

## Written evidence from Bard Center for the Study of Hate (FOE0151)

I've been asked by friends in the UK to submit testimony to the Committee's Inquiry into Freedom of expression, probably because I was the lead drafter of the text of what later became known as the IHRA Working Definition of Antisemitism, and [have been critical of its use to curtail speech on campus](#). Their requests referenced the Secretary of State for Education's October letter to Vice Chancellors, and his statement that funding might be suspended if the definition was not adopted.

I come from a country with different free speech traditions under the First Amendment to the U.S. Constitution. But a university is a universal idea – that young people must be encouraged to think about how they think, wrestle with ideas, be disturbed by ideas, create new ideas. John Stuart Mill's "On Liberty" and its invitation to test ideas so there might be "collision with error" is the cornerstone of what higher education should aspire to be.

I first became alarmed about Israel and Jewish-related speech on campus in the 1980s, in the aftermath of the 1975 U.N. General Assembly Resolution 3379, which equated Zionism with racism. While not the law of any country, it was an official statement, applied as authority to tell some Jewish students (including in the UK) that because Jews were Zionists and Zionists were racists, Jewish groups shouldn't be allowed.

In the 1990s, as the American Jewish Committee's antisemitism expert, I worked with [hundreds of college presidents in the United States, to counter bigotry on campus](#). The cornerstone of this work required two things: a commitment to using the resources of the campus to improve teaching, training, and research to cultivate an environment where harassment, intimidation and discrimination were rejected; and a recognition that "hate speech codes" – rules that sought to punish, limit, or chill expression of ideas – not only didn't work (any bigotry that might otherwise be addressed was lost in the fog of a free speech fight), but harmed the ability of the academy to cultivate new generations of critical thinkers. In short, hate speech codes corrode individual agency, and instead endorse a type of group-think.

As I've written elsewhere, the "working definition" of antisemitism, now known as the IHRA definition, has arenas for proper application. On campus it can be part of the discussion of what antisemitism is and isn't, and when I teach a class on antisemitism I include it in the syllabus. But as [I testified before the Judiciary Committee of the United States House of Representatives](#), it was never intended to be adopted as anything remotely like a policy. We saw what happened when the equation of Zionism with racism was used as a weapon against expression and association. The campaign to apply IHRA is an attempt, as many have said, to institute an equation of anti-Zionism with antisemitism. Expressions of anti-Zionism may or may not be antisemitic, just like expressions of Zionism may or may not be racist. You don't fight one problematic and overly simplistic equation with another. Fighting fire with fire leaves scorched earth.

No student should be bullied. That includes Jewish students, and as I documented in my recent book ([The Conflict over the Conflict: The Israel/Palestine Campus Debate](#)), some are bullied for being Zionist, and some are bullied for being anti-Zionist. But the problem is not the expression of ideas, but toleration for harassment, intimidation and discrimination.

Application of IHRA as policy, even a lightly-endorsed one, will chill speech on campus, and that clearly is [the intent of many who promote it](#). As I chronicle in my book, the “working definition” has been employed as a weapon in the United States since at least 2010. It was eagerly cited by outside groups as they hunted for campus assignments, speakers, course descriptions, and political statements they could label as violative of the definition. Then they threatened university administrators with legal action. The irony, if you can call it that, is that there were sufficient legal tools in the US to complain about harassment, and I was the successful complainant in such a case for high school students subjected to a “kick a Jew” day. Likewise, I understand there are sufficient tools under the UK’s Equality Act to protect Jewish students, without classifying certain political speech about Israel as antisemitic.

Further, while the campus is a unique venue, we shouldn’t turn a blind eye to the larger agenda of some who are promoting IHRA. For example, in the last days of the Trump administration, former Secretary of State [Mike Pompeo considered branding various human rights groups antisemitic](#), and barring them from government support.

The emerging field of hate studies helps explain the strong passions around this issue. When identity is tethered to a perceived issue of social justice or injustice, our thinking – [even our brains](#) – work differently. We package things into “good” and “bad,” crave simplicity and certainty. Symbols – like flags and certain ideas – become sacred and essential; one is either for them (and good) or against them (and evil). IHRA has become such a symbol. Six days after the US Capitol insurrection, during which white supremacists – some wearing antisemitic garb -- were front and center, the Conference of Presidents of Major American Jewish Organizations [sent a letter to the then-President Elect](#). It asked the new president to tackle antisemitism. Nothing was said about the rampage of white supremacists threatening democracy, the danger the newly emboldened hate groups posed to Jews, or how the administration might tackle this serious, multi-faceted problem. There was only one thing these leaders asked the new president to do – apply IHRA, particularly on campus, but also beyond. IHRA has become a moral symbol, and in the words of social psychologist Jonathan Haidt, that both blinds and binds.

I encourage the Joint Parliamentary Committee to think outside the IHRA yes and IHRA no box (and the false trap that it denotes being “for” or “against” antisemitism), and look at the question of the campus and free expression with the detail, nuance, and complexity it deserves. The question should be “how do we build a university which teaches critical thinking, allows students to try on ideas and be wrong, protects academic freedom, and promises students two things: 1) that they will be disturbed by ideas while on campus (and that that’s a good thing), and 2) that bullying, intimidation, harassment and intimidation will not be tolerated. Adopting IHRA on campus sends exactly the opposite message. It will chill speech, encourage

administrators to condemn expressions and teaching seen as outside the definition, and tell pro-Israel Jewish students that they are to be protected from ideas.

When I write or teach about hatred and speech, I encourage a thought experiment – change the players and see if the same rules apply. Imagine if Black students said there was a definition of racism that included objection to the removal of statues of colonialists (like Winston Churchill), and that the definition should be adopted on a campus. Students on a campus should have the capacity to contemplate such a difficult issue without having an officially-endorsed view as campus policy.

I understand that Jewish students who feel the sting of antisemitism, sometimes associated with their presumed views on Israel, want to feel “protected.” It comes from the same instinct that might inspire a Black student to say they want a statute removed, because its existence is an expression that makes them, understandably, uncomfortable. Jewish students should and must be protected from harassment and intimidation. But to “protect” them from difficult ideas, rather than bullying behavior, not only does them no favor, it harms them.

In my book I quote a CNN commentator, Van Jones, about the concept of “safe spaces” on campus. He said:

I think that’s a terrible idea for the following reason: I don’t want you to be safe ideologically. I don’t want you to be safe emotionally. I want you to be strong. That’s different. I’m not going to pave the jungle for you. Put on some boots, and learn how to deal with adversity. I’m not going to take the weights out of the gym. That’s the whole point of the gym.

Being a young adult on any university campus is sometimes difficult. But if the campus is going to prepare students for life as critical thinkers, it must make clear that the campus is a different type of “safe space” – a place where one can try out ideas, be wrong, and expect to get pushback. If it, instead, adopts a lexicon of officially disfavored expressions it is actually endorsing a lexicon of officially disfavored ideas. If it does, a university abandons an important part of what it means to be a university.

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