

ANTISEMITISM ON CAMPUS: PROTECTING FREE SPEECH, PREVENTING DISCRIMINATION

Dr Matthew Bolton

INTRODUCTION

1. This document sets out the approach of the Intra-Communal Professorial Group (ICPG) to the question of free speech on university campuses, and, in particular, speech concerning Jewish people, Israel, Zionism and the Middle East conflict.
2. Over the past decade, the issue of free speech in universities has grown in public prominence. Concern about constraints on free speech and condemnations of ‘cancel culture,’ no-platforming, and the heckling of speakers at universities have become a regular occurrence within the media and in parliament.
3. Since the Hamas attacks of 7 October 2023, and Israel’s subsequent war in Gaza, fierce expressions of anti-Zionist and anti-Israel sentiment on university campuses have reached a new pitch. Some of this expression has tipped over into outright anti-Jewish discrimination and harassment. Jewish students and staff have reported feeling unable to fully participate in the life of the university for fear of being abused, harassed or attacked.
4. Anti-Israel encampments and protests on campuses have exacerbated what was already considered a ‘hostile environment’ by many Jewish students and staff. Within some academic disciplines, departments, trade unions and student political milieus, as well as online, the term ‘Zionism’ or ‘Zionist’ has long been used abusively, commonly as a synonym for ‘racist,’ ‘imperialist,’ ‘colonialist,’ ‘supporter of genocide’ or ‘Nazi.’ This tendency has been reflected in demands by protesters that their university should be a ‘Zionist free zone’ or that there should be ‘No Zionists on campus.’
5. While virtually everyone within such circles would deny harbouring any animosity towards ‘Jews as Jews,’ it is nevertheless common for traditional antisemitic concepts and ideas to be projected onto Israel as a Jewish state. Israel and Zionism are regularly demonised and delegitimised in a way that is not applied to other nation-states or forms of nationalism. For example, even if the historically inaccurate claim that Israel is a ‘settler colonial’ state is accepted, it is notable that no other ‘settler colonial’ state – the United States, Canada, Australia, New Zealand and so on – faces a global campaign for its destruction.¹

¹ Cf. Adam Kirsch, *On Settler Colonialism: Ideology, Violence and Justice* (New York: WW Norton & Co, 2024); Simon Sebag Montefiore, ‘The Decolonization Narrative Is Dangerous and False,’ *The Atlantic*, 27 October 2023. Available at: <https://www.theatlantic.com/ideas/archive/2023/10/decolonization-narrative-dangerous-and-false/675799/>

6. Within such milieus, Jewish staff and students are increasingly expected to publicly denounce Israel and Zionism if they wish to be treated as legitimate intellectual interlocutors. If they do not do so, they can be assumed to be 'Zionists' and therefore regarded as legitimate targets for ostracism and verbal attack.²

LEGAL BACKGROUND

7. Universities in the UK are legally obliged to protect freedom of expression (or free speech) on campus. Universities are also legally obliged to prevent discrimination and harassment of individuals with protected characteristics, including both Jewish identity and Israeli nationality. Jewish identity is a legally protected characteristic on the grounds of both race and religion, Israeli nationality is protected on the grounds of race. The question of how universities should deal with antisemitism on campus, particularly Israel-related antisemitism, sits at the intersection of these legal duties.

Legal duties regarding freedom of expression

8. At a general level, the right to freedom of expression and freedom of thought, conscience/belief and religion is protected by both the European Convention of Human Rights (Articles 9 and 10), and the Human Rights Act 1998 (Articles 9 and 10). Under the Equality Act 2010, it is also unlawful for individuals to face discrimination or harassment on the basis of holding certain religious or philosophical 'beliefs,' which are determined on a case-by-case basis. In 2023, an employment tribunal ruled in *Miller v University of Bristol* that anti-Zionism is one such protected belief, although the scope of the ruling beyond the facts of that case remains difficult to predict.³ The implication is that Zionism is also a protected belief, but this has yet to be tested in court.
9. With specific regard to universities, Section 43 of the Education (no. 2) Act 1986 obliges universities to 'secure' freedom of speech 'within the law... for members, students and employees of the establishment and for visiting speakers.'
10. In May 2023, Royal Assent was given to the Higher Education (Freedom of Speech) Act. This Act was to have strengthened the Section 43 obligation from the *protection* of free speech to its *promotion*. The Act would have allowed those who consider themselves to have been deprived of their right to free expression on campus to claim damages against universities, although the potential levels of damages involved is not yet clear.

² David Hirsh has described this phenomenon as being excluded from academia's 'community of the good' (see David Hirsh, *Contemporary Left Antisemitism*, Routledge, 2017)

³ *Miller v University of Bristol* (ET 1400780/2022)

11. Under the previous Conservative government, the Freedom of Speech Act was due to be implemented on 1 August 2024. In July 2024, Bridget Phillipson, the new Labour Secretary of State for Education, announced that she had decided to ‘stop further commencement of the Higher Education (Freedom of Speech) Act 2023, in order to consider options, including its repeal.’ Philipson made reference to a July 2024 report by the Office for Students (the body responsible for the enforcement of the Higher Education Act), which reported that education providers thought the Act imposes too much new regulation on universities and cost too much in raised OfS registration fees. The future of the Act is therefore unclear at the time of writing.
12. The ‘safety and well-being of minority groups, including Jewish groups’ was explicitly given by the Department for Education as a reason for the pause in implementation.⁴ The Union of Jewish Students (UJS) has welcomed the pausing and potential repeal of the Freedom of Speech Act.⁵ However, the UJS has also argued that ‘offensive or controversial opinions’ – outside of explicit incitement of hatred and violence – ‘can best be defeated by being vigorously challenged and debated, rather than silenced.’⁶

Academic Freedom

13. Academic freedom is related to but distinct from free speech at a general level. In the UK, the right to academic freedom was formally established in the 1988 Education Reform Act, which followed the abolition of the tenure system. Academic freedom was defined as the ‘freedom [of scholars] within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.’
14. Academic freedom is the right of scholars to pursue their research free from political, social, or economic pressures that are external to the intellectual demands imposed by the discipline itself. The aim of academic freedom is that scholars should be able to challenge orthodox thinking and practice in order to further the pursuit of collective inquiry and knowledge, without fear of political, economic or social reprisals. Academics are therefore granted greater freedom to discuss controversial, heterodox and unpopular issues and challenge the public positions of their employer than most non-academic employees.
15. Unlike the general right to free expression, the right of academic freedom is coupled with an obligation that academic expression adheres to the professional

⁴ <https://educationhub.blog.gov.uk/2024/07/26/free-speech-act-what-you-need-to-know/>

⁵ https://x.com/UJS_UK/status/1816759978977292378

⁶ https://www.ujs.org.uk/free_speech_policy

standards and competence expected within a given discipline. This includes taking into account opposing views and making a sincere effort to understand the basis of these arguments. In practice, academics rarely lose a position due to failing to meet academic standards in their research or teaching. The more likely outcome for an academic who repeatedly fails to produce work of the required disciplinary standard is reaching a career dead end: being denied promotion or tenure, rejected by reputable journals and missing out on new jobs.

Limitations on the right to free expression

16. The laws regulating conscience, thought and belief treat the *holding* of a belief as an absolute right, which cannot be lawfully interfered with in any way. The *expression* of a belief, however, is generally regarded as a qualified right. This means that, while the starting presumption should be that speech is permitted, the right to expression may be subject to certain legal limitations. The ECHR, for example, acknowledges that limitations can be imposed on expression in order to protect national security, health or public morals, or to prevent disorder and crime. Nor can the right to free expression be used to limit the right to free expression of others. UK criminal law limits the right to free expression by prohibiting racially or religiously aggravated speech; threats to kill; endeavours to break up a public meeting; speech that seeks to provoke violence, or cause intentional harassment, alarm or distress; speech that intends or is likely to stir up hatred; that incites the committing of acts of terrorism overseas; that invites or encourages support for proscribed organisations; and which encourages or glorifies terrorism.

Legal duties regarding equality, diversity and inclusion

17. Under the Equality Act 2010, universities are legally obliged to prevent discrimination or harassment of individuals with a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). Jewish identity is protected under both the race and religion categories, Israeli nationality under race. Discrimination can be both direct and/or indirect.
18. As public bodies, universities are also subject to the Public Sector Equality Duty (PSED) under the Equality Act. Universities must 'advance equality of opportunity' and 'foster good relations' between 'people who share a relevant protected characteristic and persons who do not share it.' In the Equalities and Human Rights Commission (EHRC) guidance on the PSED for universities, it advised that universities 'have a legal responsibility to think about how they can promote equality and minimise tension and prejudice within different groups on campus.'

19. These responsibilities may mean that universities are legally justified in proscribing expression on campus that constitutes discrimination or harassment of a person with a protected characteristic. Moreover, according to the 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.’
20. 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.’ The Office for Student’s briefing on the Higher Education (Freedom of Speech) Act warns against universities ‘defin[ing] ‘harassment’ too broadly, and so confla[ting] what may be lawful speech with harassment.’

Codes of Practice

21. Beyond the level of ‘hard’ law, universities are also required publish ‘soft’ codes of practice regarding both the protection of free speech and equality duties. These vary from institution to institution and may proscribe forms of expression and behaviour on campus that are not unlawful. The Higher Education (Freedom of Speech) Act would have obliged universities to use their free speech codes of practice to emphasise the value of free speech and to set out clear parameters for organisation and conduct of meetings and the use of university buildings and spaces.

ACADEMIC FREEDOM, FREE SPEECH AND EDI: RECENT DEBATES

22. Universities are continually having to strike a balance between the protection and fostering of free speech and policies to prevent discrimination and harassment of those who share a relevant protected characteristic. Over recent years, universities have faced criticism for placing more importance on EDI than on the protection of academic freedom and free speech, particularly in relation to contentious issues such as gender and sex-based rights. High profile incidents in which students have sought to prevent meetings and debates taking place have garnered national attention. Moreover, universities have failed to recognise that some debates involve a tension or conflict between different ‘protected characteristics,’ and have sought to protect one characteristic while creating conditions for the harassment or discrimination of another.
23. This has led to high-profile legal challenges to alleged harassment, bullying, ‘no platforming’ or ‘mobbing’ by staff and students of academics and students who

held what were, in the immediate context of the university, relatively unpopular or heterodox opinions. The Higher Education (Freedom of Speech) Act was in large part a response to this issue, as well as broader concerns about ‘coddling’ of students, the creation of ‘safe spaces’ where opposing arguments are not permitted, and a lack of ‘viewpoint diversity’ within universities.

24. But when it comes to the question of antisemitism, and Israel-related antisemitism in particular, the balance between free speech and EDI has seemed to tilt in the opposite direction. Rather than prioritising preventing potential harms to Jewish staff and students, and therefore suppressing speech that was suspected of causing such harms – in the manner that was, until very recently, common within the gender debate – here the demand for ‘free speech on Israel’ has been the dominant position.
25. In the gender debate and other discussions around race, a defence of ‘free speech’ was often depicted as a cynical attempt to inflict harm on vulnerable groups. In the case of antisemitism, things are reversed. Now it is the *claims* that harms are being inflicted that are portrayed as cynical attempts to suppress legitimate speech. By seeking to arbitrarily limit speech on Israel on the basis of false accusations of antisemitism, so this argument goes, political criticism of Israel is circumscribed, and the harms supposedly inflicted by Israel itself legitimised and perpetuated.
26. Despite being an argument premised on a defence, rather than restriction, of free speech, the result is again a restriction of speech, because those seeking to assert that some forms of speech and behaviour about Israel and Zionism constitute antisemitism, and that some forms of anti-Israel politics on campus amount to harassment or discrimination against Jewish staff and students, find their arguments denied entry to the sphere of legitimate academic discourse. The academic debate about forms of expression about Israel or Zionism that may constitute antisemitism cannot take place in the normal manner, as those making such arguments are routinely accused of politically-motivated ‘smears’ or repeating pro-Israel propaganda.⁷

⁷ David Schraub has described the tendency to immediately reject, deny or delegitimise Jewish claims of antisemitism, without further consideration, as ‘epistemic antisemitism’ (David H. Schraub, ‘The Epistemic Dimension of Antisemitism,’ *Journal of Jewish Identities* 15.2 (2022): 153-179). The notion that Jewish people cynically use claims of antisemitism as a cover for the political defence of Israel – that is, accusations ‘that complaints of antisemitism’ made by Jewish people ‘are fake or smears’ - was ruled to be a form of antisemitism in the Equality and Human Rights Commission’s investigation into the Labour Party under Jeremy Corbyn’s leadership (EHRC, ‘Investigation into antisemitism in the Labour Party,’ 2020, p28) There is also a substantial philosophical literature on epistemic injustice, stemming from Miranda Fricker, *Epistemic injustice: Power & the ethics of knowing*. Oxford: Oxford University Press, 2007.

27. For all their many differences, both the restrictions of speech within the gender debate and the pseudo-‘promotion’ of free speech regarding Israel are the result of attempts by a minority of academics, particularly within the arts, humanities and social sciences, to impose a single set of ideological and political positions upon entire disciplines and departments. On occasion such efforts are rewarded by the adoption of an official form of university or departmental ‘branding’ (e.g. as ‘radical’ or ‘critical’). In both the gender and antisemitism debates, this can make the price of articulating positions that are currently out of favour within certain disciplines or departments very high. Those who do seek to make counter-arguments can find themselves subject to social ostracisation, vexatious complaints, or political protests. Others who may not subscribe to any clear position too often remain silent for fear of similar reprisals.
28. The development of ideological monocultures within certain disciplines and departments poses a distinct threat to academic freedom. This threat does not result from political, social or economic forces external to the university, but gradually develops within academic departments and disciplines themselves. The risk is exacerbated when the hegemonic position within a department is replicated and reinforced by the most vocal student political movements outside the classroom. In such cases, the right to free expression on campus may begin to hinder, rather than support, the right of academic freedom within the university.

ISRAEL-RELATED ANTISEMITISM ON CAMPUS

29. With regard to antisemitism and Israel, the rising influence of attempts to impose an ideological monoculture within certain departments and disciplines has been a crucial factor in turning many British campuses into a ‘hostile environment’ for Jews. The almost total dominance of radical anti-Zionist political positions within certain departments – politics, sociology, and gender studies in particular – feeds into and off the demonisation and delegitimization of Israel found in student political movements, campus protests, and on social media. Within this hostile environment, Israel and Zionism are not merely sharply critiqued, in a manner to be expected of any state, government or nationalist ideology. Rather they are transformed into the symbolic image of all that is wrong with the world.
30. Over the past twenty years, the main academic trade union in the UK, the UCU, has repeatedly made a full academic boycott of Israeli universities and academics a priority. A 2023 report into the National Union of Students by Rebecca Tuck KC, commissioned by the NUS, found that Jewish students have faced a ‘hostile’ culture within the union, and at times had been subject to harassment. The report ‘cited numerous instances in which Jews suffered antisemitism because of

assumptions that they were Zionists and about what that might mean.’⁸ ‘Open letters’ denouncing Israel and Zionism regularly circulate within departments, with those members of staff who do not wish to sign risking ostracisation.⁹ In some cases entire departments sign such statements *as* a department.¹⁰ Lecturers in subjects unrelated to the Middle East insert negative comments about Israel and Zionism into their classes, taking an anti-Zionist position as axiomatic amongst their audience. Students whose essays on the Middle East depart from the standard anti-Zionist line have found themselves marked down or even failed.¹¹ Explicit support for Hamas and Hezbollah, proscribed terrorist groups, is expressed by student societies and at protests and political meetings, with violent attacks on Israeli citizens justified and legitimised, if not outright celebrated.¹² Demands for ‘No Zionists on campus’ seek to prevent some students and staff from accessing university resources.

31. The protests and harassment experienced by many Jewish students following the October 7th attacks and subsequent war are therefore an intensification of a trend that has been in progress for decades, rather than a novel development.
32. As a whole, universities have been slow to recognise how the normalisation of radical anti-Zionism on campuses has affected Jewish staff and students. In so doing, universities are failing to prevent discrimination or harassment of students with a relevant protected characteristic, and allowing tension and prejudice within different groups on campus to go unchecked.
33. This failure can be traced back to the claim that radical anti-Zionist expression is qualitatively distinct from antisemitism. It therefore does not impinge upon the protected characteristic of Jewish religious and/or racial identity.
34. The boundary between legitimate critique of Israel and antisemitism is one of the most contested issues within antisemitism studies. Yet for all the disagreement within the field, all sides agree that Israel-related antisemitism is a real phenomenon.¹³

⁸ <https://www.independent.co.uk/news/uk/national-union-of-students-jewish-president-palestinian-union-of-jewish-students-b2260763.html>

⁹ <https://engageonline.wordpress.com/2021/05/23/some-thoughts-on-antisemitism-in-academia-may-2021-david-hirsh/>

¹⁰ See the list of gender studies departments who signed up to a Palestine solidarity statement in 2021 <http://genderstudiespalestinesolidarity.weebly.com/>.

¹¹ <https://www.thejc.com/news/uni-student-marked-down-for-not-blaming-israel-in-essay-awarded-payout-b9rv6r9g>

¹² <https://www.telegraph.co.uk/news/2023/10/09/uni-societies-social-media-supporting-hamas-israel/>

¹³ The Jerusalem Declaration on Antisemitism is widely regarded as minimising the extent of Israel-related antisemitism, in comparison to the IHRA and Nexus definitions. Yet the JDA clearly states that ‘portraying Israel as the ultimate evil or grossly exaggerating its actual influence can be a coded way of racializing and stigmatizing Jews’ and that ‘[a]pplying the symbols, images and negative stereotypes of classical antisemitism to the State of Israel’ is antisemitic.

35. The situation in many British universities today, however, is not one where the boundary between antisemitism and critique of Israel is a topic of critical inquiry led by experts in the field, and grounded in this disciplinary consensus. Rather the debate is one generally led by scholars and activists who do not specialise in antisemitism, who reject the disciplinary consensus without any real engagement with the literature, and who deny outright the very possibility of Israel-related antisemitism. This means that when Jewish staff and students complain of Israel-related antisemitism, they are accused of making false and politically-motivated claims of antisemitism to prevent legitimate critique of Israel.
36. There is only one form of Israel-related antisemitism that is acknowledged within the anti-Zionist worldview that dominates many university campuses. This is when Jews in general are made responsible for the actions of Israel in particular. This has not prevented Jewish individuals, synagogues and Holocaust memorials from being targeted by anti-Israel protestors. Nevertheless, these forms of antisemitic harassment are, on the whole, likely to be condemned by most anti-Zionist academics and students.
37. But this acknowledgement often comes at the price of ignoring or dismissing any connection between modern Jewish identity and the state of Israel. This connection is complex and can come in various forms - familial, social, religious, cultural, political or ethnic. It has differing levels of intensity for different individuals, and categorically does not mean unstinting support for every Israeli government, politician or policy. Yet study after study shows that for the vast majority of British Jews, the state of Israel does play a significant role in their Jewish identity.
38. Within universities, this connection is rarely acknowledged as a potential source of the harms experienced by Jewish staff and students when the state of Israel is demonised and delegitimised. Instead, a minority of Jewish people who explicitly reject any connection between their identity as Jews and the state of Israel are treated as the normative mode of Jewish existence. These Jews are welcomed into the anti-Zionist space of the university campus, acting both as a defence mechanism against claims of antisemitism, and as a means by which those Jews who refuse to denounce Israel can be attacked on political grounds. But the presence of anti-Zionist Jews within these political milieus is conditional on continuing to adopt the precise political line and terminology on Israel and Zionism demanded by the non-Jewish anti-Zionist movements.
39. If Jewish individuals and groups do not explicitly denounce Israel as a state and Zionism as an idea, or if they fail to do so in the precise terminology demanded of them, they become legitimate political targets for anti-Zionist academics and students. They have forfeited the right to a distinction between Israel as a state

and British Jews as individuals, and can be held responsible for the supposed actions of that state.

40. 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, for fear of verbal or physical 'anti-Zionist' reprisals. 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 face fierce protests and interruptions, with both speakers and attendees hounded by protestors.

GUIDELINES FOR AREAS OF CONTESTATION

Antisemitism within departments/classrooms

41. The right to academic freedom is the most important founding principle of the modern university. Academics should have the right to choose what they research and teach free from any external pressures, be they from governments, political parties, funding bodies, private firms, or social movements. However, the right to academic freedom can also come under threat from within the academy itself.
42. A department which is characterised by political and ideological homogeneity, can create an environment in which any challenge to *departmental* orthodoxy faces the threat of social sanction and ostracization. This is particularly the case where academics fail to pay sufficient heed to the distinction between academic research and political activism; where the principle of fallibility of knowledge is rejected and contested debates are falsely presented as being settled; where departmental orthodoxy is supported by the most vocal political movements within the student body; where 'open letters' circulate around departments speaking about a contested issue in the name of a particular discipline; where dissenting voices face campaigns of 'academic mobbing'; or where 'Faculty for [issue XYZ]' organisations gain ground within the university.¹⁴
43. In some areas, departmental orthodoxy might demand suppression of speech on the grounds of potential harms to individuals with protected characteristics. In others, orthodoxy might require that claims of harm to individuals with protected characteristics be ignored or dismissed. In both cases, the need for reasoned judgement on the proper balance between speech and preventing discrimination is rejected. In both cases, academic freedom comes under threat.

¹⁴ <https://sex-matters.org/wp-content/uploads/2024/05/Ian-Pace-on-academic-mobbing.pdf>

44. There are numerous ways in which departmental orthodoxy can be enforced, from ideologically homogenous hiring committees to ‘academic mobbing’ campaigns, when those holding currently unfashionable opinions are attacked, isolated and defamed by colleagues. It becomes visible in the off-hand comments made by academics in unrelated lectures and classes which assume that ‘everyone’ on campus does or should share a particular position on contested issues. Formal departmental ideological ‘branding,’ or generalised administrative demands to ‘decolonize the curriculum,’ may make the expression of reasoned counter-arguments very difficult. Public statements made in the name of departments or universities which take a particular position in relation to global news stories may reduce the space for critical analysis and discussion of such stories, their contexts and their repercussions.
45. Tackling departmental orthodoxy is a long-term task that should be undertaken with great care. Any policy seeking to mitigate the negative effects of ideological conformity on academic freedom should not make matters worse. In general, the aims of such policies should be to ensure that the diversity of opinion within a discipline or field of research is properly reflected in the department, with the aim of fostering a climate of critical inquiry, rather than ideological dogmatism.

Political protests/encampments on campus

46. The right to free expression and free association together amount to a right to protest. However, as qualified, rather than absolute rights, universities have the legal right to impose limitations on protest, and the obligation to do so in certain circumstances. These include circumstances when protests create an atmosphere where individuals with a relevant protected characteristic may face harassment or direct and indirect indiscrimination. Protests may also prevent universities from fulfilling their legal obligation to ‘foster good relations’ between individuals with a relevant protected characteristic and those without.
47. At a certain point, protests on campus can begin to restrict academic free speech. At a practical level, protests, encampments and occupations can interrupt the normal functioning of the university, preventing lectures and classes from taking place, and limiting access to libraries, laboratories or offices. But protests, occupations and encampments can also be important factors in the enforcement of departmental orthodoxies. Academics and students who take a different position from that of the protest or encampment may face ostracisation, harassment or interruptions to their work or lectures. Such pressures amount to an externally-imposed restriction on academic freedom. Given that universities are the unique site of academic free speech, when free speech in general and

academic free speech in particular come into conflict, universities have a duty to prioritise the protection of the latter.

48. Recognising the wider potential impact of protests is particularly important when they are not one-off events but develop into long-term encampments or occupations. The relative permanence of an encampment or occupation, particularly one in which banners and posters are prominent and radical rhetoric is broadcast through loudspeakers, imposes certain perspectives on the physical space of a campus in a way that one-off transient protests do not. It becomes very difficult for those who hold a different view to avoid such long-term encampments. For these students and staff, the campus may not be a space in they feel able to openly make counter-arguments, or even merely access the space of the university at all, while the encampment or occupation is ongoing. Occupations may mean lectures need to be cancelled, or make library access impossible. Graduation and other events may not be able to take place. Once protests begin to interrupt the functioning of a university over a relatively long period of time, they pose a threat to academic freedom and to the right of free expression. Moreover, with regard to issues like Israel and Palestine, where Jewish and other identities are a central aspect of the debate, there is an additional risk that long-term encampments and occupations which prevent access to university facilities may amount to a form of indirect discrimination against Jewish staff and students.
49. In light of this, it is important that universities establish clear time, manner and place guidelines for protests and encampments at the university. Similarly, students and staff should be made aware of how protests can infringe the right to free expression and association of others, as well as pose a threat to academic freedom.
50. While university leaders should be open to discussion with student protestors, it is unwise for universities to make concessions about funding or research in exchange for the ending of protests. Any review of a university's positions on these issues should be undertaken independently and on the basis of evidence, rather than in response to vocal minorities, whether on campus or on social media.
51. With regard to protests about Israel and Palestine in particular, universities should clearly identify cases in which rhetoric is judged to shift from harsh but legitimate criticism of Israel or Zionism to antisemitism. These guidelines would exist in addition to any definition of antisemitism that the university has adopted, such the IHRA 'working definition.' While these definitions can be helpful in determining when statements or actions are antisemitic, they are only truly effective when deployed by experts with adequate knowledge of the

complexity of antisemitism required to make proper judgements. Moreover, there is disagreement within the field of antisemitism studies about whether certain concepts and analogies – such as comparisons between Israel and Apartheid South Africa, or slogans such as ‘From the river to the sea, Palestine will be free’ – are antisemitic. Given that the expertise required to make proper judgements on such cases will not always be available, the additional university guidelines should focus on key areas on which virtually all participants within the antisemitism debate agree are antisemitic:

- 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.’¹⁵
 - b. statements or images portraying Israel, Israelis, ‘Zionists’, or Jews as secretly 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 as such.
 - 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 or not those individuals, organisations or events are labelled ‘Zionist,’ rather than 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.
52. Students should be made aware of these guidelines prior to any protest, encampment or occupation, or if a protest or encampment has emerged spontaneously, as soon as it has begun.
53. It should be noted that the rhetoric identified as antisemitic in §51 may not fall into the category of unlawful speech. This is because antisemitic speech, like

¹⁵ There are some occasions when comparisons between Israel and Nazi Germany may not be antisemitic, but these are limited to proper academic research or teaching.

other kinds of racist speech, is not invariably unlawful. However, the particular types of antisemitic statement in §51 are those which a) pose the greatest threat to academic freedom (by reinforcing attempts to impose ideological orthodoxies on departments and disciplines) and b) are most likely to create an atmosphere within which direct, targeted discrimination and harassment of individuals may follow. As such, codes of practice should make clear that universities will regulate these forms of speech on campus.

Political poster/leaflets on campus

54. The same guidelines on antisemitic statements and imagery should also be applied to any posters, leaflets or other written or printed materials distributed on campus.
55. Some universities require that any posters and leaflets advertising events and meetings on campus include contact details of the individual or group organising the event (email/telephone). These forms of attribution may encourage greater civility and debate.

Meetings/events/invited speakers

56. Meetings and events outside of lectures and seminars are an important part of the university's mission to further critical inquiry and the production of knowledge. Yet meetings related to the Israel-Palestine conflict have been regular flashpoints on campus. Invited speakers espousing radical rhetoric on Israel and Palestine can inflame tension between different groups and undermine the university's Public Sector Equality Duty.
57. Meetings featuring Israeli or Jewish speakers who are not explicitly anti-Zionist have regularly faced protests, both outside the venue and within the meeting itself. Attendees are often forced to walk through a gauntlet of protestors to enter and exit the meeting. Protestors have attempted to disrupt meetings by banging on windows, occupying the meeting room, shouting down the speaker to prevent them from speaking and the audience from listening, repeatedly heckling, or staging mass walkouts. Each of these practices – which have also been prevalent in the gender debate – constitutes a threat to both academic freedom and free speech.

Arrangement of events

58. Universities should be aware of the need to ensure that meetings and external speakers contribute to, rather than threaten, the university's principles of academic freedom and free speech. In some cases, universities may need to attach certain conditions to an event before allowing it to go ahead – such conditions might include the inclusion of another speaker(s) with a contrasting view to those

already invited or the arrangement of another event with speakers holding a different view.

59. Universities could also consider establishing a system of 'Open Expression Delegates,' trained personnel who can be asked to attend certain meetings to ensure that the principles of free speech are being adhered to within the meeting – i.e. that speakers are allowed to deliver their talk, and that challenging questions from the floor are heard respectfully.

Speaker code of practice

60. Organisers, students' union and external speakers should read and adhere to a university code of practice which sets out commitment to free speech, while also requiring speakers to take account of the potential impact of their speech on individuals and groups who might be affected in negative ways.
61. Given the centrality of Israel and Palestine to contemporary campus politics, it may be useful to include a clause in the code of practice which specifically reminds speakers and organisers of the specific forms of expression that are regarded as antisemitic and which will not be tolerated on campus (see §51 above). Speakers and organisers should also be reminded that there are a range of views, narratives and reasoned judgements on campus about this issue. Moreover, for some staff and students the conflict is not merely a political symbol or abstract idea but an issue which may directly affect them (through familial or other connections).

Protocol for event/hecklers veto

62. In general, and contingent on proper security being in place, students who disagree with the content of a particular event should be encouraged to attend the event rather than protest against it or seek to prevent it taking place. Threats of violence should not be allowed to prevent an event from taking place.
63. Any protests should be limited to forms which do not interrupt the running of the event – i.e. holding counter-events, passing resolutions, use of social media. Any protestors who do attend the event can raise criticisms in ways that correspond to the structure of the event – i.e. during question and answers sections. They should not be able to stop people attending a meeting, silence speakers or prevent the audience from hearing through heckling or chanting. The same principles apply to online meetings.
64. A clear protocol should be established setting out the procedure for all moderators to follow if the meeting is interrupted by heckling, cat-calls or chanting. This might include a formal warning about the behaviour, a request to leave the event, removal from the event, and disciplinary consequences.

Social media

Academics use of social media

65. There is an ongoing debate about whether the use of social media by academics should be protected by their right to academic freedom. It is the latest iteration of a longer debate about whether academics' 'extra-mural' statements – that is, statements on issues that are outside their specialist field – should be protected by the right to academic freedom. But social media use poses specific risks to academic freedom that previous activity in the 'public square' did not. Social media posts are permanent, with even deleted posts potentially being screenshotted, and can easily be removed from their context and circulated to a wide audience. Given the polarising, antagonistic character of much social media, academics – particularly those working in controversial or unpopular areas – can easily face vexatious complaints about their social media behaviour which may threaten their right to academic freedom.
66. Social media can have a disinhibiting effect on behaviour. As such, academics – like many other social media users - often intervene in social media debates outside of their specialism – or even within it – in an ill-considered, angry or ignorant manner, which does not meet the standards of academic rigour. In so doing they can bring their position, university and even entire discipline into disrepute – and as a consequence the principle of academic freedom itself. Given that social media posts have the potential for a far larger readership than any academic book or journal article, the behaviour of academics on social media may have a much bigger impact on the public perception of universities and the academy today than scholarly research itself.
67. The privileges of the right of academic freedom may therefore necessitate greater restraints on academics' use of social media than the general citizen. In this, academics are comparable to other professional groups such as lawyers and journalists. Professional associations of these professions also recommend that their members exercise greater care over their social media activity than other citizens due to the high public profile of their roles.
68. Determining whether an academic's use of social media threatens the principle of academic freedom by bringing scholarly integrity into doubt is a complex matter. While taking the full context of individual cases into account, universities should nevertheless establish guidelines for making such decisions. These might include:
 - a. Noting a pattern of behaviour – one-off incidents should be treated as such.
 - b. Are the social media posts directly connected to the academic's field of research? Do they indicate an absence of scholarly rigour in that work?

- c. The extent to which their social media posts harm civil relations with staff and students who disagree.
69. With regard to Israel/Palestine, universities should issue guidelines to staff wishing to comment ‘extra-murally’ about the issue along similar lines to those regulating speech at campus protests (see §51). There are innumerable ways to discuss the Israel/Palestine conflict, and to harshly criticise Israel if one so wishes, without comparing Israelis to Nazis or celebrating/justifying murderous attacks on Israeli civilians. Academics should be warned of the potential for their social media posts to be read by students, and to take into account potential harms to Jewish students when posting opinions about Israel/Palestine.

Student social media groups/chats

70. Many universities have official ‘group chats’ on WhatsApp or similar platforms to allow students within a particular Halls of Residence, course or module to communicate with one another. University codes of conduct for students’ social media rightly focus on the risks of cyberbullying in such groups. However, they rarely include forms of cyberbullying related to political issues. Universities should add a clause about politically-based bullying, targeting and ostracisation to their cyberbullying codes. Political posts and organisation should not be allowed on official university-managed groups and group chats. Politically-based cyberbullying on unofficial, non-managed chats should be subject to the same disciplinary procedure as other forms of cyberbullying.

Calls for academic boycotts

71. 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, in this way imposing precisely the kind of political limit on academic research that the right to academic freedom was constructed to resist. Universities should therefore reject all calls for blanket academic boycotts. 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. We reject calls to boycott Israeli universities, students, and faculty, or to sever cooperative agreements with them. 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.