

## The Chilling Effect of Equating Criticism of Israel to Antisemitism

Broadening the federal definition of antisemitism is a disingenuous attempt to quash dissent.

Campus protests against U.S.-backed wars have a long history, and so do [campaigns](#) for ethical investment policies. As much as college and university administrators, corporate interests, and Washington policy-makers may have wanted to suppress such student initiatives, the principles of free speech and the cultural role of institutions of higher learning have made that difficult.



Opponents of the current protests on college campuses targeting U.S. support for Israel’s war are, however, attempting to reverse that tradition through the disingenuous application of Civil Rights legislation.

[Title VI](#) of the Civil Rights Act of 1964 prohibits discrimination on the basis of “race, color, or national origin” by “any program or activity receiving federal financial assistance.” Since it was written, the definition has been expanded to include gender and ethno-religious groups as well. A school that fails to curb systemic sexual harassment of women or racist taunts and threats against people of color, for example, could be prosecuted by the U.S. government and have their federal funding terminated.

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The phrase “[From the river to the sea, Palestine will be free](#),” for the vast majority of American activists who use it, is a call for [a single binational state](#) with equal rights for Israeli Jews and Palestinian Arabs. It [originated](#) in the 1960s as a slogan by leftist Palestinian nationalists calling for a democratic secular state between the Jordan River and the Mediterranean Sea that would include all of historic Palestine—Israel, the West Bank, and the Gaza Strip.

But on April 16, a large bipartisan majority in Congress passed a [resolution](#) declaring that the slogan is “antisemitic,” “perpetuates hatred” against Jews, and constitutes a call “for the removal of the Jewish people from their ancestral homeland.”

Citing Hamas (which only [appropriated](#) the slogan in 2017) and other terrorist groups which have also used it, they insist that it has a violent intent, regardless of what the students themselves claim. This insistence that “the river to the sea” is some kind of call for genocide has further resulted in demands that those who use the slogan should be subjected to punishment for threatening Jewish students.

Similarly, the term “intifada” is usually translated from Arabic as either “uprising” or “shaking off.” The term was used during the Arab Spring and other waves of [overwhelmingly nonviolent](#) pro-democracy protests in Tunisia, Egypt, Bahrain, Sudan, Yemen, and elsewhere. It was used by the Lebanese in their successful [nonviolent 2005 uprising](#) against Syrian domination and by the Western Saharans in a series of [nonviolent resistance campaigns](#) against the Moroccan occupation. The word came to the awareness of the West during the [first Palestinian Intifada](#) in the late 1980s—which, despite incidents of stone throwing and the killing of suspected collaborators, was [overwhelmingly nonviolent](#). Only the second Palestinian Intifada in the early 2000s was truly [violent](#), with some horrific acts of terrorism against Israeli civilians.

Regardless, the White House has [declared](#) the term to be “hate speech.” As a result, allowing signs or slogans saying “Globalize the Intifada”—essentially a version of the [longtime activist call](#) to “Globalize Resistance”—could become grounds for suppressing an organization or the individuals using these slogans.

More disturbingly, there is currently a bipartisan effort to require the federal government to suppress pro-Palestinian activism on campuses through the use of Title VI by using a dramatically broad definition of what constitutes antisemitism.

There have been a number of efforts by scholars of antisemitism to form a working definition, most of whom support the [Jerusalem Declaration on Antisemitism](#) and [The Nexus Project](#). Last year, the White House [developed](#) its own fact sheet in identifying and countering antisemitism.

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That debate shifted in early May, when the U.S. House of Representatives passed, by a 320-91 margin, a [bill](#) that would codify the [working definition](#) of antisemitism put forward by a Sweden-based group called the International Holocaust Remembrance Alliance, which conflates antisemitism with legitimate criticism of Israeli policies.

An example of antisemitism used by the IHRA is “denying the Jewish people their right to self-determination.” This means that a college or university administration that tolerates student groups or individuals supporting a democratic secular state in Palestine or a single state between the Jordan River and the Mediterranean Sea could lose federal funding.

Another example is “applying double standards by requiring [Israel] a behavior not expected or demanded of any other democratic nation.” This would allow for targeting anyone who, for whatever reason, chose to focus their human rights activism on Israel rather than other countries.

And simply saying that Zionism is a racist endeavor would also be considered antisemitic speech under this definition.

In effect, the bill would require the Department of Education to consider the failure of a college or university to suppress protected speech as actionable harassment under Title VI. If this measure becomes law, pro-Israel Jewish students could claim that being exposed to anti-Israel speech or activism creates a “hostile environment” for them as Jews. Their institution would then be responsible for suppressing said speech in order to avoid being sued by the federal government for allowing activities supposedly motivated by antisemitism.

Noting how federal law [already prohibits](#) federally-funded entities from tolerating antisemitic discrimination and harassment, the American Civil Liberties Union [argues](#) that this bill would “likely chill free speech of students on college campuses by incorrectly equating criticism of the Israeli government with antisemitism.”

Similarly, [Hadar Susskind](#), president of the liberal Zionist group Americans for Peace Now, observed that the bill's supporters "aren't interested in protecting Jews. They are interested in supporting rightwing views and narratives on Israel and shutting down legitimate questions and criticisms by crying 'antisemite' at everyone, including Jews, who oppose the Netanyahu, Ben-Gvir, Smotrich government."

Interestingly, American attorney and author Kenneth Stern, the chief drafter of the IHRA definition, has [warned against](#) using it as a means to punish Americans who object to the policies of the Netanyahu government, raising concerns that college administrations will "fear lawsuits when outside groups complain about anti-Israel expression, and the University doesn't punish, stop, or denounce it."

A number of Jewish members of Congress have spoken out against the bill as well. As Representative Sara Jacobs, Democrat of California, in [observed](#), "Conflating free speech and hate crimes will not make Jewish students any safer. This bill would stifle First Amendment rights to free speech and free assembly. And it would distract from real antisemitism and our efforts to address it."

Similarly, the vehemently pro-Israel Congressman Jerry Nadler, a New York Democrat, [asserted](#), "This bill threatens to chill constitutionally protected speech. Speech that is critical of Israel—alone—does not constitute unlawful discrimination. By encompassing purely political speech about Israel into Title VI's ambit, the bill sweeps too broadly."

Such voices are in the minority, however. Most House Democrats joined the Republican majority in supporting it and the bill is now under consideration by the Senate.

Ironically, it may be conservative Republicans who end up blocking the bill. The IHRA definition includes as an example of antisemitism "claims of Jews killing Jesus." A number of [Christian conservatives](#) are concerned that this could be interpreted to not only include classic antisemitic slurs regarding collective Jewish responsibility for Christ's death, but simply acknowledging the role of Jews in his arrest and crucifixion as described in the Gospels. Some more libertarian-minded Republicans, concerned with the free speech implications, have [voiced objections](#) as well.

Antisemitism—like racism, sexism, and other forms of discrimination—is ubiquitous and, while not as deep or widespread within the student pro-Palestinian movement as many claim, it certainly exists there as well. Antisemitism must be recognized, called out, and unequivocally condemned. But this is not what these efforts by Congress and the Biden Administration are about. Rather, they are desperate attempts to disrupt and undermine the longstanding tradition of student activism in support of peace, human rights, and ethical investment policies.