

ANTISEMITISM ON CAMPUS

PROTECTING FREE SPEECH, PREVENTING DISCRIMINATION¹



INTRA-COMMUNAL PROFESSORIAL GROUP

ICPG[★]

Introduction

Since 7th October 2023, when Hamas perpetrated the worst single massacre against Jews since the Holocaust,² there has been a surge in antisemitism in UK universities. Some of this has tipped over into outright anti-Jewish discrimination and harassment. Jewish students and staff have reported feeling unable to fully participate in university life, for fear of being abused, harassed, or attacked. This report offers a summary of research by the **Intra-Communal Professorial Group (ICPG)** aimed at understanding free speech on university campuses especially with regard to the approaches to speech concerning Jews, Israel, Zionism, and the Middle East conflict.

This report sets out the key issues, and a series of recommendations based on the research and grouped together under the subheadings of our three key findings. Those key findings are as follows:

1. UK universities have (a) a general legal duty, to protect freedom of expression on campus; (b) a duty to prevent discrimination and harassment based on protected characteristics; (c) a university-specific institutional duty to protect the academic freedoms of research and study. Currently UK universities are meeting neither (b) nor (c) in their response to the menace to Jewish students and academic staff posed by antisemitism, particularly anti-Israel antisemitism. That is, they are neither preventing discrimination and harassment, nor protecting freedom of research or freedom to study.
2. Anti-Israel protests and encampments on campuses, including in online spaces, have exacerbated what was already considered a hostile environment by many Jewish students and staff. Some university departments, trade unions, and student political milieus – in-person and online – have directly and indirectly discriminated against, abused, harassed and/or excluded Jewish students.
3. Traditional antisemitic concepts and tropes are being used by pro-Palestinian and/or anti-Israel staff and students. Israel and Zionism are regularly demonised and delegitimised, often using blood libels or other anti-Jewish hatred, and students or academics labelled as Zionists are routinely viewed as legitimate targets for discrimination, harassment, abuse, and/or attack.

1. *This report was written on behalf of ICPG by Rosa Freedman, based on a report researched and written by Dr Matt Bolton and Professor John Hyman.*

2. *HC Deb 16 October 2023. Israel and Gaza, Volume 738, Column 23.*
https://hansard.parliament.uk/commons/2023-10-16/debates/4B1D5F8B-41E2-4977-8559-51C36494AC90/IsraelAndGaza?utm_source=HOC+Library+-+Current+awareness+bulletins&utm_campaign=7a7e42c8ee-Current_Awareness_IADS_17_10_2023&utm_medium=email&utm_term=0_f325cdb

Legal Background

4. UK universities have a legal duty to protect freedom of expression on campus. They are also required to prevent discrimination and harassment based on protected characteristics. The question of how universities should deal with antisemitism on campus, particularly Israel-related antisemitism, sits at the intersection of these legal duties.
5. Freedom of expression and conscience/belief are protected by the European Convention on Human Rights and the Human Rights Act 1998. The Equality Act 2010 also protects individuals from discrimination based on their religious or philosophical beliefs.
6. Academic freedom is distinct from free speech. It was formally established by the 1988 Education Reform Act. The purpose of academic freedom is to protect scholars from political, social, or economic pressures, allowing them to challenge orthodox thinking in the pursuit of knowledge.
7. Unlike free speech, academic freedom carries an obligation to maintain professional academic standards, which includes taking into account opposing views and making a sincere effort to understand them.
8. While holding a belief is an absolute right, the right to express a belief is qualified and can be restricted to protect national security, health, public morals, or to prevent crime and disorder. UK criminal law prohibits speech that incites racial or religious hatred, violence, or terrorism, or which causes intentional harassment, alarm, or distress.
9. According to the Equality and Human Rights Commission (EHRC), universities should recognise that some students may feel 'vilified or marginalised by the views expressed' within certain divisive debates, and 'think about how to ensure those students feel included and welcome within the university environment.' However, the EHRC also advised that 'views expressed in teaching, debate or discussion on matters of public interest, including political or academic communication, are...unlikely to be seen as harassment.'

Academic Freedom, Free Speech and EDI: Recent Debates

10. In recent years, universities have been criticised for prioritising Equality, Diversity, and Inclusion (EDI) over academic freedom, especially with regard to gender and sex-based rights. There have been high-profile legal challenges to patterns of behaviour including alleged harassment, bullying, and 'no platforming' or 'mobbing' of academic staff and students who held opinions that were relatively unpopular or heterodox within the university context. The Higher Education (Freedom of Speech) Act 2023 was in large part a response to this issue.

11. When it comes to the question of Israel-related antisemitism, the balance between free speech and EDI has tilted in the opposite direction. Rather than prioritising the prevention of harm to Jewish staff and students, the emphasis has been on protecting free speech about Israel. In debates about Israel and Zionism, claims that Israel-related antisemitism is harming Jewish members of the academic community are seen as attempts to suppress legitimate political criticism and legitimising Israel's actions.
12. Despite being framed as a defense of free speech, this stance has also resulted in the restriction of free speech, since those arguing that some forms of anti-Israel politics on campus amount to harassment, find their arguments dismissed as politically motivated 'smears' or Zionist propaganda.

Israel-Related Antisemitism on Campus

13. The rise of ideological monocultures in some disciplines or departments³ has contributed significantly to making British campuses a hostile environment for Jews. Radical anti-Zionist positions dominate, feeding into and off the hatred of Israel seen in student movements, protests, and on social media. In this hostile atmosphere, Israel and Zionism are not just sharply critiqued – as might be expected of any nation-state or political ideology – but are demonised and dehumanised.
14. The harassment of Jewish students following the October 7th attacks and subsequent war in Gaza is an intensification of a trend that has been unfolding for decades. Universities have been slow to recognise how the normalisation of radical anti-Zionism on campus has affected Jewish students and staff. By failing to address this, universities allow discrimination against individuals with protected characteristics to go unchecked, and foster tension and prejudice.
15. This failure is partly based on the belief that radical anti-Zionism is distinct from antisemitism and does not violate the protections granted to Jewish identity under the law. But while the boundary between legitimate critique of Israel and antisemitism is a highly contested issue, scholars within antisemitism studies agree that Israel-related antisemitism is a real phenomenon. Unfortunately, the debate on campuses is led by scholars and activists who reject the idea of Israel-related antisemitism, accusing Jewish students and staff of making politically motivated claims to suppress criticism of Israel.
16. While most anti-Zionist academics and students acknowledge that directing anti-Israel protests against Jewish individuals, synagogues, and Holocaust memorials is antisemitic, the connection between modern Jewish identity and the state of Israel is often ignored or dismissed. For many British Jews, Israel plays a crucial role in their identity,⁴ yet this is rarely acknowledged as a source of harm when Israel is demonised on campus.

3. *Especially politics, sociology, and gender studies.*

4. "About nine in ten [British Jews] have visited the country at least once, more than seven in ten feel a sense of attachment to it, and a similar proportion sees it as an important component of their Jewish identity." Boyd, J., & Lessof, C. (2023). *What do British Jews think about Israel's leaders and its future?* In Institute for Jewish Policy Research (JPR). <https://www.jpr.org.uk/reports/what-do-british-jews-think-about-israels-leaders-and-its-future>

17. The impact of this atmosphere on Jewish staff and students can be felt in both EDI and free speech spheres. Jewish students who are unwilling to denounce Israel have reported feeling unable to openly express their Jewish identity on campus, whether through speech, clothes or jewellery. Jewish student societies have been accused of acting as ‘pawns of Israel,’ working on a secretive agenda to undermine British democracy. Meetings on campus in which speakers present an Israeli or Jewish narrative have faced fierce protests and interruptions, with both speakers and attendees hounded by protestors.

Specific Areas of Concern

Antisemitism within Departments/Classrooms

18. Academic freedom is a fundamental principle of modern universities, allowing academics to choose what to research and teach without external pressures from governments, political parties, private firms, or social movements. But it can come under threat from within the academy itself.
19. When departments become ideologically homogeneous, debates can be falsely presented as settled. Departmental orthodoxy can be enforced in many ways, from ideologically homogenous hiring committees to ‘academic mobbing’, when those holding currently unfashionable opinions are attacked and isolated by colleagues.
20. Formal departmental ideological ‘branding’ can make the expression of reasoned disagreement with the orthodoxy very difficult. Public statements made in the name of departments or universities which take a particular position in relation to global news stories can reduce the space for critical analysis and discussion.

Political protests/encampments on campus

21. The right to free expression and free association includes the right to protest peacefully. However, universities have the legal duty to impose restrictions on protests in circumstances where individuals with a relevant protected characteristic may face harassment and/or direct or indirect discrimination. Protests may also prevent universities from fulfilling their legal obligation to ‘foster good relations’ between individuals with a relevant protected characteristic and those without.
22. At times, protests may restrict academic free speech. Protests, encampments, and occupations can disrupt the normal functioning of the university, interrupting lectures, limiting access to libraries or laboratories, and even pressuring academics or students who hold opposing views to conform.

23. Long-term encampments pose a greater risk, as their relative permanence imposes ideas and perspectives on the physical campus. This creates an environment where those with opposing views may feel unable to openly express them, or unable simply to access university spaces and activities. This can lead to indirect discrimination against groups with protected characteristics, including both Jewish and Israeli members of the university.

Protests, posters and leaflets about Israel and Palestine

24. In protests about Israel and Palestine, universities must identify when rhetoric crosses the line from legitimate criticism of Israel to antisemitism. While antisemitism definitions can help, such as the International Holocaust Remembrance Alliance (IHRA) working definition adopted by the vast majority of UK universities, their effectiveness depends on individuals' expertise in the complexities of antisemitism. Additionally, there is disagreement within the field about certain analogies, such as comparing Israel to Apartheid South Africa or using slogans like 'From the river to the sea'.

25. Types of antisemitic rhetoric may not always be unlawful. Racist speech is not invariably unlawful. But they pose a grave threat to academic freedom, both by imposing ideological orthodoxies and by creating or fostering environments where discrimination and harassment may occur.

26. 'Zionism' and 'Zionist' are frequently used as terms of abuse, while some protesters have demanded that their university should be a 'Zionist-free zone' or that there should be 'No Zionists on campus'.

Meetings/events/invited speakers

27. Meetings and events outside lectures and seminars play a crucial role in furthering critical inquiry, but those related to Israel-Palestine have often been flashpoints. Invited speakers employing radical rhetoric on this topic can inflame tensions between groups and undermine the university's Public Sector Equality Duty.

28. Events featuring Israeli or Jewish speakers who are not explicitly anti-Zionist have regularly faced protests. Attendees often walk through a gauntlet of protestors and protests have included banging on windows, occupying rooms, shouting down speakers, and heckling, all of which pose a threat to academic freedom and free speech.

Social media

29. There is ongoing debate about whether the use of social media by academics should be protected by their right to academic freedom, particularly in the case of 'extra-mural' statements outside their specialism. Social media use poses specific risks because posts are permanent and can be easily taken out of context and circulated widely. The disinhibiting effect of social media can result in ill-considered posts that do not meet academic standards, harming an academic's reputation, and potentially the reputation of their discipline and institution.

30. Given that social media posts can reach a larger audience than academic publications, academics' behaviour on social media may have a greater impact on public perceptions of universities than scholarly research. Hence, the privileges of academic freedom may require greater restraint on social media use on the part of academics, similarly to other professionals such as lawyers and journalists, who are expected to exercise caution due to the high public profile of their roles. Academics must also be mindful of the potential for their social media posts to harm civil relations with other staff and with students.

Calls for academic boycotts

31. Boycotts of academic institutions and staff by other academic institutions or trade unions present an immediate threat to academic freedom. They limit the potential for fruitful academic collaboration and debate. The political aims of the boycott are prioritised over the right of academic freedom, imposing precisely the kind of political limit on academic research that the right to academic freedom was constructed to resist.

32. Far from reinforcing or contributing to repression or injustice, Israeli universities provide an important locus for the critical scrutiny of government policy, and for political dissent. Boycotts feed into the demonization of Israel and Zionism.

Recommendations

Our recommendations are grouped under the subheadings of the key findings set out at the start of this report.

UK universities have two sets of duties in relation to free speech: (a) their general legal duty, to protect freedom of expression on campus, while also being required to prevent discrimination and harassment based on protected characteristics; (b) their university-specific institutional duty, to protect the academic freedoms of research and study. Currently universities are meeting neither set of duties in respect of the menace to Jewish students and academic staff posed by antisemitism, particularly anti-Israel antisemitism. That is, they are neither (a) preventing discrimination and harassment, nor (b) protecting freedom of research or freedom to study.

- (a) Universities ought to prioritise the protection of academic freedom when it conflicts with general free speech. In particular, this means the academic freedom to research (e.g., acting against unofficial boycotts of Israeli universities and academics) and the freedom of all students to engage in studies (taking disciplinary action against persons responsible for intimidation and demoralisation of Jewish students).
- (b) Universities should aim to ensure that the diversity of opinion within a discipline is properly reflected in a department, fostering a climate of critical inquiry rather than ideological dogmatism. It must be noted that tackling departmental orthodoxy is a delicate and long-term task.

- (c) Universities must ensure that meetings and external speakers contribute to, and do not threaten, academic freedom and free speech. In some cases, universities may need to impose conditions on holding events, such as including contrasting viewpoints or organising additional events with differing views.
- (d) Universities can also appoint 'Open Expression Delegates', trained personnel who ensure that free speech is adhered to during events, ensuring that speakers can deliver talks and questions from the floor are heard respectfully.
- (e) Organisers, students, and external speakers must all follow a university code of practice that balances commitment to free speech with consideration of the potential impact on affected groups. Given the centrality of the Israel-Palestine conflict in campus politics, the code should remind speakers of expressions regarded as antisemitic. It should also highlight the diversity of views and narratives on campus and acknowledge that the conflict may have personally affected some staff and students.
- (f) Students who disagree with an event should be encouraged to attend it instead of protesting against it, provided security is in place. Threats of violence should not prevent events from occurring. Protests must not be allowed to disrupt events but may take the form of counter-events. Attendees who disagree can raise criticisms during Q&A sessions but should not be allowed to silence speakers or disrupt the event through heckling or chanting. The same principles should apply to online meetings.
- (g) A clear protocol should guide moderators about handling disruptions. This might include a formal warning about the behaviour, a request to leave the event, removal from the event, and disciplinary consequences.
- (h) Universities should reject all calls for blanket academic boycotts. These go against the purpose of universities and academic freedom to research and to study.
- (i) Universities ought to reject calls to boycott Israeli universities, students, and faculty, or to sever cooperative agreements with them. There may be situations in which one university can legitimately refuse financial or research collaborations with another, particularly where the latter is subject to direct state or political control, but these decisions must be taken on a case-by-case basis.

Anti-Israel protests and encampments on campuses, including in online spaces, have exacerbated what was already considered a hostile environment by many Jewish students and staff. Some university departments, trade unions, and student political milieus – in-person and online –have directly and indirectly discriminated against, abused, harassed and/or excluded Jewish students.

- (j) Universities should establish clear 'time, manner, and place' guidelines for protests and encampments.

- (k) Staff and students should be informed about how protests may infringe on the rights of others and threaten academic freedom of all university community members to research and to study.
- (l) While university leaders should engage with student protestors, they should not make concessions in exchange for ending protests, and reviews of university policies should be based on evidence rather than on demands of vocal minorities.
- (m) With regard to Israel and Zionism, universities should issue guidelines to staff wishing to comment on these topics 'extra-murally' along similar lines to those regulating speech at campus protests. There are innumerable ways to discuss the Israel/Palestine conflict, without comparing Israelis to Nazis or celebrating/justifying murderous attacks on Israeli civilians.
- (n) Academics should be warned of the potential for their social media posts to be read by students, and of their obligation to take potential harms to Jewish students into account.
- (o) Universities should add clauses about politically-based bullying, targeting and ostracization in their cyberbullying codes. Political posts and organising should not be allowed on university-managed groups and group chats.
- (p) Politically-based cyberbullying on unofficial, non-managed chats should be subject to the same disciplinary procedure as other forms of cyberbullying.

Traditional antisemitic concepts and tropes are being used by pro-Palestinian and/or anti-Israel staff and students. Israel and Zionism are regularly demonised and delegitimised, often using blood libels or other anti-Jewish hatred, and students or academics labelled as Zionists are routinely viewed as legitimate targets for discrimination, harassment, abuse, and/or attack.

- (q) Universities should make it clear in their codes of practice that they will not tolerate antisemitic speech on campus. These guidelines should be communicated to students before planned protests or encampments, or immediately when spontaneous protests begin.
- (r) The same guidelines on antisemitic statements and imagery should apply to posters, leaflets, or other materials distributed on campus. Some universities require posters and leaflets advertising events to include contact details of the organisers, which may encourage greater civility and debate.
- (s) Universities ought to make clear that there is zero tolerance for statements that are widely agreed to be antisemitic, including the following:
 - a. statements or images conflating Israel, Israelis, 'Zionists' or Jews with Nazi Germany or Nazis, Israeli leaders with Hitler, Palestine/Gaza with Auschwitz or the Warsaw Ghetto, or which uses Nazi language such as 'final solution.'⁵

5. *There are some occasions when comparisons between Israel and Nazi Germany may not be antisemitic, but these are limited to academic research or teaching.*

- b. statements or images portraying Israel, Israelis, 'Zionists', or Jews as controlling the world, the media, the financial/banking sector, other national governments or world wars. Imagery of tentacles or octopuses are common markers of these ideas.
- c. statements or imagery depicting Israel, Israelis, 'Zionists' or Jews as devils, drinking blood, eating bodies, deliberately targeting or delighting in the murder of children.
- d. statements or imagery which celebrate, justify or call for violence against Israeli citizens or Jews.
- e. statements or imagery calling for Israelis or Jews to 'go back' to Eastern Europe etc.
- f. statements or imagery targeting Jewish students on campus (individually or collectively), Jewish student organisations or events, or Jewish religious organisations or events on campus, including chaplaincies – whether those individuals, organisations or events are labelled 'Zionist' or Jewish.
- g. demands that a Jewish individual or group take a position on Israel or Zionism, or the use of one particular strand of Jewish opinion as a means to delegitimise another.

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Please find our full report, with additional recommendations, on our website at icpg.org.uk/freespeech

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