

Elizabeth Shakman Hurd: How the US is making it illegal for students to disagree with Israel

The talk on college campuses earlier this fall was about new rules to protect free speech. Now it's about canceling Palestinian support groups and banning the phrase "from the river to the sea." The Hamas attack and Israel's subsequent invasion of Gaza brought a sharp reversal in the diagnosis of what's wrong with college these days: from too little free speech to too much. What happened?

What happened is politics. The war in Gaza has brought into focus the long-standing assumption that Zionism and Judaism are one and the same. In October, the Anti-Defamation League and the Brandeis Center, two notable Jewish organizations, called for university presidents to investigate pro-Palestinian student groups on their campuses. In November, Brandeis University shut down Students for Justice in Palestine, and Columbia University [suspended](#) its chapters of Students for Justice in Palestine and Jewish Voice for Peace for the rest of the semester.

The problem begins when one assumes that the government of Israel speaks on behalf of Jews or Judaism. If that were the case, it would follow that to criticize Israel is to attack Jews. But Israel does not speak on behalf of all Jews or Judaism.

American politicians often merge Judaism as a tradition or faith community with the government of Israel as a political entity. And, conversely, they indicate that criticism of the Israeli government is, by definition, antisemitic. Several GOP presidential candidates recently [stated](#) that they would punish university students who demonstrate against Israel or make statements opposing Zionism. As president, Donald Trump expanded the U.S. government's definition of antisemitism to include certain anti-Israel sentiments such as proclaiming that "Zionism is racism." President Joe Biden's White House recently announced that the Department of Education's Office for Civil Rights will enforce Title VI of the Civil Rights Act of 1964 to withhold funds from colleges that fail to protect individuals from antisemitism based on that definition.

We are witnessing the emergence of a legal framework in which any criticism of Israel is defined, by default, as anti-Jewish and hateful. Conflating criticism of Israel with antisemitism throws the weight of the government behind the idea that criticism of Israel is always antisemitic. It implies that the government of Israel can do no wrong, which is not the case for any human institution.

Something is wrong here. Indeed, Jewish communities are divided when it comes to attempts to define antisemitism to include criticism of Israel. Many are wary of government attempts to equate anti Zionism and antisemitism. Kenneth Stern, the lead drafter of the American Jewish Committee's working definition of antisemitism and a critic of Trump's 2019 order, [explains](#) that there is "a debate inside the Jewish community whether being Jewish requires one to be a Zionist. I don't know if this question can be resolved, but it should frighten all Jews that the government is essentially defining the answer for us."

There is no room for antisemitism on campus or anywhere else. But to make it illegal for college students to disagree with the government of Israel violates the principle of freedom of speech. Perhaps more importantly, it also distracts us from the real and ongoing harassment and discrimination against dissenters from all backgrounds of U.S. and Israeli actions — Muslim, Jewish, Arab and others. As a group of Harvard faculty members wrote recently in [a letter](#) criticizing the university president for trying to shut down critique of Israel, "There must, however, be room on a university campus for debate about the actions of states, including of the State of Israel." There should be room for college students walking out of their classes in protest and space for State Department officials to raise concerns about U.S. policy without fear of retribution.

Judaism prides itself on debate and disagreement. Ironically, to censor debates over Zionism forecloses on the possibility that support for Jewish individuals and communities may at times entail opposition to some forms of political Zionism as excessive. Examples include opposition to the expulsion of Iraqi Jews after the creation of Israel, or the current Israeli government's limitations on non-Orthodox forms of Judaism within Israel. It is odd that a country such as the U.S., which loves its religious freedom, is so invested not only in censoring critique of Israel but also in shutting down non- and anti-Zionist expressions of Judaism.

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