
Academic Freedom and Antisemitism in UK Universities

Matthew Bolton, Rosa Freedman and John Hyman

1. Introduction

Since October 7, 2023, when Hamas perpetrated the most heinous massacre of Jews since the Holocaust,¹ and the immensely destructive war in Gaza that followed, there has been a surge of antisemitism in UK universities.² The vocal anti-Zionist and anti-Israel sentiment on campuses has at times tipped over into outright anti-Jewish discrimination and harassment. A survey conducted of Jewish students in the summer of 2024 found that many of them have experienced abuse, discrimination and/or ostracization, and many reported feeling unable to fully participate in university and/or campus life and activities.³

On UK campuses where anti-Israel encampments and protests have taken place, these actions have exacerbated what was already widely considered a “hostile environment” for Jews and Israelis.⁴ Within some academic disciplines, departments, trade unions, and student political groups, as well as online, there has been a significant increase in targeted abuse of Jews and Israelis. The abuse often involves using the term “Zionism” or “Zionist” as a synonym for those groups, and at the same time meaning “racist,” “imperialist,” “colonialist,” “supporter of genocide” or “Nazi.”⁵ There have been loud and widespread demands by protesters that their university should be a “Zionist free zone” or that there should be “No Zionists on campus.” Increasingly, Jewish students and staff are expected to publicly denounce Israel and Zionism if they wish to be treated as part of the “community of the good,”⁶ that is, as legitimate members of the university. If they do not comply, they are assumed to be “Zionists” and therefore regarded as legitimate targets for ostracism and verbal attack. It is within this painful context that Jewish students and staff are expected to participate in university and campus life, to study and to research, to engage in extracurricular activities, and to be part of their academic communities.

The triangulation of far-right fascist antisemitism, radical Islamist antisemitism, and radical leftwing antisemitism is well-understood.⁷ In UK universities there are strong safeguards against fascist antisemitism,⁸ and

largely it is dealt with appropriately when it does rear its ugly head. But the surge in antisemitism on campuses

1. “Israel and Gaza,” UK PARLIAMENT (Oct. 16, 2023), available at https://hansard.parliament.uk/commons/2023-10-16/debates/4B1D5F8B-41E2-4977-8559-51C36494AC90/IsraelAndGaza?utm_source=HOC+Library+-+Current+awareness+bulletins&utm_campaign=7a7e42c8ee-Current_Awareness_IADS_17_10_2023&utm_medium=email&utm_term=0_f325cdb
2. For example, Community Security Trust data shows “a rise of 465%” in university-related antisemitic incidents in the first half of 2024 compared with the same period in 2023. See “Antisemitic Incidents Report January-June 2024,” CST (Aug. 8, 2024), available at <https://cst.org.uk/news/blog/2024/08/08/antisemitic-incidents-report-january-june-2024>
3. “‘I have never felt less protected as a Jew’: Antisemitism at UK Universities since 7th October 2023,” ICPG (Oct. 2024), available at https://www.icpg.org.uk/_files/ugd/e23fb6_f233abe19150411c95e84a73196b8bbf.pdf
4. Barry A. Farber and Arielle Poleg, “Campus diversity, Jewishness, and antisemitism,” 75 JOURNAL OF CLINICAL PSYCHOLOGY 2034-2048 (2019); see also Graham Wright, Shahr Hecht, Sasha Volodarsky, and Leonard Saxe, “Antisemitism on Campus: Understanding Hostility to Jews and Israel,” COHEN CENTER FOR MODERN JEWISH STUDIES (Aug. 2024), available at <https://www.brandeis.edu/cmjs/research/antisemitism/antisemitism-on-campus.html>; see also David Hirsh, “The Meaning of David Miller,” in MAPPING THE NEW LEFT ANTISEMITISM: THE FATHOM ESSAYS 209-222 (Alan Johnson ed., Routledge 2023).
5. David Hirsh, “How the Word ‘Zionist’ Functions in Antisemitic Vocabulary,” 4 JOURNAL OF CONTEMPORARY ANTISEMITISM 1-18 (2021).
6. David Hirsh has described this phenomenon as being excluded from academia’s “community of the good.” See David Hirsh, CONTEMPORARY LEFT ANTISEMITISM (Routledge, 2017).
7. Jeffrey Herf, THREE FACES OF ANTISEMITISM: RIGHT, LEFT AND ISLAMIST (Routledge, 2024).

since October 7, 2023 builds upon decades of radical leftwing antisemitism and the increasing foothold of radical Islamist antisemitism in UK universities.⁹ While many within such circles strenuously deny harboring animosity towards “Jews as Jews,” our research demonstrates that traditional antisemitic tropes are commonly projected onto Israel.¹⁰ But just as demonizing Jews is antisemitic, so is demonizing Israel – the only Jewish state – and so too is denying Jews the right of self-determination,¹¹ which every other people has or can legitimately aspire to. Yet in UK universities, Israel and Zionism are regularly denounced 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.¹²

All of this is occurring within the context of several legal duties that bind UK universities. UK universities have (a) a general legal duty to protect freedom of expression on campus; (b) a duty to prevent discrimination and harassment based on protected characteristics; and (c) a university-specific institutional duty to protect the academic freedom of research and study. Currently, UK universities are meeting neither (b) nor (c) in their response to the menace to Jewish students and academic staff posed by antisemitism, particularly anti-Israel antisemitism. That is, they are neither preventing discrimination and harassment, nor protecting freedom of research and study.

In this article, we first explore the legal and political duties of UK universities regarding combatting and addressing antisemitism on campuses – protecting Jewish staff and students from harassment and discrimination, in the context of general duties of ensuring freedom of speech, academic freedom, and equality and diversity. The next section focuses on data gathered about the different manifestations and impact of antisemitism on Jewish students since October 7, 2023. Lastly, we provide three general conclusions about these issues within universities and across the higher education sector.

2. UK Universities’ Legal Duties

UK universities are bound by a range of legal duties in relation to speech on campus. First is the general legal obligation to protect freedom of expression (or free speech). The rights to freedom of expression and freedom of thought, conscience/belief and religion are all protected by both the European Convention of Human Rights¹³

and the Human Rights Act 1998.¹⁴ More specifically for universities, Section 43 of the Education (no. 2) Act 1986 obligates universities to “secure” freedom of speech “within the law... for members, students and employees of the establishment and for visiting speakers.” Universities are also required under the Equality Act 2010 not to engage in, instruct, cause, induce or aid in discrimination against or harassment of their students or staff with protected characteristics. Moreover, they are liable for such conduct on the part of their employees or agents unless they show that they took all reasonable steps to prevent it. 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 Equality Act 2010 also deems it 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.¹⁵ The

8. This reflects, more broadly, the longstanding impact of the anti-fascist movement in British society throughout recent history. See Nigel Copsey, *ANTI-FASCISM IN BRITAIN* (Routledge 2017).

9. See Johnson, *supra* note 4.

10. ICPG, *supra* note 3.

11. This right is found in the purposes and principles of the UN Charter (1945) and is further enshrined legally in Article 1 of the International Covenant on Civil and Political Rights (1976) and the International Covenant on Economic, Social and Cultural Rights (1976), which jointly codify the Universal Declaration of Human Rights (1948).

12. Adam Kirsch, *ON SETTLER COLONIALISM: IDEOLOGY, VIOLENCE AND JUSTICE* (W.W. Norton & Co. 2024); see also Simon Sebag Montefiore, “The Decolonization Narrative Is Dangerous and False,” *THE ATLANTIC* (Oct. 27, 2023), available at <https://www.theatlantic.com/ideas/archive/2023/10/decolonization-narrative-dangerous-and-false/675799/>; see also Derek J. Penslar, “Is Zionism a colonial movement?” in *COLONIALISM AND THE JEWS* 275-300 (Ethan B. Katz, Lisa Moses Leff & Maud S. Mandel eds., Indiana University Press, 2017).

13. Convention for the Protection of Human Rights and Fundamental Freedoms art. 9, 10, Nov. 4, 1950, 213 U.N.T.S. 221, as amended by Protocols Nos. 11 and 14.

14. Human Rights Act 1998, c. 42, art. 9, 10 (UK).

15. *Miller v. University of Bristol*, [2023] UKET 1400780/2022.

implication is that Zionism is also a protected belief, but this has yet to be tested in court.¹⁶ The question of how universities should deal with antisemitism on campus, particularly Israel-related antisemitism, sits at the intersection of these legal duties.

Freedom of conscience, thought, and belief is an absolute right, whereas the freedom of expression is a qualified right.¹⁷ This means that the right to expression may be limited where it is proportionate and legitimate to do so. UK criminal law, for example, prohibits racially or religiously aggravated speech; threats to kill; endeavors to break up a public meeting; speech that intentionally seeks to provoke violence, or cause harassment, alarm or distress; speech that is intended or likely to stir up hatred; speech that incites the commission of acts of terrorism overseas or invites or encourages support for proscribed organizations; and speech which encourages or glorifies terrorism.¹⁸ Nor can the right to expression be used to limit the rights of others to free expression.

The 1988 Education Reform Act established the right to academic freedom, which is 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.”¹⁹ Academic freedom goes beyond the right to freedom of expression: it is the right of scholars to pursue their research free from political, social, or economic pressures.²⁰ Academic freedom ensures – or at least aims to ensure – that scholars are able to challenge orthodox thinking and practice without fear of reprisals from their employer or colleagues. Unlike the general right to free expression, the right of academic freedom is coupled with an obligation that academic expression adheres to the professional standards and competence expected within a given discipline, including the consideration of and engagement with opposing views and arguments. In this way, academic freedom protects the right of students and staff to study and research.

The Equality Act 2010 sets out the legal duties of universities relating to discrimination or harassment of individuals with a protected characteristic, and as noted above, Jewish identity is protected under both the categories of race and religion, with Israeli nationality falling under “race.” Discrimination can be either direct or indirect. As public bodies, universities are also subject to the Public Sector Equality Duty under the Equality Act. Universities must “advance equality of opportunity” and “have due regard to the need to...foster good relations” between “people who share a relevant protected

characteristic and persons who do not share it.”²¹ In the Equalities and Human Rights Commission (EHRC) guidance on the Public Sector Equality Duty (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.”²²

These responsibilities mean that universities are legally justified in regulating expression on campus that constitutes discrimination or harassment of a person with a protected characteristic. Moreover, according to the EHRC, universities should recognize 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.” However, the EHRC also advised that “views expressed in teaching, debate or discussion on matters of public interest, including political

-
16. The concept of Zionism constituting a legally protected belief is indicated by the Employment Tribunal Appeal decision in the leading case, *Grainger Plc & Ors v. Nicholson*, [2009] UKEAT 0219/09, where a belief is defined as concerning “a weighty and substantial aspect of human life and behaviour,” with “a certain level of cogency, seriousness, cohesion and importance.” *McEleny v. Ministry of Defence*, [2019] EWCA 4105347/2017 established that a belief in Scottish national independence constitutes a protected belief.
 17. Gehan Gunatilleke, “Justifying limitations on the freedom of expression,” 22 *HUMAN RIGHTS REVIEW* 91-108 (2021).
 18. These are all contained in different criminal law Acts and are an illustrative list of the ways in which freedom of expression is proportionately and legitimately limited by the law.
 19. Education Reform Act 1988, c.40, § 202(2)(a) (UK).
 20. Ralph F. Fuchs, “Academic freedom – Its basic philosophy, function, and history,” 28 *LAW AND CONTEMPORARY PROBLEMS* 431-446 (1963). For a more comparative analysis and understanding across jurisdictions, see Conrad Russell, *ACADEMIC FREEDOM* (Routledge, 2002).
 21. Equality Act 2010, c. 15, §§ 149–157 (UK).
 22. Freedom of expression: A guide for higher education providers and students' unions in England and Wales,” EQUALITY AND HUMAN RIGHTS COMMISSION (Feb. 2019), available at https://www.equalityhumanrights.com/sites/default/files/what_equality_law_means_for_you_as_an_education_provider_further_and_higher_education.pdf

or academic communication, are...unlikely to be seen as harassment.”²³

Universities are also obliged to provide their services with reasonable skill and care, including the provision of a safe and satisfactory educational environment for all. In practice it is university codes of conduct rather than legal regulation that are the principal factors shaping the day-to-day environment. Nevertheless, the failure to satisfactorily address complaints under university regulations could potentially be challenged via an appeal to the Office of the Independent Adjudicator. It is therefore clear that universities face an ongoing challenge of protecting and fostering free speech, preventing discrimination and harassment of those who share a relevant protected characteristic, and ensuring that the central purposes of the university – knowledge production, teaching, and research – are at the heart of all its policies, processes, and activities.

3. Academic Freedom and Antisemitism

In recent years, universities have faced criticism for placing more importance on their equality, diversity, and inclusion (EDI) duties – that is, the prevention of alleged harassment and discrimination against individuals with a protected characteristic – than academic freedom. As a result, there have been 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. In those cases, attempts were made to constrain the speech of those people. This has been particularly egregious in the context of discussions about sex-based rights and the rights of transgender individuals, a topic that we will not discuss in detail owing to space constraints.²⁴

Regarding antisemitism, and in particular Israel-related antisemitism, the balance between academic freedom and EDI has often seemed to tilt in the opposite direction. Rather than prioritizing the prevention of potential harms to Jewish staff and students, here the demand for “free speech on Israel” is the dominant position. Indeed, claims that harms are being inflicted upon Jewish staff and students are commonly portrayed as cynical attempts to suppress legitimate political criticism of Israel. The very idea that some forms of expression about Israel or Zionism might constitute antisemitism is routinely dismissed as a politically motivated “smear” or as pro-Israel propaganda.²⁵

The risk of harm to staff and students is especially acute when a minority of academics, backed by the most

vocal elements of the student body, seeks to impose a single set of ideological and political positions upon entire disciplines and departments. Those who make counterarguments can find themselves subject to social ostracization, vexatious complaints, or political protests. Others too often remain silent for fear of similar reprisals. This development of ideological monocultures within certain disciplines and departments in the arts, humanities, and social sciences poses a distinct threat to academic freedom, not from political, social or economic forces external to the university, but from 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.

The tendency towards an ideological monoculture within certain departments and disciplines when it comes to questions of Israel-related antisemitism has been a crucial factor in turning many British campuses into a

23. *Ibid.*

24. For an account of “academic mobbing” in the context of the sex and gender debates, see Ian Pace, “Academic mobbing – What university management needs to know,” *SEX MATTERS* (2024), available at <https://openaccess.city.ac.uk/id/eprint/33445/>

25. David Schraub has described the tendency to immediately reject, deny or delegitimize Jewish claims of antisemitism, without further consideration, as “epistemic antisemitism.” See David H. Schraub, “The Epistemic Dimension of Antisemitism,” 15 *JOURNAL OF JEWISH IDENTITIES* 153-179 (2022). 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; see “Investigation into antisemitism in the Labour Party,” EHRC (Oct. 2020), at 28, available at <https://www.equalityhumanrights.com/sites/default/files/investigation-into-antisemitism-in-the-labour-party.pdf>. There is also a substantial philosophical literature on epistemic injustice, stemming from Miranda Fricker, *EPISTEMIC INJUSTICE: POWER & THE ETHICS OF KNOWING* (Oxford University Press, 2007).

“hostile environment” for Jews. 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, but are instead treated very differently compared to all other countries and political movements, in that they are “othered” in the way that antisemites “other” Jews as different from all other people. The protests and harassment experienced by many Jewish students following the attacks on October 7, 2023, and subsequent war are therefore an intensification of a trend that has been in progress for decades, rather than a novel development.

For example, in 2023 a report on the National Union of Students by Rebecca Tuck KC, commissioned by the NUS, found that Jewish students have faced a “hostile” culture and at times 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.”²⁶ “Open letters” denouncing Israel and Zionism have long been regularly circulated within departments, with staff members risking ostracization if they refuse to sign.²⁷ In some cases entire departments sign such statements as a department.²⁸ 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.²⁹ 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 legitimized, if not outright celebrated.³⁰ Demands for “No Zionists on campus” seek to prevent some students and staff from accessing university resources.

To the extent that this mode of extreme anti-Zionism becomes axiomatic within a discipline or department, it represents both a severe constriction of academic freedom for those who might disagree while simultaneously increasing the likelihood of discrimination and harassment of Jewish staff and students. Before turning to student experiences of antisemitism since October 7, it is important to understand two key threats to academic freedom that are specific to Jewish staff and students on campus: the encampments which foment pro-Palestinian and anti-Israel sentiments, and demands for boycotts, divestment, and sanctions.

The right to freedom of expression and freedom of association and assembly together comprise a right to

protest peacefully,³¹ which constitutes a central component in any functioning democracy. However, these are qualified rights, rather than absolute rights, and therefore universities may legally impose limits on protest, and indeed may be legally obligated to do so under certain circumstances. These include circumstances when protests create an atmosphere where individuals with a relevant protected characteristic are liable to face harassment, or direct or indirect discrimination. Protests may also prevent universities from fulfilling their legal obligation to “foster good relations” between individuals with a relevant protected characteristic and those without.

At a certain point, protests on campus can impede academic freedom. 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. This form of obstruction of access

26. Nina Lloyd, “Jewish students ‘faced hostile culture’ in National Union of Students,” INDEPENDENT (Jan. 12, 2023), available at <https://www.independent.co.uk/news/uk/national-union-of-students-jewish-president-palestinian-union-of-jewish-students-b2260763.html>

27. David Hirsh, “Some thoughts on antisemitism in academia, May 2021,” ENGAGE (May 23, 2021), available at <https://engageonline.wordpress.com/2021/05/23/some-thoughts-on-antisemitism-in-academia-may-2021-david-hirsh/>

28. See the list of gender studies departments that signed up to a Palestine solidarity statement in 2021. “Gender Studies Departments in Solidarity with Palestinian Feminist Collective,” GENDER STUDIES DEPARTMENTS IN SOLIDARITY WITH PALESTINIAN FEMINIST COLLECTIVE, available at <http://genderstudiespalestinesolidarity.weebly.com/>

29. JC Reporter, “Uni student marked down for not blaming Israel in essay awarded payout,” THE JC (March 16, 2023), available at <https://www.thejc.com/news/uni-student-marked-down-for-not-blaming-israel-in-essay-awarded-payout-b9rv6r9g>

30. Louisa Clarence-Smith and Ewan Somerville, “Students face criminal action if they support Hamas, warn university vice-chancellors,” THE TELEGRAPH (Oct. 9, 2023), available at <https://www.telegraph.co.uk/news/2023/10/09/uni-societies-social-media-supporting-hamas-israel/>

31. Helen Fenwick, “The Right to Protest, the Human Rights Act and the Margin of Appreciation,” 62 MOD. L. REV. 491 (1999).

can be unlawful under the criminal offenses of public nuisance and aggravated trespass. 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 ostracization, harassment or interruptions to their work or lectures. Such pressures amount to an externally imposed restriction on academic freedom.

Recognizing the wider potential impact of protests is particularly important when they are not isolated events but instead develop into long-term encampments or occupations. The relative permanence of an encampment or occupation, particularly one that dominates shared spaces with large banners and loudspeakers, can have a significant impact. It can become impossible for students and staff who hold a different view to avoid such long-term encampments, and the campus may become a space in which they feel unable to openly express an opposing view, or even merely access university facilities and participate in its activities while the encampment or occupation is ongoing. Encampments that obstruct access are also unlawful on other grounds, including criminal offenses of public nuisance and aggravated trespass.

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, regarding issues like Israel and Palestine where Jewish and Israeli 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 and Israeli staff and students.

Regarding 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 as the IHRA “working definition.”³² While these definitions can be helpful in determining when statements or actions are antisemitic, they are only truly effective when applied with an adequate level of knowledge about 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.

There is general agreement, however, on the antisemitic nature of statements or images conflating Israel, Israelis, “Zionists” or Jews with Nazi Germany or Nazis, Israeli leaders with Hitler, Palestine or Gaza with Auschwitz or the Warsaw Ghetto, or which use Nazi language such as “final solution.”³³ Similarly, antisemitic tropes are agreed at the very least to include portraying Israel, Israelis, “Zionists,” or Jews as secretly controlling the world, the media, the financial and banking sector, other national governments, or world wars. Imagery of tentacles or octopuses are common markers of these ideas, or depicting Israel, Israelis, “Zionists” or Jews as devils, drinking blood, eating bodies, or deliberately targeting or delighting in the murder of children.

Other forms of antisemitism from encampments and protests include statements or imagery which celebrate, justify or call for violence against Israeli citizens or Jews; statements or imagery calling for Israelis or Jews to “go back” to Eastern Europe; statements or imagery targeting Jewish students on campus (individually or collectively), Jewish student organizations or events, or Jewish religious organizations or events on campus, including chaplaincies – whether those individuals, organizations or events are labelled as Zionist or Jewish; demands that a Jewish individual or group take a position on Israel or Zionism; and the use of one strand of Jewish opinion as a means to delegitimize another.

Not all the examples above are necessarily unlawful speech, because antisemitic speech, like other kinds of racist speech, is not invariably unlawful. But the types of antisemitic imagery and statements described above threaten academic freedom, reinforce attempts to impose ideological orthodoxies on departments and disciplines, and create or contribute to an atmosphere within which direct, targeted discrimination and harassment of individuals may follow.

The second specific threat to academic freedom has been the demand for a boycott of Israeli universities and academics. The default policy within higher education should always be one of cooperation and exchange with

32. “Working definition of antisemitism,” INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE, available at <https://holocaustremembrance.com/resources/working-definition-antisemitism>

33. 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.

foreign scholars and higher education institutions. The ongoing development of academic research is grounded in the free exchange of ideas and debate between scholars, regardless of location or the political situation in which they find themselves. As with academic freedom generally, the standard of judgment for participation in academic discourse is one which resides within the discipline itself, rather than being imposed from outside.

Boycotting individual scholars because the politics of the state in which they reside or the leadership of the university in which they work is to punish them for policies for which they cannot reasonably be held responsible. Applied consistently, boycotting scholars because of their nationality or the country in which they work would lead to boycotts against scholars in a long list of countries and the collapse of academic collaboration.

There may be extreme cases where a university itself poses a threat to academic freedom – where the entire institution, or a significant number of its staff, decisively contribute to repressive government conduct which itself poses a threat to academic freedom, or where the university has become nothing but a mouthpiece for the government. Since no mechanical rule can apply, country-specific or institution-specific analyses must be undertaken to determine whether academic cooperation serves an overall goal of promoting rather than undermining norms of academic freedom and knowledge production. In the case of Israel, insufficient evidence exists to suggest that these criteria are met. To the contrary, there is ample evidence that Israeli universities remain sanctuaries for critical scrutiny of, and, at times, fierce dissent from government policy.

4. Student Experiences of Antisemitism

There are approximately 250,000 Jews in the UK (0.4% of the population).³⁴ Jewishness falls within the protected characteristics of “religion” and “race” under the Equality Act 2010. There is no single universally accepted definition of antisemitism, but over recent years there has been far greater understanding of how it is manifested and how it may be combatted.

The Intra-Community Professorial Group (ICPG),³⁵ which was formed in the face of the attacks and harassment against Jews on campuses, and the hostile environment for them in academia, conducted a survey of Jewish students’ experiences on campuses since October 7, 2023.³⁶ The dataset allows us to understand how antisemitism is manifested and is experienced across the sector. The survey was conducted between May 29

and July 3, 2024. Inclusion criteria included self-identifying as Jewish and attending a UK university as a student during the 2023-2024 academic year. In total, there were 497 participants from 84 universities. There are approximately 9,000 Jewish university students out of 2.86 million UK students. Of the 141 universities on the UK list, a small number of universities have more than 150 Jewish students and many have few or none. About a third of UK universities have a formal Jewish student society, or a connection to one (e.g. shared ones in cities such as Nottingham, Liverpool and Leeds).

The survey and the report on those results is not based on a probability statistical sample of the Jewish student population, and as such the results should be used with caution. Nevertheless, the survey captured a substantial number of responses within a short time frame, approximately 1 in 18 Jewish students. The number of responses suggests how engaged many students are with this problem. The geographical and disciplinary distribution of the survey responses demonstrate that the participants are broadly representative of Jews on campuses, with large numbers coming from major cities, where there is a larger Jewish presence on campus, as well as others at universities without Jewish societies, infrastructure, or often even other Jews. A wide range of views were captured within the responses and free text boxes, which are cited in the report.³⁷

When asking about experiences of antisemitism, the questions broadly focused either on manifestations from other people (such as through harassment, discrimination, intimidation, exclusion, demonization, or attacks) or modifications to their own behavior due to fears, concerns or worries arising from a hostile environment within the universities. We asked questions about different spaces, including the classroom, the physical campus, shared living spaces, online or virtual learning spaces, social media, and social spaces. We repeated some key questions on student experience before and after October 7. In three

34. Globally there are approximately 15 million Jews in a world population of 8 billion people (0.2% of the population), living in 98 of 193 countries in the world. See <https://www.jpr.org.uk/reports/jews-britain-2021-first-results-census-england-and-wales>

35. See “Home,” INTRA-COMMUNAL PROFESSIONAL GROUP, available at <https://www.icpg.org.uk/>

36. ICPG Report, *supra* note 3.

37. *Id.*

separate questions, between three and four times the number of students reported being victim of physical or verbal antisemitic attacks on campus, in the classroom or online after October 7, 2023, as compared with before that date.

There were three key findings: (1) There was an increase of up to 34 percentage points in the rates of antisemitic abuse in universities since October 7. These include physical attacks, threats of rape, violence, verbal abuse, harassment, and use of Nazi imagery. (2) Jewish students were withdrawing from all aspects of university life, including lecture halls and seminar rooms, online learning spaces, social activities, and entire areas of campus. More than half of the respondents reported being fearful of being on campus, and three-quarters reported being uncomfortable to be open about their Jewish identity. The consequential impact on their ability to participate in university life, let alone their mental and physical health, is profound. This is particularly striking given that the respondents to the survey are likely to be those for whom a Jewish identity plays a significant role in their life. (3) There was compelling evidence that some universities are failing in their responsibility to adequately safeguard Jewish students from verbal abuse and physical attack.

Small, but concerning, numbers relate to personal experience of physical attack, rising from 1.8% to 5.2% since October 7 and fear for one's safety on campus, rising from 17.1% to 53.9%. In other words, more than half of respondents fear for their safety on campus, meaning that they are not having anything like a normal experience of university life. Since October 7, respondents have been avoiding some student groups for fear of insult, harassment, or demonization at rates of 74%; some classes at 33%; some lecturers at 33%; some other staff at 31%; and some buildings or campus areas at 63%. Lastly, we highlight the following comparison rates of being comfortable about Jewish identity before and since October 7: while before, 78.9% were either "somewhat" or "very" comfortable about "being open about your Jewish identity," only 21.7% were correspondingly comfortable since October 7. For completeness, the comparative figures for "somewhat uncomfortable" or "very uncomfortable" rose from 12.2% to 69.6%.

In many ways, while emphasizing that they are indicative rather than representative, the survey results are unsurprising in that they confirm what many people in higher education have reported witnessing or experiencing in UK universities. The data demonstrate the scale of the problem, underscoring the pressing need

to combat the surge in antisemitism over the past year across UK universities. The percentage of students who have personally experienced antisemitism across different spaces is up to 30 points higher than prior to October 7. The most worrying statistic is a rise to nearly 70% of students feeling uncomfortable about their Jewish identity – such high levels of discomfort help explain the patterns of spatial avoidance also reported here. Those experiences have been across all spaces. In this section we provide a few illustrative examples from the many hundreds of responses received.

Students reported physical attacks, including violence, being spat at after leaving a Jewish religious event, being "chased by a man with a large glass bottle," having rubbish thrown at them, being pelted by eggs after hearing the Chief Rabbi speak on campus, and having "Magen David" (Star of David – the universal Jewish symbol) necklaces grabbed from around their necks. Students also reported an increase in verbal threats of violence. These included threats being made from passing cars, passersby, or people known to the students. Respondents noted that they had reported these to the police, to the CST,³⁸ and/or to the university; some are still awaiting a satisfactory response.³⁹

Verbal harassment was a significant theme in the free text responses to the survey, with many students giving examples of how this was manifested. Some harassment was evidently deliberately targeted at students known to be Jewish. One student reported that s/he was "called a child murderer because I said I was Israeli." Another explained that "someone threatened to rape me and called me names because I was Jewish." One student encountered protestors in her/his building who called her/him "a Zionist Nazi" as they tried to move past the protest. Others were opportunistic incidents aimed at students who were visibly Jewish, including antisemitic slurs when walking past encampments, "several occasions of complete

38. The Community Security Trust (CST) is a UK registered charity that protects British Jews from antisemitism and related threats, working in coordination with the police.

39. "It has led to me receiving threats that I would be physically hurt if I am seen at campus. I have not attended... campus and am taking a year out for my safety. I reported it via the student discipline process one and a half months ago but have not had a response, even after sending multiple follow up emails asking for updates."

strangers making antisemitic remarks (e.g. 'you're a fucking pig') in passing,” and someone saying “Heil Hitler” and giving a Nazi salute. This has also occurred in written communications, for example: “The encampment outside the union has placed slogans in chalk including many classic antisemitic tropes and blood libels among other things.”

Respondents reported that the impact of these attacks included fear, intimidation, and shame for the victims. This led to a feeling of isolation and vulnerability amongst many respondents. One student reported: “I have never felt less protected as a Jew and less alone. This year has made me realize the only people who will look after us is each other.” Another stated that her/his overall experience in university was one of “fear, nervousness and frustration on campus.”

The physical violence and verbal attacks were raised by those who reported feeling intimidated into not attending Jewish events, changing their routes across campus, and not wearing things that would identify them as Jewish. Students reported deliberately hiding their Jewish identity for fears of violence, intimidation or discrimination. This occurred in particular in universities with small numbers of Jewish students. Others reported hiding their *kippot* (Jewish skullcaps worn by religious men) and *tzitzit* (religious fringes on clothing worn by men) and making sure no-one “outed” them as Jewish, for fear of attacks. Respondents who hid their Jewish identity reported hearing antisemitic remarks and conversations among classmates who were unaware that there was a Jewish student present.

It is important to note that some respondents praised their university leadership as well as specific academics in their departments for efforts to combat antisemitism. Most students who responded to the survey, however, said that not enough had been done to combat antisemitism in teaching spaces – both physical and online – including social media groups specifically connected to their courses and fellow students. Concerns were raised about academics who focused excessively on Gaza or Palestine in their classes after October 7, including when this was not obviously relevant to the module. Some respondents reported hostility from academics when asking for extensions to work over religious festivals (when the rules of the religion do not allow religious Jews to do any work), which had not occurred prior to October 7. Others raised concerns about antisemitic tropes from academics during lectures. Students were particularly concerned about how “Zionism is substituted for Jew, very thinly veiled. The word Zionist or Zio is now used

as a slur.” Another explained that “language that is ostensibly only antizionist could still be antisemitic, for example calling Zionists ‘rats’ or a ‘disease’.”

Many respondents noted that antisemitism from classmates was ignored by their lecturers. In particular, WhatsApp groups were described as being places where antisemitic content was not just tolerated but was defended, and that even when challenged by academics, the students refused to take down content and instead insisted that the Jewish students leave the group. Others explained that their course mates deliberately intimidated and bullied them into not attending classes or lectures. The respondents complained that there had been no disciplinary action, despite repeatedly complaining about the behavior. One described it as, “A deterioration since 7th October with anti-Jewish racism openly expressed in class which would never be tolerated against another racial group.”

Exclusion and “deliberate isolation by my classmates” were reported to have affected Jewish students’ ability to join groups needed for coursework, intimidated them into not attending lectures and seminars, and impacted their sense of safety beyond those study spaces into their homes and social lives. Many reported problems with their flatmates, with one “having to move house[s]” because of antisemitism. Another reported being “excluded from my society” for being Israeli.

All these forms of antisemitism contribute to the sense of isolation that was reported widely across the different universities. The largest theme that came from the free text responses relate to the hostile environment for Jewish students. This is not necessarily about specific antisemitic actions or speech, but rather the creation of an intimidating or hostile environment in which Jewish students are not able to study and live in UK universities in the ways that students belonging to other minorities are. It is more difficult to quantify the “hostile environment” than other forms of antisemitism.

5. Concluding Observations

The evidence demonstrates that antisemitism in UK universities has surged since October 7, 2023, and that threats to academic freedom have similarly increased in line with that surge. We have three broad conclusions about protecting academic freedom, particularly the right of Jewish and Israeli students and staff to study and to conduct research free from external or internal political, economic or social threats or pressures arising out of their nationality or religion.

1. UK universities have (a) a general legal duty, to

protect freedom of expression on campus; (b) a duty to prevent discrimination and harassment based on protected characteristics; (c) a university-specific institutional duty to protect the academic freedoms of research and study. Currently, UK universities have failed in their duties towards Jewish students and academic staff with respect to preventing discrimination and harassment and protecting freedom to research or study.

2. Anti-Israel protests and encampments on campuses, including in online spaces, have exacerbated what was already considered a hostile environment by many Jewish students and staff. Some university departments, trade unions, and student political societies or groups have directly and indirectly discriminated against, abused, harassed, or excluded Jewish students, either in person or online.

3. Traditional antisemitic concepts and tropes are being used by staff and students who are either pro-Palestinian, anti-Israel, or both. Israel and Zionism are regularly demonized and delegitimized, often using blood libels or other anti-Jewish tropes, and students or academics labelled as Zionists are routinely viewed as

legitimate targets for discrimination, harassment, abuse, and attack.

We have proposed specific recommendations based on these three broad conclusions, which we have published previously, and are supporting UK universities individually, and the sector more generally, to implement them.⁴⁰ It is only through robust, evidence-based actions and safeguarding that academic freedom can and will remain at the heart of all academic activities, and that all staff and students will be able to exercise their legal rights on campuses. ■

Matthew Bolton, Post-doctoral Research Fellow, School of Law, Queen Mary University London.

Rosa Freedman, Professor of Law, Conflict and Global Development, School of Law, University of Reading.

John Hyman, Grote Chair in the Philosophy of Mind and Logic, Dept. of Philosophy, Faculty of Arts & Humanities. University College London.

40. See https://www.icpg.org.uk/_files/ugd/e23fb6_b1f1fb36b62f4ec7821794253fe66a17.pdf