

'The Eye of the Beholder'

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Administrators at Columbia and other US universities have been cracking down on student protest against the war in Gaza —even as right-wing politicians demand they go further.

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Spencer Platt/Getty Images

A demonstrator addressing a Palestine solidarity rally at Columbia University four days after the administration suspended Students for Justice in Palestine and Jewish Voice for Peace, New York City, November 14, 2023

On November 10, 2023, Columbia University suspended two student groups that support Palestinian rights: Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP). The previous month both had organized protests on campus against the war that Israel launched on Gaza after the Hamas attacks of October 7. The university's administration claimed that it had suspended them on procedural, rather than political, grounds for holding an "unauthorized" rally on the steps of Low Library, which houses the upper echelons of the Columbia administration, although the letter of suspension also mentioned that the rally "included threatening rhetoric and intimidation." Nine days earlier the administration of Barnard College, which is affiliated with Columbia, had cited its own rules and regulations to deny a room reservation for a talk by the Palestinian poet and activist Mohammed El-Kurd, cosponsored by SJP and the Barnard Center for Research on Women (BCRW). SJP is

registered as a student organization at Columbia University but not officially recognized by Barnard; the college's events management office cited a rule that requires at least five weeks' notice for events cosponsored with an outside group.

Many members of the Columbia and Barnard community have challenged the claim that these were strictly procedural decisions. Several BCRW faculty noted that Barnard's rule on outside cosponsors of events has not generally been enforced. It has by now become clear that Columbia's newly established Special Committee on Campus Safety, which decided on the suspensions, violated long-established norms regarding which university bodies can make disciplinary decisions about student organizations, which governing bodies should be consulted, and what procedures should be followed for changing rules. Shortly before suspending SJP and JVP, the administration allocated to itself the sole and unappealable authority to sanction a student organization for any violation of events policy—a policy that the administration had just unilaterally revised without consultation from students or faculty.¹

The actions of the Columbia and Barnard administrations are not exceptional. Since the start of the latest Israel–Palestine war, it has become all but *de rigueur* for universities to censor speech criticizing Zionism and the Israeli state—especially when student groups are involved. Last month Arizona State University cancelled an event that was to feature Congresswoman Rashida Tlaib, the University of Vermont cancelled another talk by El-Kurd, and Hunter College cancelled a screening of *Israelism*, a documentary by two Jewish filmmakers critical of Jewish-American Zionism. (Hunter reversed the decision after much backlash.) Meanwhile, student protests have been met with unusually draconian responses: twice during the fall semester, Brown undergraduates holding sit-ins in campus buildings were turned over to the Providence Police Department. On November 9 twenty-six students at the University of Chicago—and two faculty members present as observers—were arrested after a sit-in during which they called for divestment from weapons companies that have contracts with Israel.

The political right, for its part, has been using the war to take aim at some of the country's most elite universities. On December 5 the presidents of Harvard, the University of Pennsylvania, and MIT were hauled before Congress to answer questions about the alleged crisis of antisemitism on their campuses. In her opening comments, Virginia Foxx, a Republican from North Carolina, told the presidents that “today each of you will have a chance to answer to and atone for the many specific instances of vitriolic, hate-filled antisemitism on your respective campuses that have denied students the safe learning environment they are due.” Each was asked by Elise Stefanik, a Republican from New York, whether “calling for the genocide of Jews” violated their university's code of conduct. As evidence she offered

only that students had used the word “intifada,” which, she stated, is “a call for violent armed resistance against the state of Israel, including violence against civilians and the genocide of Jews.” (In fact, it is the Arabic word for “uprising,” used to refer to—among other civil society revolts in the Arab world—the first and second Palestinian intifadas, the former of which was a largely nonviolent popular protest movement against the Israeli occupation.)

One after another, the university presidents struggled to answer her, sticking to the First Amendment’s very narrowly construed exceptions to free speech. Over and over Stefanik interrupted their explanations: “Yes, or no? Yes, or no?” The next day headlines declared that the presidents of Harvard, Penn, and MIT would not even condemn calls for the genocide of the Jews. Liz Magill has since resigned as president of Penn, while the Harvard Corporation and MIT’s board of trustees have so far supported their respective presidents.

Although these three presidents delivered a legalistic defense of the freedom of expression before Congress, senior university administrators across the country have been blithely violating that principle, suspending student groups and canceling events—all while claiming that rules were broken and that the decisions to enforce them were “content-neutral.”² On November 17 Gerald Rosberg, Columbia’s senior executive vice-president and chair of the Special Committee on Campus Safety, addressed the suspension of SJP and JVP before a plenary session of the university senate.³ According to the meeting minutes, he said that the administration “did not act on the basis of the views being expressed by the two student groups or on how the views were being expressed.” But the letter of suspension suggested otherwise. What was the “threatening rhetoric and intimidation” to which it referred?

During the meeting Rosberg was asked repeatedly about those words. “The reference to intimidation and threatening language,” he said in the minutes’ paraphrase, “was intended to describe the event and the current environment, and not to serve as a basis for the suspension.” Dissatisfied with that explanation, a senator followed up, demanding he clarify the letter’s reference to threats and intimidation. “The administration was dealing with a situation in which opposing groups each think the other is engaged in genocide,” he reportedly replied. He understood that “judgments about threatening rhetoric can be partly in the eye of the beholder. But that’s the problem—people hear that kind of rhetoric, whatever its intent, and take it very much to heart.”

By appealing to “the eye of the beholder” Rosberg pulls off a rhetorical sleight of hand: he is not the one saying that pro-Palestinian rhetoric is intimidating or threatening, only that it can be perceived that way. But if “perception” is the criterion, administrators have not viewed all feelings or experiences as equal. On October 26 Laura Rosenbury, the president of Barnard, sent a letter to the college community in which

she described herself “appalled and saddened to see antisemitism and anti-Zionism spreading throughout Barnard and Columbia.” How did the equivalence she was drawing between antisemitism and anti-Zionism make Palestinian students and anti-Zionist Jewish students feel, to take just the two most obvious “other” groups? What if the Israeli flag—waved at pro-Israel protests on campus and draped over the shoulders of students sitting in class, even as the IDF has killed over twenty thousand Palestinians, wounded many more, displaced 90 percent of Gaza’s population, and deprived it of fuel, food, water, and medicine—makes Palestinian students feel threatened or unsafe?

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Intimidating, threatening: such words allow for a crackdown on pro-Palestinian speech. References to “safety” and “security,” extraordinarily broadly construed, facilitate an end-run around the university’s First Amendment principles—its foundational commitments to freedom of expression. Sometimes administrators invoke such words merely to refer to how students feel—what, as Rosberg puts it, they “take to heart.” At other times they proceed as if concerns about safety and security are not just matters of perception. “This is a challenging environment that the University finds itself in now,” the minutes record Rosberg telling the Columbia senate:

There have been prior instances involving student groups with strong feelings. But in the present case there are groups on opposite sides with a high risk of clashing, not because the event organizers want that, but because at the edges of the demonstrations the emotions are so raw that they have required a significant presence of Public Safety personnel to try to assure safety.

In effect, they are saying that we are facing a state of emergency and that the university must respond accordingly: task forces are established by presidential fiat; rules are changed without faculty consultation; campuses are locked down; the NYPD is called onto campus in anticipation of potential security risks that never materialize—all in the name of keeping students “safe.”

Safe from what? Physical harm? Emotional distress? Discomfort?⁴ With one exception,⁵ there have been no physical altercations on campus, no tensions among student groups that required either public safety or the police to step in. Students protesting in support of opposite sides of this Israel–Palestine war do find each other’s speech distressing and uncomfortable. They may well experience some political speech as hostile to their values and persons. But that doesn’t make the speech “threatening” in any material sense—an actual incitement to violence—or justify treating it as such. Nevertheless, university administrators at Brown, Barnard, and elsewhere pretend

that violence is just around the corner. According to Rosberg, the absence of violence at Columbia is testament to the “successful implementation of the new events policies.”

Nor, for all this talk of “safety,” have administrators publicly identified any particular instance of speech that amounted to an “incitement to violence.” Even in closed meetings, in my experience, administrators rarely share actual details or specifics. On the rare occasion when these are provided, they are open to contestation. In one meeting I attended, an administrator defended her demand that three posters be taken off an office door, one of which included the phrase “from the river to the sea”—she cited the Anti-Defamation League’s definition of it as genocidal language. She backtracked when several of us suggested that it was a serious problem for the college to rely on the ADL, hardly a nonpartisan organization, for its interpretation of threatening speech: after all, the ADL defines anti-Zionism as inherently “antisemitic, in intent or effect.”⁶ When we pointed out that the other two posters did not include the phrase, she paused, then stated that the call to “stop genocide” (in Gaza) on one of them could be “threatening” to members of the community.

This kind of evidence, however dubious, is rare. For the most part faculty are being asked to defer to administrators’ judgments. In November an event at Columbia Law School featuring Omar Shakir, the Israel and Palestine Director at Human Rights Watch, was canceled at the last minute on security grounds. No one said what those grounds were. Then, on Instagram, someone leaked an email addressed to Columbia’s president and the dean of the law school that cited Shakir’s plans “to discuss reports he authored” claiming “that Israel is an ‘apartheid’ nation,” which the author of the email called “factually incorrect.” The email ends with a plea: “Your leadership is vital. Please take a stand against antisemitism and other hate-mongering.” Did administrators cancel the event as a stand against antisemitism and hate-mongering, even if they couched that decision in the language of security? We will never know. What is clear is that it is impossible to argue effectively with administrators who refuse to disclose the grounds of their decisions and their claims about the spread of antisemitism.

We are told that they have been inundated with emails and phone calls about Jewish students feeling unsafe. “You have to understand how many parents are calling me,” one told me. Administrators seem to be



Andrew Lichtenstein/ Corbis/Getty Images

Columbia students walking past a row of NYPD officers just outside campus during a Palestine solidarity demonstration, New York City, November 15, 2023

unwilling to ask, however, whether such phone calls and emails are representative of “Jewish student experience.” We know that members of JVP feel sidelined: do their feelings not count as “Jewish experience”? One Jewish student at Columbia told me that in suspending JVP the administration shut down the only space on campus where she could be an anti-Zionist Jew. A recent *New York Times* article about Jewish students at Harvard “who are feeling increasingly isolated” mentions “that many of their Jewish peers had joined the pro-Palestinian demonstrations” without acknowledging the implication of that statement.

If administrators are not hearing as often from Arab or Muslim students and their parents, that might say less about how these students are feeling than about their relative power and privilege—and whether they trust the administration to have their backs. In reality, Arab and Muslim students and their supporters face significant pressure, even actual danger. The ADL has called on university presidents to investigate SJP for providing “material support...to terrorist organizations,” which the University of Chicago law professor Genevieve Lakier has called a “powerful threat” that uses “the language of terrorism...as a justification for restricting speech.” Job offers have been withdrawn. People have been fired for signing petitions or making statements on social media. At Columbia as at Harvard and elsewhere, “doxing trucks” have been parked on streets bordering the campus, identifying alleged “leading antisemites” with their names and faces.

The risks of such incendiary speech are all too real. After being doxed as one of the university’s leading antisemites, a Columbia graduate student received a slew of hateful emails with graphic threats of physical violence—then a threatening note at her personal residence. The chair and the director of graduate studies of her department sent an email about the threat to the university’s doxing task force, and a follow-up three days later. Yet another note was sent to the president’s office the day after. It took ten days for the task force to respond. They have now “filed a report” with the university, and suggested the student was also “welcome” to file a report of her own. Deans will connect her to Public Safety—a step the department had already taken nearly two weeks earlier.

On November 25 three Palestinian students were shot in Vermont. Two of them were wearing kefiyyehs, and they were speaking in a mix of Arabic and English at the time; one of them may never walk again.

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Since Donald Trump became president in 2016, elite private universities have been subjected to increasing attacks by right-wing politicians. Part of the rhetoric of Trumpian ideology is a suspicion of “experts,” an anti-intellectualism, a scorn directed at “the liberal elite.”

Ivy League institutions like Columbia exemplify the sins of that world: woke, out of touch with the country, bastions of “cancel culture.” Republican governors have cracked down on education where they can: in public schools, elementary through secondary, and in public universities. They have banned the teaching of critical race theory (as if they know what it is), fought against any exposure to nonnormative sexualities, and pulled books from libraries so as to not “corrupt” children. For all the talk of the dangers of “cancel culture,” it is the political right that has shut down more speech and intellectual debate than progressive students fighting in defense of the marginalized ever have or could.

Elite private universities such as Columbia, Harvard, and Penn have overwhelmingly withstood these criticisms and stood by First Amendment principles, rejecting the vast majority of calls from progressive students for the cancellation of right-wing speakers and events. As private universities, they are not subject to state legislatures or governors in the same way as their public counterparts. With their enormous endowments, they could afford to ignore the political noise. No longer: now they find themselves under pressure from megadonors who exert immense influence over their economic future. In 1980, according to CNN, US colleges and universities “received \$4.2 billion in private donations,” \$13.2 billion adjusted for inflation. By 2022 that number had risen to \$59.5 billion, much of which comes from a small number of high-net-worth donors. According to a recent article in *The Chronicle of Higher Education*, “the top 1 percent of givers accounted for at least 80 percent of all donations.”

In the past two months some of these megadonors have threatened to revolt. Having donated up to \$50 million to Columbia over the years, on October 27 the billionaire hedge fund manager Leon Cooperman told Fox News that he will no longer be giving the university any money, accusing it of fostering antisemitism. (“I think these kids at the colleges have shit for brains,” he added.) According to another CNN report, Marc Rowan, the billionaire CEO of a private equity firm, called for “the leaders of the University of Pennsylvania to resign and donors to close their checkbooks over an alleged failure to condemn antisemitism and hate.” He was protesting the university’s ostensibly inadequate response to the October 7 attack as well as its refusal to cancel Palestine Writes, a literary festival held in September.

In October the hedge fund billionaire Bill Ackman called on Harvard to publicize the names of students who signed a letter critical of Israel after October 7 “so as to insure that none of us [on Wall Street] inadvertently hire any of their members.” A few weeks later he sent an open letter to Harvard’s president, Claudine Gay, warning her that if the university does not take steps to intervene in what he describes as “blatant antisemitism” and “a wave of anti-Israel attacks on campus,” it could face, in CNN’s words, “a massive donor exodus.” Following Gay’s testimony before the congressional committee, Ackman told the

Times, “I don’t see a scenario where she survives for the long term, or even the intermediate term.” After the Harvard Corporation refused to remove her, he declined to comment.

By attempting to dictate what university presidents must and must not do or say, whether in public or behind closed doors, megadonors are taking sides in a political struggle. By intent or in effect, they are advancing Trumpian politics, empowering the Republican right and its crusade against any form of speech—and any cultural and political values—it happens to abhor. Nowhere was this clearer than in the House hearings of December 5, when subjects from today’s culture wars that extend well beyond the question of Palestine were repeatedly broached.

“What are the percentage of conservative professors allowed to teach at your institution?” one congressman asked. Later, another told Gay: “Just playing around here a little bit on the Internet.... In the 2020 election, the *Crimson*, your local paper there, found 1 percent of the students voting for Donald Trump, which given that nationwide, it is about fifty-fifty, was kind of shocking.” Burgess Owens, a Republican from Utah, echoed other comments about the problems with diversity, equity, and inclusion (DEI) policies. Under such initiatives, he said, “we teach one race—all minorities—that they are oppressed...then teach another race, whites and Jews, that they are oppressors. The result is hatred, segregation, the inability for our children to see evil when it’s present.”

Faced with Stefanik’s relentless questioning, the presidents of Harvard, Penn, and MIT could have refused, like the academics they are, to cede the intellectual ground to her litany of falsehoods. “What evidence,” they might have asked, “do you have that students are calling for the genocide of Jews?” Kornbluth tried: “I have not heard calling for the genocide of Jews on our campus,” she said. Stefanik countered: “But you’ve heard chants for intifada?” Kornbluth quickly backtracked: “I’ve heard chants which can be antisemitic, depending on the context when calling for the elimination of the Jewish people.”

They might have gone further. “Do you,” they might have asked, “actually know what ‘intifada’ means?” More fundamentally, they might have said that confronting the rise of antisemitism in the US would require focusing on where it is, frighteningly, and most evidently, on the rise. Yes, at moments it appears at the edges of pro-



Kevin Dietsch/Getty Images

Claudine Gay, the president of Harvard, Liz Magill, then the president of the University of Pennsylvania, and Sally Kornbluth, the president of MIT, testifying before the House Education and Workforce Committee, Washington, D.C., December 5, 2023

Palestinian activism, as some antisemites glom onto the cause. But far more consequentially, antisemitism in the US is one stock-in-trade of the political right.

Elise Stefanik, along with the Republican party writ large, is a strange bedfellow for those worried about the spread of antisemitism. A Trump supporter, she stands behind the conspiracy theories about the theft of the 2020 election—conspiracies that motivated a mob led by white supremacists to attack the Capitol on January 6, 2020. A few years earlier, when white nationalists marched through Charlottesville in August 2017, carrying Confederate flags and tiki torches while chanting “You will not replace us” and “Jews will not replace us,” Trump at first refused to condemn them. Upon Trump’s indictment by Manhattan district attorney Alvin L. Bragg this past April, Ron DeSantis, Marjorie Taylor Greene, Stefanik, and Trump himself traded in the classic antisemitic trope that George Soros—a thinly veiled metonym for “Jewish money”—was running the show. The presidents of Harvard, Penn, and MIT might have suggested to Stefanik, among others, that she take a good, hard look at the spread of antisemitism among the Republican party’s politicians and political base.

No such responses were offered, however. Words like “intifada” and phrases like “from the river to the sea” have become so toxic that the presidents did not dare. The limits of acceptable political speech had been made all too clear early in the hearing, when Foxx said, “I want to ask each one of you...do you believe that Israel has a right to exist as a Jewish nation?” Her question recalls Joseph McCarthy’s anticommunist crusade: “Have you ever been or are you now an anti-Zionist?” They might have asked why their answer to that question was relevant to their positions as university presidents. Instead, each dutifully answered yes.

These hearings should terrify anyone committed to the principles of democratic governance, among them freedom of expression—especially as we face the real possibility of a second Trump presidency, which promises to be even more antidemocratic than the first. Even those who do not care about the question of Palestine as a political matter or abhor my own anti-Zionist politics should be alarmed by efforts among megadonors and right-wing politicians to wield power over private elite universities. Campaigns to crack down on speech on campuses—and beyond—will not end with this particular witch hunt. To believe otherwise is to be either hopelessly or willfully naive.

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- One significant update was the addition of a “Safe and Responsible Event” section that specifies, in the *Spectator*’s words, Columbia’s “power to restrict ‘certain activities when the University believes there is a genuine threat of harassment and/or the potential for an unmanageable safety concern.’” See Sarah Huddleston, “Columbia Updated its Event Policy Webpages. Twelve Days Later, It suspended SJP and JVP,” *The Columbia Spectator*, November 17, 2023.
- Barnard recently revised its Political Activity Policy: “No member of the College may post signs containing political statements on the grounds of the College.” Having widened its definition of what counts as a political statement beyond that required by the IRS (which has to do with electoral politics), the revised policy effectively bans almost all political speech: “all written communications that comment on specific actions, statements, or positions taken by public officials or governmental bodies at local, state, federal, and international levels; attempt to influence legislation; or otherwise advocate for an outcome related to actions by legislative, executive, judicial, or administrative bodies at local, state, federal, and international levels.”
- The senate is the highest level of shared governance at Columbia University. It is a representative body made up of student and faculty senators from every school, who consider, help develop, and vote on policy that affects more than one school or the university as a whole.
- During the Congressional hearing on antisemitism, congresspersons constantly slid between suggesting that the problem was that students *are* unsafe, that they *feel* unsafe, or that they feel “uncomfortable,” without considering the substantive differences between those different claims and their legal implications.
- On October 12 one instance of assault was reported. An assailant, who did not belong to the university community, hit a Columbia student with a stick after the latter put up pro-Israel fliers.
- For a different interpretation of “from the river to the sea,” see my “Zionism’s Political Unconscious,” versobooks.com, November 17, 2023.