

# Submission to the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)

## Introduction

Israel's genocide in Gaza is in its 11th month as we submit this submission. More than 40,265 Palestinians<sup>1</sup> have been confirmed killed by Israel's relentless and unchecked genocidal violence, however there are thousands of people buried under rubble who have not yet been identified, and the indirect death toll resulting from this violence, and its health implications, has been conservatively estimated at approximately 186,000 Palestinians.<sup>2</sup> That is, eight per cent of the 2.3 million population of Gaza.

During these past months, hundreds of thousands of people have taken to the streets and university campuses of Australia's towns and cities to protest Israel's genocide in Gaza, its brutal and illegal occupation of the West Bank and East Jerusalem, and the impunity Western governments, like Australia, continue to offer it. Many of those protesting against Israel's ongoing genocide and Australia's unwillingness to act have been smeared, demonised, silenced, excluded and discriminated against not only in mainstream media and the political arena, but in Australia's arts and cultural spaces, workplaces, community, and critically for the purposes of this inquiry, in educational settings.

Central to this suppression on university campuses across the continent has been the increasing conflation of legitimate criticism of the state of Israel and its policies with antisemitism, and the instrumentalisation of the widely criticised International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism for this purpose.

We acknowledge and are concerned about genuine anti-Jewish racism in communities at this time, however we also alarmed that genuine examples of anti-Jewish racism are being "lumped

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<sup>1</sup> Al Jazeera (2024), "Israel's war on Gaza live: Israelis in Cairo as US says truce 'in sight'", <https://www.aljazeera.com/news/liveblog/2024/8/23/israels-war-on-gaza-live-israelis-in-cairo-as-us-says-truce-in-sight>

<sup>2</sup> Khatib, R; McKee, M; Yusuf, S, (2024). "Counting the dead in Gaza: difficult but essential," *The Lancet*, Volume 404, Issue 10449:237-238, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01169-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext)



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in with legitimate political expressions of solidarity with Palestinians, criticism of Israel and criticism of Zionism as a political ideology,” as our colleagues at the Jewish Council of Australia (JCA) have said.<sup>3</sup> As the JCA stated:

“Examples include graffiti and placards reading “Zionism = racism” and “end the Palestinian Holocaust” being considered antisemitic, as was the protest chant “intifada, intifada”, which means “uprising” in Arabic. While these examples may be offensive for some, in our view they aren’t antisemitic.”<sup>4</sup>

Misappropriating the term “antisemitism” is not only stoking unnecessary fear, and devaluing the very real fight against anti-Jewish racism, but it is silencing critical community discussion and debate about Israel’s genocide in Gaza and Australia’s unwillingness to act in accordance with its legal obligation. This is particularly damaging to the core principles of a university: freedom of expression and academic inquiry.

This submission will provide a brief overview of the importance and nature of academic freedom, before examining how the weaponisation of antisemitism accusations is stifling open discussion, intellectual inquiry and activism, and creating a hostile campus environment for students and faculty. It will also challenge the presumed suitability of the IHRA definition of antisemitism for Australian university campuses, exploring the way this definition conflates legitimate criticism of the state of Israel with antisemitism.

In the face of Israel’s ongoing, catastrophic assault on the Palestinian people, and the Australian government’s complicity in this crime against humanity, a climate of fear and suppression has emerged on university campuses across the country. By examining the unsuitability of the IHRA definition and the suppression of Palestinian student activism, this submission aims to contribute to a broader understanding of the challenges facing academic freedom and the right to dissent in Australian universities, as well as the nuanced nature of racism on university campuses, and the systemic measures that must be taken to address it.

In examining these issues and experiences, this submission ultimately argues that a Commission of Inquiry into antisemitism on Australian university campuses is both unnecessary

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<sup>3</sup> Schartz, S., Kaiser, M.E, (2024), “As Jews, we don’t accept that criticism of Israel’s government is antisemitic”, *The Sydney Morning Herald*, <https://www.smh.com.au/national/as-jews-we-don-t-accept-that-criticism-of-israel-s-government-is-antisemitic-20240201-p5f1o6.html>

<sup>4</sup> Ibid



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and counterproductive. Anti-discrimination frameworks and policies that understand the systemic, intersectional nature of racism offer better approaches to addressing and mitigating antisemitism, and indeed, all other forms of racism, effectively. Any Commission of Inquiry into antisemitism on university campuses risks further entrenching the hierarchy of racisms that has already been created by the government's appointment of a Special Envoy for Antisemitism,<sup>5</sup> diverting vital government, university and community resources and attention away from genuine instances of anti-Jewish racism, while potentially exacerbating existing tensions and creating a climate of censorship. Instead, the focus should be on strengthening and effectively implementing holistic and intersectional anti-racism mechanisms to promote fair and inclusive academic environments that safeguard academic freedom and independence.

## **About the Australia Palestine Advocacy Network**

The Australia Palestine Advocacy Network (APAN) is a member-based organisation formed in May 2011 to provide a national voice to the many thousands of Australians who are concerned about Israel's continuing human rights abuses against Palestinians, and the continuing effects of dispossession and displacement.

APAN's membership base is diverse, taking in grassroots human rights groups, Palestinian and Jewish groups, aid and development agencies, and unions. Individual members come from a variety of backgrounds, including religious leaders, academics, lawyers, former politicians, diplomats and public servants, teachers, medical professionals, and many others.

Our activities and campaigns range from advocacy and political lobbying to community organising, youth training and media engagement, all of it aimed at building greater understanding amongst all Australians – including policy-makers – about the situations that Palestinians face and what can be done about it.

Our movement for Palestinian freedom and justice is founded on principles of equality and human rights. Discrimination in any form is incompatible with our pursuit of justice for Palestinians. We stand in solidarity with our Jewish friends in condemning and combatting antisemitism just as we denounce anti-Palestinian racism, Islamophobia and any other forms of racism, all the while upholding the right of Palestinians to self-determination and freedom.

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<sup>5</sup> Australia Palestine Advocacy Network, (2024). "Antisemitism envoy undermines broader anti-racism work, ignores increasing anti-Palestinian racism, Islamophobia", [https://apan.org.au/media\\_release/proposed-antisemitism-envoy-undermines-broader-anti-racism-work/](https://apan.org.au/media_release/proposed-antisemitism-envoy-undermines-broader-anti-racism-work/)

We acknowledge the connected struggle and strength of First Nations siblings here, and the genocide, dispossession and ongoing harm perpetrated against them as part of the colonising project on this continent. Our fight for Palestinian self-determination, equality, justice and rights from the river to the sea is also a struggle for First Nations recognition, rights, culture and self-determination on what was, and always will be, Aboriginal land.

## Recommendations

- **Focus government, judicial, university and community energy and resources on enhancing and implementing comprehensive anti-racism mechanisms on Australian university campuses**, rather than pursuing a Commission of Inquiry into antisemitism.
- **Promote freedom of expression and diversity of viewpoints on university campuses**: Universities should prioritise open debate and intercultural understanding by acknowledging dissenting voices and supporting the expression of diverse perspectives. Speech standards should centre human rights and be applied equally to all at-risk communities.
- **Protect academic freedom** in both policy *and* practice.
- **Respect the right to protest** as fundamental human rights.
- **Adopt a comprehensive and intersectional definition of racism** that encompasses various forms of discrimination, including systemic, institutional, and individual acts of prejudice. Foster an understanding of how racism intersects with other forms of oppression, such as sexism, homophobia, and ableism. This will ensure a more inclusive and equitable approach to addressing racism on campus.
- **Focus on systemic issues** that contribute to racism on campus, such as power imbalances, institutional biases, and discriminatory policies.
- **Promote cultural sensitivity** and respect for diverse perspectives. This can be achieved through training programs, workshops, and inclusive curriculum.
- **Support marginalised communities** including students from racialised backgrounds, LGBTQ+ students, and students with disabilities.
- **Collaborate with community organisations** working on anti-racism and social justice issues to address systemic racism beyond the campus.
- **Avoid blanket bans on expression, language** and note that any restrictions on human rights must meet the conditions of legality, necessity and proportionality.

- **Foster a culture of respect and inclusivity** that values diverse perspectives and protects marginalised voices.
- **Collaborate with experts** in anti-racism and human rights to develop effective strategies for combating racism and promoting inclusion and care.
- **Implement robust anti-discrimination policies** that address all forms of racism, including anti-Palestinian racism, Islamophobia and antisemitism.
- **Address underlying biases:** Acknowledge and address any underlying anti-Palestinian biases that may contribute to the misuse of antisemitism accusations.
- **Support Palestinian students and academics:** Provide specific support and resources for Palestinian students and academics, including mentorship programs and counseling services. This is particularly important for those students and academics who have direct connections to Gaza, where Israel continues to perpetrate genocide.

## Upholding academic freedom

Academic freedom is a cornerstone of intellectual progress and societal development. It guarantees the right of academics to conduct research, express their findings, and engage in open dialogue without fear of censorship or reprisal.

Academic freedom finds its legal foundations in the Universal Declaration of Human Rights, which guarantees the right to freedom of expression, thought and conscience, which are central to the ability of educators to express their views without fear of reprisal.<sup>6</sup> It is also buttressed by the International Covenant on Civil and Political Rights, which includes the right to seek, receive and impart information and ideas.<sup>7</sup> Further, the International Covenant on Economic, Social and Cultural Rights guarantees the right to education,<sup>8</sup> with the Committee on Economic, Social and Cultural Rights interpreting this right to include academic freedom for staff and students.<sup>9</sup>

Academic freedom takes on life-and-death proportions when it comes to issues related to the Palestinian struggle for justice, given the widespread and insidious efforts by the Israeli government, mainstream media and Western governments to shape and perpetuate

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<sup>6</sup> United Nations, (no date). "Universal Declaration of Human Rights", <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>7</sup> United Nations Human Rights Office of the High Commissioner, (1966). "International Covenant on Civil and Political Rights", <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>8</sup> United Nations Human Rights Office of the High Commissioner, (1966). "International Covenant on Economic, Social and Cultural Rights", <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>9</sup> United Nations Human Rights Office of the High Commissioner, (1993). "Fact Sheet No. 16 (Rev.1), The Committee on Economic, Social and Cultural Rights", <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet16rev.1en.pdf>

discriminatory and rationalising narratives about Israel's decades of oppression, occupation and violence against Palestinians.<sup>10</sup> Freedom of intellectual thought and inquiry offers to academics, students and all those with enquiring minds the tools to challenge dominant narratives and offer alternative perspectives on their experiences, contributing to a more nuanced and informed public discourse. This discourse, in turn, offers policymakers and civil society organisations insights and knowledge that can contribute to long-overdue justice and self-determination for Palestinians.

As institutions dedicated to the pursuit of knowledge and critical thinking, Australian universities have also historically served as fertile ground for protest and political disruption.<sup>11</sup> The environment of intellectual inquiry and open debate has, for decades, empowered students and faculty to challenge prevailing norms, question authority, and advocate for change, whether that has been protesting the Vietnam War, gender equality, segregation on college campuses, or – as we're seeing today – universities' research and financial ties to entities complicit in Israel's genocide in Gaza.<sup>12</sup>

To protect universities' crucial role in fostering critical thinking and activism, it's imperative to ensure that students and faculty can engage in open debate and dissent without fear of reprisal. This is especially important when scholars express critical political opinions that challenge the powerful interests or dominant narratives that support the perpetuation of Israel's genocide, occupation and apartheid.<sup>13</sup>

### Recommendations for universities:

- **Promote freedom of expression and diversity of viewpoints on university campuses:** Universities should prioritise open debate and intercultural understanding

<sup>10</sup> Salaita, S., (2017). "Speaking of Palestine and academic freedom", *Mondoweiss*, <https://mondoweiss.net/2017/04/speaking-palestine-academic/>

<sup>11</sup> Lewi, H. and A. Saniga, (2024). "Vietnam, brutalist architecture, fees and Gaza: how student protests shaped Australian universities", *The Conversation*, <https://theconversation.com/vietnam-brutalist-architecture-fees-and-gaza-how-student-protests-shaped-australian-universities-228621>

<sup>12</sup> Dumas, D., (2024). "Australian university students are camping out in support of Gaza. Here's what you need to know", *The Guardian*, <https://www.theguardian.com/world/2024/may/01/australian-university-students-gaza-encampment-pro-palestinian-camping-protests>

<sup>13</sup> United Nations Human Rights Office of the High Commissioner, (2024). "Special Rapporteur on the Right to Education Conveys Alarm at Violent Crackdown on Peaceful Demonstrators at Universities Calling for a Ceasefire in Gaza", <https://www.ohchr.org/en/news/2024/06/special-rapporteur-right-education-conveys-alarm-violent-crackdown-peaceful>

by acknowledging dissenting voices and supporting the expression of diverse perspectives. Speech standards should centre human rights and be applied equally to all at-risk communities.

- **Protect academic freedom** in both policy *and* practice.
- **Respect the right to protest** as a fundamental human right.<sup>14</sup>

## The IHRA definition: an attack on academic freedom

The International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism has been recommended as a tool to combat anti-Jewish racism – including by the Explanatory Memorandum accompanying this Bill.<sup>15</sup> Based on a draft developed by the European Monitoring Centre on Racism and Xenophobia in the early 2000s – which was never formally adopted – this definition was adopted by members of the IHRA in 2016, following intervention from pro-Israel organisation, the Simon Wiesenthal Center. The Center has been widely criticised for “going too far” by including on its annual “antisemitism lists” the likes of the BBC, Jewish Voice for Peace, the entire state of Germany and the mayor of Berlin.<sup>16</sup>

This overreach is evident in the IHRA definition itself, with a preoccupation with Israel throughout its examples of antisemitism, which include “the targeting of the state of Israel, conceived as a Jewish collectivity” and “claiming that the existence of a State of Israel is a racist endeavour.”<sup>17</sup>

Numerous organisations, spanning political, academic, and civil society spheres, both internationally and here in Australia, have expressed concerns regarding the IHRA working definition of antisemitism:

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<sup>14</sup> Human Rights Law Centre, (2024). “Student rights to protest peacefully must be protected”, <https://www.hrlc.org.au/news/2024/07/05/student-protest>

<sup>15</sup> Parliament of Australia, (2024). Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2), [https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fs1417\\_ems\\_d1e33301-8b93-4de9-a596-231178d0e8b0%22](https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fs1417_ems_d1e33301-8b93-4de9-a596-231178d0e8b0%22)

<sup>16</sup> Liphshiz, C., (2022). “EU slams Simon Wiesenthal Center, says its annual antisemitism list has gone too far”, The Times of Israel, <https://www.timesofisrael.com/eu-slams-simon-wiesenthal-center-says-annual-antisemitism-list-has-gone-too-far/>

<sup>17</sup> International Holocaust Remembrance Alliance, (no date). “Working definition of antisemitism”, <https://holocaustremembrance.com/resources/working-definition-antisemitism>

- Amnesty International: “Over the years, the IHRA definition has repeatedly been instrumentalised to suppress legitimate criticism of the Israeli government’s policies by falsely labelling it antisemitic.”<sup>18</sup>
- Human Rights Watch: “Ongoing efforts to codify the IHRA definition into law and policy...are framed as efforts to fight antisemitism. In practice, however, the IHRA “working definition” (identified by the IHRA as non-legally binding) has often been used to label as antisemitic, and thus chill and sometimes suppress, non-violent protest, activism, and speech critical of Israel and/or Zionism, including in the US and Europe.”<sup>19</sup>
- Israeli human rights groups B’Tselem, Adalah, Breaking the Silence, and Yesh Din: “The Israeli government views and treats the IHRA definition as a coercive tactic and tool to silence dissent to its repressive policies vis-a-vis the Palestinians. Testifying to the political agenda behind its instrumentalisation, Jewish organisations are now also being targeted by allegations of antisemitism invoking the IHRA definition.”<sup>20</sup>
- The New Israel Fund (Australia): “The Working Definition is increasingly being used to conflate antisemitism and criticism of Israel. Enshrining the definition into policy and law has not been supported by a wide range of groups, including leading mainstream Jewish-American organisations and even the definition’s lead drafter. We’ve already seen how the Trump administration and others have weaponised the IHRA definition of antisemitism to target those who harbour no hatred towards Jews. Doing so has made it more difficult to identify and confront genuine instances of antisemitism.”<sup>21</sup>

The application of the IHRA definition on university campuses has proven especially dangerous, attracting criticism from educational institutions and intellectuals, including a group of 122 Palestinian and Arab academics and journalists, who have called it a “stratagem to delegitimise the fight against the oppression of the Palestinians, the denial of their rights and the continued occupation of their land.” Even the author of the IHRA definition, Kenneth S. Stern has slammed the way that “rightwing Jewish groups took the “working definition”... and decided

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<sup>18</sup> Amnesty International, (2023). “Global: UN must respect human rights while combatting antisemitism”,  
<https://www.amnesty.org/en/latest/news/2023/04/global-un-must-respect-human-rights-while-combatting-antisemitism/>

<sup>19</sup> Human Rights Watch, (2023). “Human Rights Watch Letter to Co-Sponsors of Proposed ABA Resolution 514 on Antisemitism”,  
<https://www.hrw.org/news/2023/01/26/human-rights-watch-letter-co-sponsors-proposed-aba-resolution-514-antisemitism>

<sup>20</sup> Middle East Eye, (2023). “Israel: Rights groups call for UN to oppose IHRA antisemitism definition”,  
<https://www.middleeasteye.net/news/israel-ihra-definition-antisemitism-groups-call-un-oppose>

<sup>21</sup> New Israel Fund, (2021). *Facebook*, <https://www.facebook.com/NIFAustralia/posts/4483278721736448>



to weaponise it...complain[ing] about speakers, assigned texts and protests they said violated the definition”.<sup>22</sup>

It is on these grounds that the ANU only two months ago rejected the IHRA definition, on advice that “adopting any definition of antisemitism which implicates academic criticism of the State of Israel poses a real risk of reducing the scope of academic freedom as currently maintained at the ANU.”

Likewise, Griffith University, James Cook University, the University of Sydney, University of Adelaide and University of New South Wales have refused to adopt the definition, while most other universities have not adopted it so far. (Only the University of Melbourne, Monash, University of Wollongong, Macquarie University, University of Sunshine Coast have adopted it.)

As the University of NSW’s Dr Lana Tatour has noted, however, the IHRA definition’s influence is not limited to organisations and institutions that have formally adopted it – it shapes the conversation around Palestine, “creat[ing] a McCarthyist landscape that impacts universities...regardless of whether they have adopted the IHRA or not.”<sup>23</sup>

Given the widespread opposition to the adoption of the IHRA definition, it is misguided, harmful, and politically motivated for this inquiry to suggest that the adoption of the IHRA definition is a best-practice benchmark for a university’s effectiveness in combating antisemitism, or that a Commission of Inquiry should be framed around this definition. As such, it is also strongly recommended that Australian universities refrain from adopting the IHRA working definition of antisemitism. The definition’s overreach, its potential to stifle legitimate criticism of Israel, and the destructive and delegitimising effect it has on Palestinian rights advocacy make it just as unsuitable a tool for defining anti-Jewish racism as it is for addressing it.

#### Recommendations for universities:

- **Adopt a comprehensive and intersectional definition of racism** that encompasses various forms of discrimination, including systemic, institutional, and individual acts of

<sup>22</sup> Gordon, N., (2024). Antisemitism and Zionism: The Internal Operations of the IHRA Definition. *Middle East Critique*, 1–16. <https://doi.org/10.1080/19436149.2024.2330821>

<sup>23</sup> Tatour, L. (2024). Censoring Palestine: human rights, academic freedom and the IHRA. *Australian Journal of Human Rights*, 1–9. <https://doi.org/10.1080/1323238X.2024.2385504>

prejudice. Foster an understanding of how racism intersects with other forms of oppression, such as sexism, homophobia, and ableism. This will ensure a more inclusive and equitable approach to addressing racism on campus.

- **Focus on systemic issues** that contribute to racism on campus, such as power imbalances, institutional biases, and discriminatory policies.
- **Promote cultural sensitivity** and respect for diverse perspectives. This can be achieved through training programs, workshops, and inclusive curriculum.
- **Support marginalised communities** including students from racialised backgrounds, LGBTQ+ students, and students with disabilities.
- **Collaborate with community organisations** working on anti-racism and social justice issues to address systemic racism beyond the campus.

## The weaponisation of antisemitism on university campuses

Whether universities have adopted the IHRA definition or not, we've witnessed a growing trend in the past 11 months of subjective feelings of discomfort or unease being wrongly equated with objective threats to physical safety, often leading to false accusations of antisemitism. Furthermore, these accusations often mask underlying anti-Palestinian racism. The Community Safety Group Victoria's Jewish Community Incident Reporting on Victorian University Campuses from January to May 2024 offers several examples of this (emphasis added):

"I moved one of my classes in the first week of the semester, as *someone was wearing a keffiyeh* and giving me looks because of my Magen David necklace, which made me uncomfortable and on edge."

"I had a test in the building next to the camp and the entire time they were chanting '*intifada, intifada*' which made me sick and unable to focus on my test."

"The first time [pro-Palestinian protesters] came in, they made *false claims of genocide* which angered me and the Israeli guest lecturer in the class."

Indeed, the equation of Palestinian traditional dress and liberation symbols with antisemitism on, or in relation to, university campuses has come from the highest levels, with Liberal MP Sarah

Henderson arguing that the wearing of keffiyehs by graduating students was “not only provocative but raises serious safety concerns for Jewish students.”<sup>24</sup>

This weaponisation of accusations of antisemitism by university administrations, students, staff, community members, the media and politicians has had the effect of both suppressing legitimate criticism of Israel and silencing Palestinian voices and advocacy for Palestinian justice on university campuses. They have also diverted attention, resources and support away from real and harmful instances of anti-Jewish racism, anti-Palestinian racism, Islamophobia and other forms of discrimination on campus.

Examples of the chilling effect of antisemitism accusations have been seen in the:

- **Targeting of Palestinian scholars:** Zionist groups and politicians exerted intense pressure against Palestinian academic Randa Abdel-Fattah for hosting a pro-Palestine children’s event at the University of Sydney. This pressure has included attempts to remove her from her position and revoke a prestigious grant.<sup>25</sup>
- **Suppression of critical course material:** Zionist students at UNSW objected to the inclusion of a book discussing Israel and Zionism as a settler colonial project in a university course. They claimed the book was antisemitic and cited the IHRA definition to support their argument that the book be removed from the reading list.<sup>26</sup>
- **Censorship of student activism:** Pro-Palestine events, protests, and student organisations have faced opposition and attempts at suppression, often under the guise of combating antisemitism. This has included calls by Liberal MP Sarah Henderson to shut down peaceful university encampments because they had made campuses “hotbeds of antisemitic activism.”<sup>27</sup>
- **Creation of a chilling effect:** The fear of being accused of antisemitism has led to self-censorship and a reluctance to engage in critical discussions of the Israeli-Palestinian conflict. For example, the student-run magazine Grapeshot at

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<sup>24</sup> Henderson, S., (2024). X (Twitter), <https://x.com/SenSHenderson/status/1733729277580046778>

<sup>25</sup> Abdel-Fattah, R., (2024). X (Twitter), <https://x.com/RandaAFattah/status/1784778424088924289>

<sup>26</sup> Tatour, L. (2024). “Censoring Palestine: human rights, academic freedom and the IHRA”. *Australian Journal of Human Rights*, 1–9. <https://doi.org/10.1080/1323238X.2024.2385504>

<sup>27</sup> Cassidy, C. et al., (2024). “It’s unacceptable’: as pro-Palestine encampments grow at Australian campuses so do claims of antisemitism”, *The Guardian*, <https://www.theguardian.com/australia-news/article/2024/may/10/its-unacceptable-as-pro-palestine-encampments-grow-at-australian-campuses-so-do-claims-of-antisemitism>

Macquarie University has faced restrictions on publishing content related to Palestine. This censorship has hindered their ability to provide a platform for diverse perspectives.<sup>28</sup>

- **The undermining of academic authority:** The above-mentioned chilling effect has also served to erode universities' own trust in the expertise and judgment of their academics, often due to fear of external pressures or interference. This was most clearly seen when the Group of Eight, representing the nation's eight largest and oldest universities, sought advice from the Attorney-General about whether student activists' use of the Palestinian liberation phrase "From the river to the sea, Palestine will be free" and "intifada" (Arabic for "uprising") were in breach of federal law, rather than seeking the advice and input of their own academics, particularly those with lived experience and expertise in the field.<sup>29</sup>

It is crucial to distinguish between genuine instances of anti-Jewish racism and subjective feelings of discomfort. While it is important to address all forms of discrimination, it is equally important to avoid using accusations of antisemitism to silence legitimate dissent or to allow the political tainting of academic independence.

It is also critical that accusations of antisemitism are not used as a disguise for, or driver of, anti-Palestinian racism. These examples demonstrate the importance of universities taking steps to embed broad anti-racism approaches in their policies and procedures, rather than perpetuating the hierarchy of racism that comes with the exceptionalisation of single forms of racism, such as antisemitism.

#### Recommendations for universities:

- **Avoid blanket bans on expression, language** and note that any restrictions on human rights must meet the conditions of legality, necessity and proportionality.<sup>30</sup>
- **Foster a culture of respect and inclusivity** that values diverse perspectives and protects marginalised voices.

<sup>28</sup> Johnson, G., (2024). "Attack on free speech': Students condemn universities' disciplinary action for pro-Palestinian views", *City Hub*, <https://cityhub.com.au/attack-on-free-speech-students-condemn-universities-disciplinary-action-for-pro-palestinian-views/>

<sup>29</sup> Crowe, D., (2024). "University chiefs seek federal advice on 'intifada' calls", *The Sydney Morning Herald*, <https://www.smh.com.au/politics/federal/university-chiefs-seek-federal-advice-on-intifada-calls-20240509-p5igpy.html>

<sup>30</sup> United Nations Human Rights Office of the High Commissioner, (2024). "Special Rapporteur on the Right to Education Conveys Alarm at Violent Crackdown on Peaceful Demonstrators at Universities Calling for a Ceasefire in Gaza", <https://www.ohchr.org/en/news/2024/06/special-rapporteur-right-education-conveys-alarm-violent-crackdown-peaceful>

- **Collaborate with experts:** Partner with experts in anti-racism and human rights to develop effective strategies for combating racism and promoting inclusion and care.
- **Implement robust anti-discrimination policies** that address all forms of racism, including anti-Palestinian racism, Islamophobia and antisemitism.
- **Address underlying biases:** Acknowledge and address any underlying anti-Palestinian biases that may contribute to the misuse of antisemitism accusations.
- **Support Palestinian students and academics:** Provide specific support and resources for Palestinian students and academics, including mentorship programs and counseling services. This is particularly important for those students and academics who have direct connections to Gaza, where Israel continues to perpetrate genocide.

## Conclusion

The ongoing genocide in Gaza and the complicity of Western governments, including Australia's, in perpetuating this crisis have profound implications for academic freedom and the broader discourse on university campuses.

The misuse of the IHRA definition of antisemitism to conflate legitimate criticism of Israeli policies with antisemitism represents a grave threat to open intellectual inquiry and freedom of dissent. As demonstrated, this weaponisation has stifled debate, suppressed Palestinian voices, and created an environment where fear overrides critical engagement with pressing global issues.

For universities to uphold their role as bastions of knowledge and critical thought, they must resist the erosion of academic freedom under the guise of combating antisemitism. Instead, they should foster an environment that supports diverse viewpoints, embraces rigorous debate, and addresses all forms of racism with a comprehensive, intersectional approach. By doing so, universities can ensure they remain true to their foundational principles of inquiry and inclusivity, contributing meaningfully to the pursuit of justice and understanding in a complex world.

A Commission of Inquiry into antisemitism on Australian university campuses, in this context, is both unnecessary and counterproductive. Holistic and intersectional anti-racism frameworks and policies would be better equipped to address antisemitism effectively, while also challenging the increasing instances of anti-Palestinian racism and Islamophobia experienced by university students and staff. Pursuing a Commission of Inquiry risks misallocating resources, intensifying



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tensions, and further entrenching censorship. Instead, universities must be supported by the government should concentrate on strengthening and applying anti-discrimination mechanisms to ensure they effectively promote a balanced, inclusive academic environment.