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I drafted the definition of antisemitism. Rightwing Jews are weaponizing it
Kenneth Stern

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📹 Jared Kushner, the president's son-in-law and special adviser, wrote in the New York Times that the definition 'makes clear [that] Anti-Zionism is antisemitism.' Photograph: Manuel Balce Ceneta/AP

Fifteen years ago, as the American Jewish Committee's antisemitism expert, I was the lead drafter of what was then called the "working definition of antisemitism". It was created primarily so that European data collectors could know what to include and exclude. That way antisemitism could be monitored better over time and across borders.

It was never intended to be a campus hate speech code, but that's what Donald Trump's executive order accomplished this week. This order is an attack on academic freedom and free speech, and will harm not only pro-Palestinian advocates, but also Jewish students and faculty, and the academy itself.

The problem isn't that the executive order affords protection to Jewish students under title VI of the Civil Rights Act. The Department of Education made clear in 2010 that Jews, Sikhs and Muslims (as ethnicities) could complain about intimidation, harassment and discrimination under this provision. I supported this clarification and filed a successful complaint for Jewish high school students when they were bullied, even kicked (there was a "Kick a Jew Day").

But starting in 2010, rightwing Jewish groups took the "working definition", which had some examples about Israel (such as holding Jews collectively responsible for the actions of Israel, and denying Jews the right to self-determination), and decided to weaponize it with title VI cases. While some allegations were about acts, mostly they complained about speakers, assigned texts and protests they said violated the definition. All these cases lost, so then these same groups asked the University of California to adopt the definition and apply it to its campuses. When that failed, they asked Congress, and when those efforts stalled, the president.

As proponents of the executive order like the Zionist Organization of America make clear, they see the application of the definition as "cover[ing] many of the anti-Jewish outrages ... frequently led by ... Students for Justice in Palestine, including ... calls for 'intifada' [and] demonizing Israel". As much as I disagree with SJP, it has the right to make "calls". That's called free speech.

If you think this isn't about suppressing political speech, contemplate a

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parallel. There's no definition of anti-black racism that has the force of law when evaluating a title VI case. If you were to craft one, would you include opposition to affirmative action? Opposing removal of Confederate statues?

Jared Kushner, the president's son-in-law and special adviser, wrote in the New York Times that the definition "makes clear [that] Anti-Zionism is antisemitism". I'm a Zionist. But on a college campus, where the purpose is to explore ideas, anti-Zionists have a right to free expression. I suspect that if Kushner or I had been born into a Palestinian family displaced in 1948, we might have a different view of Zionism, and that need not be because we vilify Jews or think they conspire to harm humanity. Further, there's 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.

The real purpose of the executive order isn't to tip the scales in a few title VI cases, but rather the chilling effect. ZOA and other groups will hunt political speech with which they disagree, and threaten to bring legal cases. I'm worried administrators will now have a strong motivation to suppress, or at least condemn, political speech for fear of litigation. I'm worried that faculty, who can just as easily teach about Jewish life in 19th-century Poland or about modern Israel, will probably choose the former as safer. I'm worried that pro-Israel Jewish students and groups, who rightly complain when an occasional pro-Israel speaker is heckled, will get the reputation for using instruments of state to suppress their political opponents.

Antisemitism is a real issue, but too often people, both on the political right and political left, give it a pass if a person has the "right" view on Israel. Historically, antisemitism thrives best when leaders stoke the human capacity to define an "us" and a "them", and where the integrity of democratic institutions and norms (such as free speech) are under assault.

Rather than champion the chilling of expressions that pro-Israel Jews find disturbing, or give the mildest criticism (if any) of a president who repeatedly uses antisemitic tropes, why weren't those Jewish officials who were present when Trump signed the executive order reminding him that last year, when he demonized immigrants and called them "invaders", Robert Bowers walked into a Pittsburgh synagogue because he believed Jews were behind this "invasion" of brown people as part of a plot to harm white people, and killed 11 of us?

Kenneth Stern is the director of the [Bard Center for the Study of Hate](#), and the author of the forthcoming [The Conflict Over the Conflict: The Israel/Palestine Campus Debate](#)

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