bristol JSoc and the President of the Union of Jewish Students (UJS). This focused on comments Miller had previously made in various public appearances, including an allegation that British Jewish charities were 'financially supporting' the Israeli occupation of the West Bank, and that Jewish students' concerns about antisemitism on campus were the result of 'propaganda which they have been schooled with' by 'Zionist movement organisations'.[54]

[51] Dominic Kennedy, 'Conspiracy Theories Spread by Academics with University Help', *The Times*, 13 June 2020.

[52] David Miller, 'Russia, Novichok and the Long Tradition of British Government Misinformation', *Open Democracy*, 12 April 2018 <https://www.opendemocracy.net/en/opendemocracyuk/russia-novichok-and-long-tradition-of-british-government-misinformation/> accessed 30 October 2025; David Miller, '"A" State of Israel or "The" State of Israel: The Politics of the IHRA Definition' in Greg Philo, Mike Berry, Justin Schlosberg, Antony Lerman and David Miller (eds), *Bad News for Labour: Antisemitism, the Party and Public Belief* (London: Pluto Press, 2019).

[53] Labour Left Alliance, 'What's Left in Labour' (*Facebook*, 17 June 2020) <https://www.facebook.com/watch/live/?ref=watch_permalink&v=2735672193376538> accessed 12 September 2025.

[54] Jenni Frazer, 'UK Jewish Charities "Financially Support Occupation" Palestine Expo Audience Told', *Jewish News*, 10 July 2017; Daniel Sugarman, 'Academic Tells University Event Jewish Students' Campus Fears are "Propaganda"', *Jewish Chronicle*, 20 November 2018.

While this second complaint was batted between various university committees, Miller launched into a flurry of further public statements. In April 2020, he claimed that the new Labour leader Keir Starmer had 'been in receipt of money from the Zionist movement', and would now be beholden to that movement.[55] In July 2020, Miller described the 'Zionist movement and the Israeli government [as] the enemy of the left and world peace' who 'must be directly targeted'.[56] In October 2020, he told *The Tab*, Bristol's student paper, that he had been subjected to an 'orchestrated attacks…manufactured by campus-based [Israel] lobby groups'—Bristol JSoc and UJS—who were 'formal member[s] of the Zionist movement'. These 'fraudulent antisemitism complaints' sought to stop him teaching about 'the important relationship between Zionism and rising Islamophobia' and 'encourage…anti-Muslim racism'.[57]

In February 2021, Miller made a further series of comments, contending that 'Zionism is and always has been a racist, violent, imperialist ideology premised on ethnic cleansing [that] has no place in any society'.[58] He warned that Israel had declared 'war on British universities'. Britain, he wrote, 'is in the grip of an assault on its public sphere by the state of Israel and its advocates': the 'Zionist lobby' has 'penetrated [Britain's] public institutions' and is engaged in a 'campaign of subversion on British campuses on behalf of a violent foreign regime'.[59] Bristol JSoc and the UJS were, as 'formal members' of the 'Zionist movement,' at the forefront of this 'manufactured hysteria'. 'Jewish students on British campuses', he argued, were 'being used as political pawns by a violent, racist foreign regime engaged in ethnic cleansing'.[60] That is, Miller alleged that British Jewish students were directed by the Israeli state to make mendacious attacks on critics of Israel and to spread Islamophobia.

These statements generated a large public response, with the university deluged with protests. Two petitions were signed by hundreds of academics. The first described Miller as 'an eminent scholar' and called for the university

[55] Lee Harpin, 'Bristol Professor Attacks Starmer Over "Zionist" Money', *Jewish Chronicle*, 27 April 2020.

[56] Labour Against Witchhunt, 'Campaign for Free Speech!' (*YouTube*, 29 July 2020) <https://www.youtube.com/watch?v=MSjlMHNkEWg&t=2s> accessed 12 September 2025.

[57] Sabrina Miller, 'I'm a Jewish UoB Student and I'm Sick of Worrying About Professor David Miller', *The Tab*, 22 October 2020.

[58] Nicola Howard, '"Anti-Semitism is Unacceptable': Bristol SU Back JSoc after Comments Made by Lecturer', *The Tab*, 18 February 2021.

[59] David Miller, 'We Must Resist Israel's War on British Universities', *Electronic Intifada*, 20 February 2021.

[60] Lee Harpin, 'Academic Calls Bristol JSoc "Israel's Pawn"', *Jewish Chronicle*, 18 February 2021.

to defend 'evidence-based & research-informed public discourse'.[61] The second argued that 'Miller's depiction of Jewish students as Israeli-directed agents of a campaign of censorship [was] false, outrageous, and breaks all academic norms regarding the acceptable treatment of students'.[62] This latter petition was signed by many experts in antisemitism, from all sides of a highly contested field. Miller's comments were discussed in both Houses of Parliament.[63]

By this stage, the university had begun disciplinary proceedings against Miller under its general rules of conduct. These set out employee behaviours classed as 'gross misconduct' and thus a dismissible offence. Miller's February 2021 statements now lay at the centre of the case. In October 2021, the university decision-maker handed down their decision. The university's obligation to protect academic freedom notwithstanding, Miller had not shown 'sufficient responsibility, diligence and care both in [his] various statements… and the manner and way…[he had] made them'. His 'singling out students and their societies…was an abuse of the significant power differential between [a professor] and students'.[64] Miller was found to have committed gross misconduct and dismissed.

D. Anti-Zionism as a Protected Belief

In February 2022, Miller filed a claim of discrimination against the university. He had, he argued, faced 'an organised campaign by groups and individuals opposed to his anti-Zionist views…aimed at securing his dismissal'. Having 'failed to investigate or support him', Bristol 'instead subjected him to discriminatory and unfair misconduct proceedings'. Miller submitted that 'his anti Zionist beliefs qualif[ied] as a protected philosophical belief' under the EqA, and that his dismissal was the result of direct discrimination related to that belief.[65]

Before any ruling on discrimination could be made, four key questions had to be answered. First, what was Miller's 'anti-Zionist' belief? Secondly, did that belief merit legal protection under the *Grainger* criteria? Thirdly, were Miller's February 2021 statements about Bristol JSoc 'manifestations' of the belief? And fourth, were they 'objectionable' manifestations which could be legitimately restricted?

[61] <https://supportmiller.org/educators-and-researchers> accessed 12 September 2025.
[62] <https://recentstatementsbyprofdavidmillerconcerningbristoluniversity.wordpress.com/> accessed 12 September 2025.
[63] HL Deb 24 March 2021, vol 811 cols 820-822; HC Deb 6 January 2022, vol 706 col 252.
[64] *Miller* [135].
[65] Ibid., [1].

Both sides agreed the 'belief relied on' by Miller was that:

1. political Zionism (which [Miller] defines as an ideology which holds that a state for Jewish people ought to be established and maintained in the territory that formerly comprised the British Mandate of Palestine) is inherently racist, imperialistic and colonial, and;
2. political Zionism ought therefore to be opposed.[66]

As Waltham-Smith and Murray note, this second limb asserting a moral duty to oppose 'political Zionism' was no doubt added in the wake of *Forstater* to give Miller's 'core anti-colonial belief' the 'additional moral imperative' that, in part, distinguishes a belief from an opinion.[67] Nevertheless, the university argued that this belief failed three *Grainger* tests. First, Miller's position on Zionism was not, contrary to *Grainger* II, a 'belief' but 'an opinion based on facts/research'. Secondly, if his attacks on JSocs did 'manifest' the belief, then that belief did not, *contra Grainger* IV, 'attain the minimum level of cogency or cohesion but instead lapse[d] into unevidenced conspiracy'. If they did not, then any restriction was not discriminatory on the grounds of belief. And thirdly, Miller's claim that 'political Zionism ought…to be opposed' denied the right of Jews to national self-determination, was 'irreconcilable with the basic precepts of international law' and 'incompatible with human dignity and the rights of others', thereby failing *Grainger* V.[68]

The Tribunal rejected these arguments, ruling that Miller's 'anti-Zionist' belief passed every *Grainger* threshold. Miller's belief was genuinely held (*Grainger* I), concerned a 'weighty and substantial aspect of human life and behaviour' (III), and was 'worthy of respect in a democratic society' (V). And it was indeed a 'belief', rather than an 'opinion or viewpoint' based on 'information' (II). This latter decision merits further discussion—particularly as it attracted little attention during the hearing.

As we have seen, the distinction between 'belief' and 'opinion' has caused confusion in case law, especially where the belief was the result of research rather than a faith-like conviction. In Miller's case, the tension between 'belief' and a 'viewpoint…based on information' is heightened by his status as a professor. Both European and domestic law offer heightened protection to academic expression that is related to a scholar's area of research.[69] Within

[66] Ibid., [209].
[67] *Waltham-Smith and Murray*, above n.38, 727.
[68] *Miller* [13] [212].
[69] cf Kriszta Kovács, 'Academic Freedom in Europe: Limitations and Judicial Remedies' (2015) 14 *Global Constitutionalism* 138.

the judgment, there were multiple references to Miller's comments being 'within the scope of his academic research and expertise'.[70] Miller himself declared that his claims about JSocs were 'related to' and 'informed by' his 'area of academic expertise and research'.[71]

Yet, in order to ensure that his 'anti-Zionist' belief fitted within *Grainger* II, Miller simultaneously argued that '*his research into Zionism followed, but helped to reinforce, his beliefs about Zionism*'.[72] That is, Miller argued that his anti-Zionism was not, in fact, the result of scholarly evaluation of 'information'. By his own account, Miller began with a fixed belief that Zionism is, and can only be, racist, imperialist and colonialist, and therefore ought to be opposed. To the extent that he did engage with actually-existing Zionism in his research—and it is not clear that his 'propaganda'-focused academic work did in fact do this—he could only interpret it through that pre-existing prism. Miller was therefore 'a committed anti-Zionist' in the sense that one might be a committed Christian or Muslim—subscribing to a set of beliefs that were ultimately grounded in faith and insusceptible to falsification.

This seems an extraordinary thing for a professor to admit. While the relation between a scholar's personal political commitments and their research is no doubt more complicated than naïve notions of disinterested 'science' might allow, the distinction between intellectual study and fiction or journalistic opinion rests on, precisely, a commitment to the primacy of the act of research itself. As Waltham-Smith and Murray note, the privileged protections enjoyed by academic expression are contingent upon it having a 'sufficient evidentiary basis' and being 'amenable to critical correction, refinement, or rebuttal'.[73] In Anthony Julius's summary, the standards of academic free speech are 'more *exacting*' than 'other discourses'. Its 'requirements' include 'objectivity, rigour, integrity' and it 'is severe in its judgments': academic work that does not meet up to the 'discursive norms' of a given discipline should not be protected by the principle of academic free speech.[74] The notion of a fixed and, in this sense, irrational belief that precedes, rather than follows, the act of research contravenes the very concept of academic expression. Waltham-Smith and Murray convincingly argue that the jurisprudence around PB is 'inherently inappropriate as a means of protecting values that are of

[70] *Miller* [292].
[71] Ibid., [242].
[72] Ibid., [217]. Emphasis added.
[73] *Waltham-Smith and Murray*, above n.38, 719.
[74] Anthony Julius, 'Willed Ignorance: Reflections on Academic Free Speech, Occasioned by the David Miller Case' (2022) 75 *Current Legal Problems* 1, 18. Emphasis in original.

signal importance in the academic employment context'.[75] Even if the pleaded belief is presented as the result, rather than the presupposition, of scholarly research, the demand that 'something more' in the shape of a normative commitment should be derived from that research in order for that belief to attain legal protection raises thorny philosophical questions of 'is' and 'ought' that a court of law is surely in no place to answer. Yet in Miller's case I suggest that the manner in which *Grainger* II forced him to present his views inadvertently helped to reveal the underlying assumptions of his thought, in a way that may not have otherwise been possible.

To demonstrate this, let us compare Miller's anti-Zionist belief with (a) a hypothetically pleaded 'Zionist' belief and (b) Forstater's 'gender critical' belief. In simple terms, a 'Zionist' belief is the mirror image of Miller's: that 'a state for Jewish people ought to be established and maintained in the territory that formerly comprised the British Mandate of Palestine'. There are different ways of supporting such a proposal. Some might be classed as a 'viewpoint' based on 'information'. Supporting a Jewish state on the grounds that its absence contributed to the Nazis' attempted extermination of European Jews would be one such 'information'-based view. But other modes would fit more neatly in the 'belief' framing: the notion that Jewish identity as such has always been tied up with the land that is now Israel is not a perspective based on 'scientific' evidence or susceptible to falsification. Many of those subscribing to such a belief would surely conclude that they had a moral obligation to support the establishment and continued existence of a Jewish state on that land.

This latter mode of Zionism is by no means unique to Israel but exemplifies the kind of 'belief' underlying many forms of nationalist ideology. The claim that a 'people' is innately connected to a particular land is always a kind of fiction, a narrative of belonging that, rather than recognising a pre-existing ontological reality, constructs that reality through the declaration of its existence. The concept of 'the Jewish people' as a national group 'belonging' to a certain land is no different from any other narrative of national–territorial belonging—from the 'British', 'French' or, indeed, the 'Palestinian' national story. If all national ideologies are understood as constructed narratives in this way, then they must all be categorised as *Grainger* 'beliefs', ultimately based on 'faith'-like conviction rather than empirical evidence. And indeed,

[75] *Waltham-Smith and Murray*, above n.38, 745. The same might said for 'political opinions' more broadly: indeed, the ECtHR recognised the EqA's weakness in protecting political belief in *Redfearn*, above n.2.

the 'structural similarities between nationalism and religious faiths' have long been noted.[76] In Lloyd Kramer's summary, a 'nationalist creed requires a language, a literature, and a group of interpreters who sustain the narrative of the nation like theologians or priests sustain the narrative of a religion'.[77]

Much like religion, then, judgements regarding the validity of a national ideology cannot take place at the level of 'true' versus 'false'. The content of a particular *mode* of national ideology can, however, be judged according to the standards of *Grainger* V: whether it is 'worthy of respect in a democratic society'. It was on this basis that in 2024 an ET judgment in *Thomas v Surrey and Borders Partnership NHS Foundation Trust* ruled that an English nationalist 'belief' predicated on the exclusion of Muslims was not 'worthy of respect'.[78] The same would presumably apply to any form of *Gemeinschaft* nationalism that excluded certain racial, religious or ethnic groups. But this mode of judgement is inherently historical. It requires analysis of the concrete expression of the national ideology: it cannot be made in the abstract—that is, prior to any given manifestation—unless *all* forms of national ideology are, by definition, not 'worthy of respect'. But a universal critique of nationalism—that is, the very concept of nationalism, including its democratic 'civic' form—cannot make value distinctions between particular nationalisms. It is, by definition, all or nothing.

Miller's rejection of Zionism as a national 'belief', however, is not part of a general critique of nationalism—because it is accompanied by support for the equivalent Palestinian national 'belief'. Nor, as we have seen, are Miller's views grounded in research about the historical development of Zionism as a national ideology. This would entail engagement with the fierce internal disputes that have characterised the Zionist movement from its inception: about territory and borders; about partition, 'transfer', bi-nationalism or federation; statehood or 'homeland'; relations with the Ottoman and British empires; the racial diversity of Jewish identity, and the bi-national reality, however flawed, of contemporary Israel. But once this multifarious history has been acknowledged, the conclusion that Zionism is *inherently* 'racist, imperialist and colonial' cannot be upheld—unless this too is akin to a religious belief.

This, of course, is precisely what Miller argued. He did not claim that the Israeli state has historically acted in racist or colonial ways, and that this led him to conclude that Zionism is now racist and colonial. Rather, for Miller,

[76] Lloyd Kramer, 'Historical Narratives and the Meaning of Nationalism' (1997) 58 *Journal of the History of Ideas* 525, 532.
[77] Ibid., 534.
[78] [2024] EAT 141.

Zionism, racism and colonialism are tautologous at a *conceptual* level, preceding any appeal to historical evidence. Given that Miller does not think this is true of all nationalisms, the onus is on him to explain why he understands *Jewish* nationalism to be *innately* negative in this way. He sought to do this by claiming he was not opposed to 'a preponderantly Jewish state', just one in a 'land [with] a very substantial non-Jewish population'.[79] Leaving aside where a land without such a population might be found, even here Miller reveals his presuppositions about a Jewish state. He arbitrarily rules out, at a *conceptual* level, the possibility of a 'preponderantly Jewish state' containing a non-Jewish minority on equal terms, or one where 'Jewish nationality' is understood in civic terms. Unless Miller opposes multi-ethnic or civic modes of nation-statehood in general, then even when attempting to demonstrate he is not opposed to Jewish nationalism as such, he ends up reasserting what he regards as its innately negative characteristics.

For all the criticism of the distinction *Grainger* II draws between a 'belief' and an 'opinion', I suggest it opens up a fresh perspective on the vexed question of when anti-Israel speech becomes antisemitic. If prejudice is literally defined as *pre-judgement*, the projection of a fixed set of characteristics upon a target, then to the extent that Miller's anti-Zionism constitutes an unfalsifiable 'belief' under *Grainger* II, it is innately prejudicial and, in this context, could therefore be regarded as antisemitic. Comparing Miller's views on Zionism to Forstater's on biological sex is instructive here. Like Miller, Forstater's views are dehistoricised: she is expressly opposed to the claim that biological sex—and not just the way we talk about it—is a historically-constructed category. It seems plausible that the logic which says the more Miller's views are a dehistoricised 'belief' the more they are antisemitic might apply here too. But the difference, I suggest, between the two 'beliefs' rests on the qualities ascribed to the respective phenomena. There is nothing necessarily discriminatory about Forstater's rejection of the historical basis of biological sex. Her belief does not rest on a normative claim about either sex, or even individuals who claim to have changed sex. It merely asserts that there is a biological basis to sexual difference. Miller's position too negates Zionism as a historical phenomenon—but does so to make an explicitly normative argument. Miller's 'belief' makes no sense without the negative characteristics he projects onto Jewish nationalism. Forstater does not attach such characteristics to biological

[79] *Miller* [237].

sex, and her beliefs about sexual difference stand securely without any such negative attribution.[80]

There thus seems to be a contradiction between Bristol's argument that Miller's views failed *Grainger* II because they were an opinion and not a belief, and that they failed *Grainger* V by not being 'worthy of respect'. If Miller's anti-Zionism was a historically informed opinion open to change, it would be difficult to question its democratic legitimacy, given the protections granted to academic expression. But if it was a 'belief' which preceded—*pre-judged*—historical evidence, then it was not just non-scholarly but prejudicial, to the point of being antisemitic. Given the low threshold established in *Forstater*, as well as the danger of 'negative stereotyping' the holder of such a belief—that is, assuming that all holders of the belief would always act in a discriminatory manner against those (LBGT people, for example) who engage in practices prohibited or rejected by the belief—this still might not deprive Miller's views of protection.[81] However, in 2013 an ET ruled that antisemitism—in this case, the belief that the idea that Jews are 'God's chosen people' is 'at odds with a meritocratic and multicultural society'—was not protected.[82] Similarly, in 2020, a belief that Jews could not be English was found to breach ECHR Article 17.[83] Moreover, in 2007, the ECtHR ruled that a belief that 'the "Ziono-Fascist leadership of the Jewry" was the source of all evils in Russia'—a belief with striking similarities to Miller's conception of a globally dominant Zionist movement—should not be protected by the ECHR by virtue of Article 17.[84] Legally, the way seemed open for the university to pursue the argument that, as an unfalsifiable 'belief', Miller's anti-Zionism was necessarily antisemitic, and therefore unprotected.

The university did not, however, go down this road. Indeed, as the judge noted, 'its position was that nothing the claimant said or did was antisemitic or in contravention of the Equality Act'.[85] The reason for this, on the face of it, bizarre decision was the findings of two reports Bristol had commissioned from Aileen McColgan KC, a leading barrister in equality law. Referring to both the IHRA 'working definition' of antisemitism—often accused of conflating antisemitism with criticism of Israel—and the Jerusalem Declaration

[80] It should also be noted that, as confirmed by the Supreme Court in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16, Forstater's position is that of the law itself.
[81] *Waltham-Smith and Murray*, above n.38, 737.
[82] *Arya v London Borough of Waltham Forest* [2013] EqLR 858.
[83] *Cave v Open University* [2020] ET 3313198/2020 [46].
[84] *Pavel Ivanov v Russia* [2007] ECtHR 35222/04.
[85] *Miller* [233].

on Antisemitism (JDA)—often criticised for minimising Israel-related antisemitism—McColgan argued that because Miller was 'at pains to distinguish between Zionism and Israel, on the one hand, and Jewish people, on the other', nothing he had said—including describing Bristol JSoc as a 'political pawn' of Israel—was antisemitic.[86]

McColgan's exoneration of Miller was greeted with surprise by many academic experts in antisemitism. Two leading JDA signatories described her report as 'astonishing' and 'depressing'.[87] Simply distinguishing between 'Jews' and 'Zionists' was not, they argued, an adequate basis for concluding an investigation into antisemitism: McColgan had 'stare[d] directly into Miller's antisemitism—and fail[ed] to see any of it'.[88] McColgan could not, of course, have anticipated Miller's argument that his views on Zionism were not, by his own account, the fruits of research, but were fixed, irrational and pre-judicial. But her reports meant that the question of whether Miller's beliefs, by virtue of being beliefs, were antisemitic was not explored during the hearing. Instead, attention focused on the relation between the pleaded belief and the JSoc 'manifestation'. It is to this issue that the next section will turn.

E. The 'Zionist Movement' Manifestation

The distinction between a 'belief' and its 'manifestation' has played a central role in recent case law.[89] As noted above, ECHR Articles 9(2) and 10(2) allow for an 'objectionable' manifestation to be restricted if its limitation is 'prescribed by law and…necessary in a democratic society'. In English law, the EqA section 19 provisions on indirect discrimination allow for a general 'provision, criterion or practice' which has the *effect* of discriminating against the bearer of a protected characteristic, if it is a 'proportionate means of achieving a legitimate aim'.

Before the democratic necessity, legitimacy and proportionality of any restriction can be determined, the impugned manifestation must be shown to be, in the words of the ECtHR in *Eweida v British Airways*, 'intimately linked to the…belief'.[90] Manifestations 'which do not directly express' or are

[86] Ibid., [77].
[87] David Feldman and Yair Wallach, 'Zionist Pawns,' Old Prejudices and Pop Star Cabals: Inside the U.K.'s Big Antisemitism Blind Spot', *Haaretz*, 9 December 2021.
[88] David Feldman and Yair Wallach, 'Zionist Pawns,' Old Prejudices and Pop Star Cabals: Inside the U.K.'s Big Antisemitism Blind Spot', *Haaretz*, 9 December 2021.
[89] cf David Renton, *Freedom of Speech and Employment Law* (London: Routledge, 2024) chs 1 and 6.
[90] *Eweida and others v United Kingdom* [2013] IRLR 231 [82].

'only remotely connected' to the belief fall outside Article 9 and section 10 of the EqA. Here, 'less favourable treatment on the basis of that conduct will not be classed as discrimination on the basis of the protected characteristic of religion or belief but on the basis of the objectionable conduct itself'.[91] If, however, there is a 'sufficiently close and direct nexus' between the act and the PB, then its restriction must be legally justified.[92]

In the latter case, much rests on the reason why the alleged discriminator acted the way they did. In the 2021 Court of Appeal judgment in *Page v NHS Trust Development Authority*, Underhill LJ highlighted the difference 'between (1) the case where the reason is the fact that the claimant holds and/or manifests the protected belief, and (2) the case where the reason is that the claimant had manifested that belief in some particular way to which objection could justifiably be taken. In the latter case, it is the objectionable manifestation of the belief, and not the belief itself, which is treated as the reason for the act complained of'.[93] In *Page*, an NHS worker who held conservative Christian views about the sinfulness of homosexuality expressed those views in a national media interview, and was dismissed. Underhill LJ ruled that the reason for Page's dismissal was neither the holding nor the manifestation of those views *per se*, but rather 'the "inappropriate manner" of [their] manifestation', adding that 'the word "manner" [should] not [be] limited to things like intemperate or offensive language'.[94]

Underhill LJ gave greater colour to this distinction in the Court of Appeal's 2025 judgment in *Higgs v Farmor's School*, another case involving 'gender critical' beliefs.[95] Here, a school administrator was dismissed for 'hyperbolic' comments she had posted onto her private Facebook page about the 'brainwashing' sex education materials taught in schools.[96] She argued that she had been discriminated against on the grounds of PB, with the school arguing that her dismissal was solely due to her 'objectionable' conduct. In the judgment, Underhill LJ argued that 'an objectively justifiable response to something "objectionable" in the way in which [a] belief was manifested' should not 'not be treated as

[91] Michael Foran, 'Discrimination and Manifestation of Belief: Higgs v Farmor's School' (2024) 53 ILJ 285, 291.
[92] *Ewieda* [82].
[93] [2021] EWCA Civ 255 [68].
[94] *Page* [72].
[95] [2025] EWCA Civ 109 [113]. The prior 2023 EAT judgment in *Higgs* was referenced in *Miller*, but the Court of Appeal hearing—from which these comments are taken—took place after the *Miller* judgment had been handed down.
[96] *Higgs* [10] [13].

being done "because of" the' manifestation of belief in general.[97] If an act of discrimination against an objectionable manifestation can be 'objectively justified' in this way, it should not be classed as direct discrimination.

It was put to the court in *Higgs* that, given that in English law there can be no justification for an act of direct discrimination, this notion of 'objectively justified' direct discrimination due to an 'objectionable' manifestation of belief must 'undermine an essential feature of the law of direct discrimination'.[98] Underhill LJ rejected this argument, on the grounds that '[d]irect discrimination in manifestation cases is (uniquely) different from discrimination on the ground of other protected characteristics (and indeed from simple belief discrimination) because it is based…not on the possession of the characteristic as such but on overt conduct, which thus has the potential to impact on the interests of society and the rights and freedoms of others. That distinction may be said to put it in a special category which requires a more flexible approach'.[99] For example, it is not possible to separate one's racial or ethnic identity, or the status of being pregnant, from the 'conduct' through which that identity or status is made manifest: there is no 'objectionable' way of being pregnant. When it comes to belief, however, where belief and its mode of expression are indeed separable, Underhill LJ said that lawmakers could not have intended that employers 'should be obliged to tolerate any conduct at all by an employee which constituted a manifestation of a belief, whatever form it took and whatever the circumstances'.[100] Such an interpretation is implied by the provisions of ECHR Article 9(2) allowing for the legal limitation of manifestation of belief, and to this extent the 'defence of objective justification' outlined in *Higgs* 'substantially correspond[s]' to that of the ECHR.[101]

If, following the separability of belief and manifestation, the court decides that the discriminator's reason was an objectionable manifestation, attention turns to the legitimacy, necessity and proportionality of the imposed restrictions. If they are disproportionate, according to the judgment in *Page*, they 'cannot sensibly be treated as separate from an objection to the belief itself': an overly harsh restriction on the *form* of a belief should be regarded as an illegitimate restriction of its *content*.[102] In *Bank Mellat v Her Majesty's Treasury*, the Supreme Court set out a 'proportionality test' to guide the evaluation

[97] *Higgs* [87].
[98] *Higgs* [90].
[99] *Higgs* [92].
[100] Ibid.
[101] *Higgs* [86].
[102] *Page* [68].

of any restriction on objectionable manifestations. Key considerations were whether 'a less intrusive measure could have been used without unacceptably compromising the achievement of the [legitimate] objective' that justified limitation, and giving greater weight to 'the measure's effects on the rights of the persons to whom it applies' than to its contribution to the objective.[103]

The EAT judgment in *Higgs* established further guidance for assessing proportionality in an employment context. This included paying due regard to the content, tone, extent and audience of the manifestation, its personal or professional context, whether it 'intru[des] on the rights of others', and any 'power imbalance' between the actor and those whose rights have been 'intruded upon'.[104] The reference to a manifestation's 'content' here is confusing: if the manifestation has a nexus with the belief such that its limitation requires justification, then its content can sensibly only be that of the belief itself. Be that as it may, taken as a whole, the tests in *Bank Mellat* and *Higgs* focus principally on the *formal* aspects of the manifestation.

What, then, was the relation between belief and manifestation in *Miller*? Was there a 'direct nexus' between Miller's belief and the JSoc comments which triggered his dismissal? It is notable that in Miller's pleaded belief, there was nothing about the 'transnational Zionist movement,' despite it being central to his 'Five Pillars' thesis which provoked the CST's initial complaint. Recall that for Miller, a Jewish state in the Middle East is not merely a single political entity whose existence should be opposed. Rather, it stands at the pinnacle of a globe-spanning network seeking to 'impose [its] will upon the world' through a campaign of lies and propaganda. It is this claim—and not a generic allegation of Zionism's innate racism—which underlay his description of Bristol JSoc as a 'political pawn' of the Israeli state.

There is no necessary connection between a belief that Israel is 'inherently racist, imperialistic and colonial' and Miller's grand vision of a coordinated global network of mendacious 'Zionist' actors. The judge therefore found that Miller's attacks on the JSoc were not manifestations of the pleaded belief.[105] However, they were accompanied by comments which *did* have the requisite nexus: Miller had preceded his February 2021 JSoc remarks by declaring 'Zionism is and always has been a racist, violent, imperialist ideology… [that] has no place in any society'. As such, the judge ruled that 'manifestations of

[103] *Bank Mellat v Her Majesty's Treasury* [2013] UKSC 39 [74].
[104] *Higgs* [113].
[105] *Miller* [291].

the claimant's belief were writ large in the February 2021 statements'—but were 'mixed with other matters' outside its parameters.[106]

Separating the non-protected JSoc comments from the protected 'anti-Zionist' manifestation cleared the ground for the next stage: determining the reason why the university acted against Miller. In distinction from *Page*, the court's first task was not to decide whether the reason was the content or objectionable form of the belief, but whether the reason was the protected or non-protected elements Miller had 'mixed' together. The judge concluded that the reason was the protected manifestation—describing Zionism as a 'racist, violent, imperialist ideology'—and not his 'extra-belief' claims about the JSoc.

Two factors led to this conclusion. First, the university decision-maker 'effectively conceded' in court 'that had the link between' JSocs and Israel 'been made in a pro-Zionist context'—that is, had a supporter of Israel 'not[ed] that certain student groups were constitutionally bound to promote [Israeli] interests' - it would not have been gross misconduct'.[107] McColgan had similarly concluded that Miller's statement that the Bristol JSoc and the UJS are 'formally members of the Zionist movement'—with 'JSocs a part of the UJS, the UJS…a member of the World Union of Jewish Students, which is a direct member of the World Zionist Organization'—was 'a statement of fact which appears to be accurate'.[108] That being so, the university's reason was not Miller's noting of this 'factual' connection, but that he did so 'whilst at the same time expressing the belief that Zionism is a racist, colonial and imperialistic ideology which ought to be opposed'.[109]

The second factor was the university's failure to act—not even issuing a warning—in response to two previous incidents where Bristol academics had attacked student organisations in what the judge held to be similar terms to Miller's February 2021 comments. The first was when Miller himself told the *Tab* in October 2020 that JSocs were part of a Zionist movement 'orchestrat[ing]' fake antisemitism complaints against him and the left globally. These claims were similar to those of February 2021—except Miller had not 'mixed' them with an explicit expression of his belief.

The second case, which Miller pointed to in court as a 'comparator', involved Steven Greer, a lecturer in the history of Islam. In 2020, Bristol's Islamic student society (Brisoc) accused Greer of giving an Islamophobic lecture.

[106] *Miller* [291].
[107] *Miller* [252].
[108] Ibid., [114].
[109] Ibid., [256].

After the university found no case to answer, Greer attacked the Brisoc in the national media, contending that '[m]ilitant minorities are increasingly intent on dictating the content and delivery of university education through vilification, intimidation and threats'.[110] He denounced Brisoc's 'toxic campaign…[b]ased entirely on lies, distortion and misrepresentation'.[111]

In court, the university decision-maker declared Greer's comments 'to be of "magnitudes worse" than Miller's February 2021 remarks'.[112] Given this, the judge concluded that the 'material' difference between Miller's February statements, his October 2020 comments and Greer's remarks—the difference leading to Miller being found guilty of gross misconduct—was the 'expression of his anti-Zionist beliefs'. Therefore, '[t]he decision to dismiss was, in the terms of section 13 EqA, because of manifestations of the claimant's belief'.[113]

The next step was to determine whether the form taken by Miller's belief in the February 2021 comments—its 'mixing' with the JSoc attack—was 'objectionable,' therefore enabling proportionate restriction in pursuit of a legitimate aim. The judge agreed that it was, principally for its 'extraordinary and ill-judged' public manner and the 'power imbalance' between Miller and the students he was attacking.[114] The university submitted evidence suggesting that 'any student in JSoc or considering joining JSoc'—even non-Zionists—'would be intimidated' by Miller making it a public target.[115] Miller should have raised his complaint about the JSoc internally.[116] The judge accepted that the university had two legitimate aims justifying the restriction of Miller's manifestation: protecting the reputation of the university, and protecting 'the rights of others'—Jewish students—'to hold religious beliefs and to associate with the University "undaunted by harassment, intimidation or hostility"'.[117]

The remaining issue was whether Miller's dismissal was a proportionate means of attaining these aims. The judge recognised 'some disciplinary sanction' was warranted.[118] But taking into account the rights of academics to 'speak and think freely and lawfully on areas…connected to their research and expertise', the university's failure to sanction similar comments, and its acceptance that Miller had said nothing antisemitic, dismissal was too severe

[110] Ibid., [145].
[111] Ibid., [146].
[112] Ibid., [313].
[113] Ibid., [257].
[114] Ibid., [285].
[115] Ibid., [282].
[116] Ibid., [290].
[117] Ibid., [274].
[118] Ibid., [314].

a punishment.[119] Following *Page*, a disproportionate response to a manifestation of belief should be considered a response to its content. The university's sanction was 'accordingly directly discriminatory'. Nevertheless, Miller's actions had 'played a material part in his dismissal'. Being in this respect 'culpable and blameworthy', his compensation was reduced by half.[120]

F. 'A Comprehensive Reflection of His Full Views'?

The final section of this article focuses on an aspect of *Miller* which is of interest for wider disputes around belief: the extent to which a claimant's pleaded belief should be accepted at face-value. This issue had previously come up in the aforementioned *Thomas*. To recall, Thomas's 'English nationalist' beliefs were not deemed 'worthy of respect' due to their anti-Muslim character. Yet, in court, Thomas had not mentioned the anti-Muslim element of his beliefs at all. The judge, however, accepted additional evidence from his social media posts: these included the hashtag #RemoveallMuslims and praise for 'ban[ning] Islam'. The posts 'provided more than an adequate basis for finding that the Claimant held anti-Muslim views, and that they were part of his belief'. At the EAT, it was argued that the ET had erred by focusing on the social media 'manifestation', rather than the pleaded belief. Sheldon J ruled that including the social media comments was 'entirely appropriate'. Thomas had 'made no mention of his anti-Islamic beliefs' in his evidence, which was therefore not 'a comprehensive reflection of his views'. The 'only ways in which the full views could be ascertained' was by 'considering the social media comments' alongside Thomas's 'oral evidence'.[121]

James Murray observes that *Thomas* opened a pathway for the *Miller* tribunal to consider Miller's 'closely related' social media posts when investigating his beliefs.[122] Soon after his dismissal, Miller posted a thread on X (formerly Twitter) claiming that Jews do not face discrimination, are 'overrepresented… in positions of cultural, economic and political power', and 'in a position to discriminate against actually marginalised groups'.[123] Yet, while concluding there was a reasonable chance Miller would have been fairly dismissed for those

[119] Ibid.
[120] Ibid., [471]–[472].
[121] *Thomas* [108].
[122] James Murray, 'The *Grainger* Test Challenged? *Thomas v Surrey and Borders Partnership NHS Foundation Trust*' (2024) 53 *ILJ* 810, 822. This path was indeed taken by the EAT in *AB v CD Ltd* [2025] EAT 73, where Choudhury J accepted 'the principle that the Tribunal can go beyond that which the Claimant would prefer the Tribunal to consider' when seeking a full account of the Claimant's views [103].
[123] *Miller* [156].

posts, the judge did not 'consider whether [they] might assist in ascertaining a "comprehensive reflection" of [Miller's] "full views"'.[124] Instead, he accepted there was no 'sensible or coherent link' between Miller's posts and his PB.

Yet there was further evidence about Miller's 'full views' lying even closer to hand—the comments about the 'Zionist movement' into which he 'mixed' the belief. But again, their significance was overlooked. The court accepted that Miller's theory of a singular Israel-directed Zionist network was entirely separate from his views about Zionism itself. But in doing so, that theory was treated as a normatively empty vehicle whose meaning is produced solely by the belief it carries. Thus, if Miller's opposition to Zionism was removed from the comments connecting Bristol JSoc to the global Zionist movement and replaced by the inverse 'belief'—support for Zionism—their meaning would supposedly flip with it. It follows that once *any* belief is removed from the JSoc—'Zionist movement' theory, it becomes, in McColgan's words, a 'simple statement of fact'.

This kind of analytical separation and normative reduction was not the route taken in *Thomas*. At an abstract level, an English nationalist belief without anti-Muslim elements is certainly possible. The question was, however, whether this was an accurate 'reflection' of *Thomas's* own English nationalism. The judge agreed that the anti-Muslim views normatively coloured his English nationalist belief to the extent that that belief was unrecognisable, for Thomas, without it. The same question goes for Miller—can his theory of the 'Zionist movement' truly be separated from *his* anti-Zionist belief? Given that the longstanding focus of Miller's research was not 'Zionism' but the 'Zionist movement,' and his repeated allegation that British Jewish organisations and individuals are key players in that network, it is surprising that the university, McColgan and the court itself were content to leave that theory as a normatively empty mode of transmission for an entirely separate belief about Zionism.

In so doing, the tribunal was limited to analysing the 'Zionist movement' comments from a *formal* standpoint—focusing on their public character, and the power differential between Miller and the students. Questions of content were limited to the pleaded belief itself. But to treat the content of the 'Zionist movement' manifestation as insignificant makes it very difficult to understand why the public outcry about Miller's conduct followed his 'political pawns' claim, rather than his generic statements opposing Zionism—of which there is no shortage in contemporary academia. The significance of this claim, and the reason for the outcry, is incomprehensible if it is treated as a neutral

[124] *Murray*, above n.122, 822.

'statement of fact'. It demands proper interrogation of its concrete content on its own terms.

Doing so reveals the underlying connection between the pleaded belief and the broader theory of the 'Zionist movement' within Miller's *Weltanschauung*. In Miller's telling, that movement is a single network made up of various organisations and individuals working as one towards the same goal. Yet, as Keith Kahn-Harris has noted, for all the 'overwhelming…detail' with which Miller 'festoons' his research, 'his work constructs a kind of "flatland"; a world in which networks of power and influence are so intricately connected that they form a seamless system'.[125] Each node that Miller includes in his 'Zionist' network—from the Israeli state and the World Zionist Organisation, down to the CST, UJS and finally Bristol JSoc—and 'each connection that is traced between it and other nodes, is functionally identical to others'.[126] Miller pays no attention to the particular character, history or internal politics of each organisation or individual in his network. This is because, for Miller, 'there isn't any meaningful distinction to be made… every bit of the British Jewish community that has any kind of relationship with Israel and Zionism is all the same. There is no politics, no conflict, no tension…Zionism/Israel forms a seamless whole'.[127]

As we have seen, Miller's 'belief' about Zionism derives from precisely the same dehistoricised, 'flatland' approach that Kahn-Harris describes. Just as Miller has no interest in approaching Zionism as a historical, multifarious phenomenon, but rather projects a single, fixed 'Zionist' meaning which precedes and determines the research that follows, so too does he project a fixed meaning onto his 'Zionist movement'. Miller's theory of that movement—if such a thing does indeed exist—does not emerge from empirical, historically grounded research of the actually existing relations between and within its different members. Miller never grapples with the various ways Jewish individuals and groups (re)negotiate their relationship to Israel and each other. Rather, he begins with an assumption—an unalterable 'belief'—about the nature of every relation in his network, and projects this pre-judicial meaning onto every individual and organisation he then includes.

This approach is characteristic of Miller's account of power networks generally and is not specific to his depiction of the 'Zionist movement'.

[125] Keith Kahn-Harris, 'Into the Flatlands with Professor David Miller', *Jewthink*, 22 February 2021.
[126] Ibid.
[127] Ibid.

Methodologically, some would see it as poor sociology rather than antisemitic: as Anthony Julius puts it, it seems to be a prime example of the 'pseudo-critical, pseudo-evidence-based thinking' that makes 'academic conspiracism…the most radical of repudiations of the academic vocation today'.[128] However, when this general method is applied to Jewish individuals and organisations—and all of the individuals and organisations in his Zionist network are Jewish—it could be argued that the result moves closer to antisemitism, regardless of intention. This dynamic has been explored by David Schraub in the context of the concept of 'white Jews'. Anti-racist discourse around 'whiteness', Schraub writes, aims to 'unsettle the presumption of Whiteness as a neutral, objective vantage point and instead reveal or uncover the ways in which it provides specific and substantive power to those racialized as White'.[129] But if white individuals are 'often seen as an unmarked category', so that it becomes necessary to bring to light modes of power and domination 'that otherwise go unseen or unspoken', Jewishness 'is very much a marked identity—and the markers quite frequently center around beliefs about Jewish power, domination, or social control'.[130] When the whiteness frame is applied to Jews, for whom the 'attributes' of power and domination 'are not unmarked but instead are exceptionally visible and salient', its impact 'can be quite different. Instead of unsettling and particularizing a hitherto "neutral" identity, it can promote, even accelerate, deeply antisemitic tropes'.[131]

When Miller applies his 'flatland' model to a 'Zionist power network' consisting entirely of Jews—and even leaving aside his previous dalliances with the 'character of Jewish intellectual movements'—the result is, according to this line of argument, the activation of 'deeply antisemitic tropes' around Jewish conspiracy, mendacity and global control. That activation takes place *whether or not it is accompanied by an explicit denunciation of Zionism*. Recall that for Miller, every node in the Zionist network is fully aware that they are engaged in a propaganda campaign aimed at tricking (non-Jewish) outsiders into concern about a non-existent antisemitism. Or if not, they are a poor dupe who has been manipulated by someone higher up the chain. The point here is that, even if one agreed with the supposed purpose of the propaganda—if Miller's 'anti-Zionist' belief was swapped for a 'Zionist' one—this depiction of Jews secretly conspiring to pursue an agenda based on the manipulation of non-Jewish outsiders would

[128] *Julius*, above n.74, 37.
[129] David Schraub, 'White Jews: An Intersectional Approach' (2019) 43 *AJS Review* 379, 384.
[130] Ibid.
[131] Ibid.

still be widely understood as antisemitic. No doubt the addition of a vehement assertion that Zionism 'should not be a part of any society' intensifies the meaning—the worse Zionism is, the more the 'movement' has to manipulate to achieve its goals. But the normative meaning is present even if the claim about Zionism's character is implicit, or absent altogether. And it is a meaning that differs in kind, not degree, from the UJS's vague constitutional promise to facilitate a positive relationship with Israel—even leaving aside evidence of fierce debates within the UJS about the Israel–Palestine conflict.[132]

This also marks the crucial difference from Greer's criticisms of Brisoc. For all the virulence of his comments, Greer was not asserting that Brisoc was acting under the auspices of a singular transnational network, directed by the world's only Muslim state, seeking to impose its will on British institutions via underhand means, against a background of longstanding conspiracy theories about secretive global Islamic power. This context also demonstrates that Miller's post-dismissal tweets about how the 'overrepresentation' of Jews in positions of power enables them to collectively discriminate against others, under the cover of false claims of anti-Jewish discrimination, merely repurposed and extended the underlying logic of his 'Zionist movement' theory. In that case, however, it became clear how the supposedly watertight barrier between Miller's theories about 'Zionists' and those about 'Jews' is breached.

In order to attain a comprehensive reflection of his full views, it is necessary to read Miller's fixed, ahistorical 'belief' about Zionism alongside his equally pre-judicial theory of the 'Zionist movement, 'as well as his claims about Jewish overrepresentation and mendacious claims of discrimination. Rather than holding them apart as separate elements, or treating one as active and the others as passive, attention needed to be paid to the way in which—in Miller's mind—the different aspects feed off and reinforce each other. That the university failed to do so explains why the disciplinary procedure against him was so confused, and why Miller was able to convince the court of the minimalist nature of his beliefs.

If the court had, in fact, sought to reconstruct Miller's full beliefs in this way, the result might be similar to the following:

a. the transnational Zionist movement is a single, cohesive and globe-spanning network of institutions and individuals which seeks to further its racist, imperialistic and colonial goals;

[132] Miller [287].

b. it stretches from the upper echelons of the state of Israel down to Jewish community organisations in the UK, including JSocs. Any organisation or individual who has any relationship whatsoever with Israel should be considered an active part of that network;
c. the movement works as one to impose its will on the world, seeking control of or influence over foreign governments and institutions, including universities. It represents the most significant threat to world peace and to the global left today;
d. the members of the movement knowingly conspire to use false claims of antisemitism and anti-Jewish discrimination in order to defame opponents and further its goals of global domination;
e. the transnational Zionist movement should therefore be opposed, wherever it is found.

Understood in these terms—and there is surely nothing in this description of his full beliefs that Miller would not agree with, outside of a courtroom at least—and the necessary, rather than contingent, connection between his views and his attacks on Bristol JSoc comes into view. Given the requirement for a normative element for a belief to qualify as protected, Miller's contention that there was a moral duty to oppose the transnational Zionist movement wherever it was found, including at universities and JSocs, means that he would have to acknowledge that attacking the JSoc and disrupting its activities was a necessary part of that belief as a 'philosophy of life'.

This distinguishes his case from *Higgs*, where it was ruled that the school had erred in assuming that Higgs' views about the supposed teaching of 'gender ideology' in schools meant that she would treat LGBT people in a discriminatory manner at work. Unlike *Higgs*, where there was no evidence of any differential treatment or of statements directly targeting LGBT individuals in the school, the court was presented with clear evidence that Miller had repeatedly and directly identified Bristol JSoc as part of the transnational Zionist movement, which it was his moral duty to oppose, and attacked them publicly on those grounds. Given that the court accepted that such attacks did constitute a threat to the rights of others to associate with the university 'undaunted by harassment, intimidation or hostility', and given the aforementioned ECtHR ruling that claims of a 'Ziono-fascist' global conspiracy did not merit the protection of the ECHR, it seems unlikely that such a belief would have passed the *Grainger* V threshold. If, however, Miller tried to avoid this outcome by removing the moral imperative to oppose the Zionist movement in all its forms, his belief would then lose the normative element that is required to pass *Grainger* II. Either way, this suggests that had the court understood Miller's views on the Zionist movement as being fundamental to the content of his full beliefs, rather than merely

a normatively empty mode of expression for an entirely separate belief, his attempts to gain legal protection for those views would have faced far higher hurdles than the neutered belief that was actually pleaded.

This again raises the question of why the university remained unwilling to interrogate further Miller's wider views about the 'Zionist movement'. Perhaps one reason was that he had been employed, in part, on the basis of those views. Accepting for the purposes of the tribunal that Miller's depiction of the 'Zionist movement' activates antisemitic conspiracy theories and necessitates attacks on Jewish communal organisations, including those on campus, may have strengthened Bristol's hand in contesting the democratic legitimacy of Miller's beliefs. But it would also have meant facing up to the uncomfortable fact that Miller had been teaching Bristol students about that movement in such terms for years. Waltham-Smith and Murray speculate that Miller's 'public statements' were so 'reductionist and lacking in…critical nuance…that they could no longer be said to flow from scholarly expertise and competence'.[133] An alternative view would be that his attacks on the JSoc flowed directly from arguments he had long propagated within the halls of the university: as Anthony Julius puts it, they were the 'the inevitable outcome of his writing [,teaching] and speech-making'.[134] If so, the case against Miller needed to be one exploring the borders of academic freedom and the relationship between prejudice, belief and scholarship.[135] What is the status of a 'belief' that fails the test of democratic legitimacy, yet is propagated by an academic in the course of their research? That the university was not willing to go down this road seriously hindered, perhaps fatally, their case from the outset. But it also ensured that the university's responsibility—and that of the wider scholarly community—for the promotion of a figure like Miller to the upper echelons of intellectual life remained safely out of the bounds of investigation.[136]

[133] *Waltham-Smith and Murray*, above n.38, 737.
[134] *Julius*, above n.74, 38.
[135] Julius explores this point by comparing the Miller case to that of Kathleen Stock, a former Professor of Philosophy at the University of Sussex. Stock left her job after she became the target of a sustained campaign led by fellow staff and students due to her 'gender critical' views. Julius (above n.74, 40–41) argues that Stock's work adhered to the basic principles of scholarly research in a way that Miller's did not.
[136] David Hirsh, 'The Meaning of David Miller', *Fathom*, March 2021.

2. CONCLUSION

The Miller case raises multiple issues at the forefront of the law around protected belief, free expression and academic freedom. That his case happened to centre on one of the most controversial political issues of recent years, the line between antisemitism and the legitimate criticism of Israel, only increased its significance. This article has focused on two key aspects of the case. First, I suggested that, notwithstanding convincing critiques of the broader suitability of the law around protected belief for cases regarding academic free expression, in this particular case the distinction the law makes between a 'belief' and an opinion or viewpoint did, in fact, successfully reveal the 'pre-judicial', non-scholarly and quasi-conspiratorial basis of Miller's views on Zionism and the 'transnational Zionist movement'. However, I then argued that by accepting at face value Miller's minimalist account of his views—that is, by severing his description of Zionism as 'racist, imperialistic and colonial' from his grand vision of a single, cohesive Zionist network stretching from the State of Israel all the way to Bristol JSoc, and by attaching normative weight to the first element but not the second—the court failed to attain a comprehensive account of Miller's full beliefs. I suggested that had the court, following the decision in *Thomas*, considered a wider range of evidence about Miller's views, his belief would not have gained protection under the *Grainger* criteria. This is because those views, if understood as producing the kind of moral imperative that distinguishes beliefs from opinions, would necessitate the targeting of British Jewish communal organisations, including JSocs on campus, due to their supposed malicious activity as key nodes in the global Zionist network.

The *Miller* judgment undoubtedly considered the legal complexities of the relation between belief and manifestation in great depth, and by no means exonerated or excused Miller's behaviour. But by too easily accepting that Miller's views on Zionism had no necessary connection with those on the 'transnational Zionist movement,' and by concluding that Miller's dismissal was ultimately due to the former rather than the latter, the judgment inadvertently made Miller's case a *cause celebre* for those concerned about the freedom to express support for the Palestinian cause *per se*. The risk is that in so doing, that cause becomes associated with a virulent brand of conspiracy theorising that, whether by effect or intent, could be seen as activating an all-too-familiar set of antisemitic concepts and narratives, including the legitimation of attacks on Jewish organisations and individuals.

Conflict of interest. None declared.