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War and the Collapse of the Campus Speech Consensus:

Israel, Hamas, and the contradictions of college administrators.

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On November 6, Brandeis University [announced](#) it would ban the group Students for Justice in Palestine from campus, making it the first private institution to enact such a policy. This followed on the heels of Gov. Ron DeSantis [ordering](#) Florida's public colleges to do the same. These aren't the only signs of a backlash against progressive critics of Israel in the wake of Hamas's October 7 massacre. Donors to various elite American universities have [reacted](#) to student protesters who seemed to condone Hamas's actions with demands that the institutions condemn those involved — or put any future largess at risk. And a number of students have faced reputational and professional consequences over their participation in pro-Palestine activism.

All of this amounts to a dramatic reversal in the free-speech battles that have roiled campuses for years. Many on the left who dismissed calls for free speech not long ago are now appealing to their First Amendment rights, while many who advocated for free and open debate are now calling for limits on speech, at least when it comes to justifying terrorism and questioning Israel's right to exist. These shifts, in turn, have led predictably to accusations of hypocrisy and opportunism from both sides.

In reality, what current controversies make clear is that the campus free-speech wars have only ever been secondarily about speech. Instead, they were primarily about the paternalistic role universities have arrogated for themselves as protectors of vulnerable groups, often at the expense of any

coherent pedagogical mission. For a while, the contradictions of this mission could be brushed aside. Today, competing demands for protection are making the entire enterprise unsustainable.

The cycle of campus speech conflicts that we now seem to be leaving behind began in 2017. That was the year a Middlebury College student group invited the conservative scholar Charles Murray to campus, occasioning a violent fracas that sent a faculty member to the hospital with a concussion. The same year, the alt-right stars Richard Spencer and Milo Yiannopoulos both prompted riots with their appearances at colleges, and the biology professor Bret Weinstein was chased off the Evergreen State College campus for criticizing a racial-awareness event. The pattern set then has continued to play out time and again, as when students shouted down the conservative judge Kyle Duncan in March at Stanford University. In each case, advocates of free speech have faced off against those alleging the speech in question would harm vulnerable groups.

Just as all these disputes were coming to a head, Ulrich Baer, a vice provost at New York University, published a *New York Times* [opinion essay](#) titled “What ‘Snowflakes’ Get Right About Free Speech.” The efforts to block speeches by figures like Murray, Yiannopoulos, and Spencer, Baer argued, “should be understood as an attempt to ensure the conditions of free speech for a greater group of people, rather than censorship.” Freedom of speech, he goes on, “does not mean a blanket permission to say anything anybody thinks.” Limitations are justified when they serve to “ensure other members of a given community can participate in discourse as fully recognized members of that community.” Accordingly, “some topics, such as claims that some human beings are by definition inferior to others, or illegal or unworthy of legal standing, are not open to debate because such people cannot debate them on the same terms.” By this logic, shutting down an appearance by a speaker whose intervention threatens to further marginalize vulnerable groups is in fact a way of *promoting* free speech for all.

Baer’s essay performed a useful service: It articulated the unstated rationale behind what administrators across the country were attempting to do. “Within the context of an increasingly inclusive university and the changing demographics of society at large,” as Baer put it, it was necessary to acknowledge “the claims of people who had not been granted full participation in public discourse.” If this meant restricting speech that might be seen to call that participation into question, so be it.

The university thus assigned itself a key role in re-engineering public discourse — and with it, society as a whole — in a progressive direction. The playing field would be leveled by suppressing speech from those perceived as denying the full humanity of historically underrepresented groups, while encouraging speech from members of those groups.

An assumption Baer left unspoken was that it would always be possible to determine which group required protection from harmful speech and which group threatened to cause the harm. On one hand, it was imagined, you’d have the inheritors of historical privilege — the racist Murrays and Spencers, the misogynist Yiannopouloses — and on the other, their victims. This presumption of moral clarity owed a great deal to the political backdrop of 2017: the ascension of Donald J. Trump, a politician Baer claimed was seeking to “delegitimize whole groups as less worthy of participation in the public exchange of ideas.” The full-spectrum opposition to Trump across elite campuses reinforced an illusion of consensus over who counted as the oppressors — the MAGA menace and its fellow travelers — and who as the oppressed.

Baer highlighted Yale University, his doctoral alma mater and the site of quite a few free-speech controversies, as a “hotbed of philosophical thinking that acknowledged the claims of people who had not been granted full participation in public discourse.” One wonders, then, what he would make of the case of Zareena Grewal, a Yale professor who has [faced](#) calls for her dismissal after tweeting statements including “Palestinians have every right to resist through armed struggle” and “settlers are not civilians” immediately after October 7, despite that the communities Hamas attacked

are located in Israel proper. Grewal's message was clear: Hamas's massacre of over a thousand unarmed noncombatants was justified because they were citizens of a "genocidal settler state."

Does this not violate Baer's contention that "claims that some human beings are by definition ... unworthy of legal standing, are not open to debate"? Justifying the mass murder of people of a certain nationality would seem to fall in this category of impermissible claims. Indeed, a recent *New York Times* [opinion essay](#) by three Ivy League students about pro-Hamas antisemitism on their campuses echoed Baer: "Free inquiry is not possible in an environment of intimidation." Yet Grewal's defenders might well also appeal to Baer's principle. After all, Palestinians are a marginal, oppressed group with a small presence on campuses; restricting their speech and that of their allies would surely work against their "full participation in public discourse."

In this instance, the framework that has implicitly guided universities' responses to speech controversies in recent years breaks down: If we adopt its premises, permitting speech from one side necessarily infringes upon the other's "participation in public discourse." This isn't the first time conflicting claims to protection have come to blows. Two major campus debates have involved just such a conflict in recent years: affirmative action and trans athletes' participation in women's sports. In both cases, institutions were forced to choose between two groups that could make plausible claims to marginalized status: Asian Americans and African Americans; trans and cis women.

In both cases, elite institutional leadership and communities reached a consensus about which group took precedence. Given their greater visibility and demographic presence women seemed relatively advantaged compared with trans people; and Asian Americans seem more advantaged than African Americans, given the average socioeconomic status of the two groups. Hence, universities mostly chose the path that seemed consistent with their social-engineering mission, even as other elite institutions — notably the Supreme Court — disagreed.

Such determinations are proving harder to make when it comes to the current conflict in the Middle East for a few reasons. On one hand, Jews share with Asians the unfortunate status of an *overrepresented* minority, and are also placed in the “white” demographic category, neither of which wins them many points in the current calculus determining a group’s need for institutional protection. On the other hand, the Holocaust remains the template against which all other harms perpetrated against particular groups are measured. Indeed, Baer offers the example of survivors of the death camps being forced to refute the claims of Holocaust deniers as his central illustration of the limitations of free speech absolutism. As long as the Nazi genocide of Jews retains its paradigmatic status, it is unlikely their claims to protection can be dismissed entirely.

The contest between Jewish and Palestinian claims to protected status has come to the fore a few times previously. Back in 2014, a few years before the more familiar campus free-speech controversies occurred, the Palestinian American scholar Steven Salaita became embroiled in a controversy over tweets attacking Israel for its previous assault on Gaza, underway at the time. The most inflammatory of these read: “Zionists: transforming ‘anti-Semitism’ from something horrible into something honorable since 1948.”

As in the more recent controversies, major donors to the University of Illinois, which had just hired Salaita, revolted, pressuring the university to rescind his offer of employment, which it ultimately did. For many, this was proof that the power structure of universities was stacked against critics of Israel. But it is also true that thousands of Illinois students petitioned the trustees prior to their blocking of Salaita’s appointment. The students used language familiar from other realms of campus social-justice activism, [saying](#) things like “this is about feeling safe on campus” and accusing Salaita of “hate speech” and of “silencing alternative views” through his “incitement to violence.” In other words, the rationale for Salaita’s dismissal was the same used to justify keeping Charles Murray, Milo Yiannopoulos, and other undesirables off campus in recent years.

Based on a few high-profile cases like Salaita's, critics of Israel often claim that the "real cancel culture" is the one *they* face on campus, not the one faced by conservatives. The reality is more complicated. It is true that pro-Israel activists have found allies among the donors and trustees who are able to exert decisive pressure on administrators. Yet the aftermath of October 7 also showed that many professors at elite universities had no hesitation about publicly celebrating a pogrom, not just at Yale but at [Columbia](#) and [Cornell](#) Universities and the [University of California at Davis](#). One might expect more self-censorship if there were systematic suppression of anti-Israel views at universities. The reality is, despite a few heavy-handed interventions, the overall climate of academic opinion on this issue, as on affirmative action and trans rights, bespeaks a pretty clear consensus about who the oppressed are, and it isn't Jews or Israelis.

What has been in evidence lately is the absurdity of a campus speech regime constructed around the idea that in any conflict, oppressor and oppressed can be easily distinguished and speech rights accorded or denied on that basis. This regime has fostered an academic culture in which enthusiasm for mass murder is commonplace when the victims belong to the wrong group, even as statements like "there are two sexes" or criticisms of affirmative action are reliably condemned as "harmful" and "dangerous." Perhaps, as professors and students advocating for the Palestinian cause find themselves on the wrong end of higher ed's social-engineering project, they might reconsider whether elite institutions are well-suited to act as champions of the vulnerable in the first place, or whether they might be better off pursuing more modest aims.

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