

## ***Ahead of the Curve: War in Israel Has Intensified Free-Speech Battles on Law School Campuses and Beyond***

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*Welcome back to Ahead of the Curve. I'm Christine Charnosky, legal education reporter for Law.com.*

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Law school campuses have been no stranger to free-speech battles, particularly in recent years.

But the war in Israel has ratcheted up tensions and further complicated what were already extremely complex questions around constitutional rights and academic freedom.

"I am a 70-year-old Jewish man, but never in my life have I seen or felt the antisemitism of the last few weeks," Erwin Chemerinsky, dean of the University of California, Berkeley, School of Law, wrote in a [column published](#) in the Los Angeles Times on Sunday.

"I was stunned when students across the country, including mine, immediately celebrated the Hamas terrorist attack in Israel on Oct. 7," he wrote. "Students have the right to say very offensive and even hateful things, but school administrators—deans, presidents and chancellors—have free speech rights too."

Chemerinsky added that administrators need to exercise their right to free speech even "if it will offend some and subject them to criticism."

I wrote a [column in April](#) about free speech, which included explaining that the First Amendment protects people's rights to free speech, expression, press and assembly, as well as the right to petition the government, and—for better or for worse—the First Amendment also offers protection for hateful language and offensive speech, according to PEN America's [Campus Free Speech Guide](#).

Criticism of the Israeli government is not antisemitism, any more than criticizing the policies of the U.S. government is anti-American, Chemerinsky wrote in his column, "but I do know that calling for the total elimination of Israel is antisemitic."

He went on to say that, on Friday, someone at Berkeley Law posted on Instagram a picture of Chemerinsky

with the caption, "Erwin Chemerinsky has taken an indefinite sabbatical from Berkeley Law to join the I.D.F."

Chemerinsky called on administrators to "speak out and denounce the celebrations of Hamas and the Antisemitism," and, in recent weeks, some have.

Minouche Shafik, who became president of Columbia University on July 1, sent a [message](#) to the members of the Columbia community on Oct. 18 stating, "Debate, advocacy, and protest are essential ways for students to address and process political and social turmoil, and we are duty-bound to ensure they can gather and express themselves."

However, Shafik said she has been disheartened by community members using "antisemitism, Islamophobia, bigotry against Palestinians and Israelis, and various other forms of hate" in their messages, and that "it is antithetical to Columbia's values and can lead to acts of harassment or violence, and when this type of speech is unlawful or violates University rules, it will not be tolerated.

**On Oct. 20**, Jim Hilbert, interim president and dean of Mitchell Hamline School of Law also sent a [message](#) to the law school community addressing Antisemitism.

"There is no place at the law school for Antisemitism or any other form of bias," Hilbert wrote. "In these extraordinarily difficult times, our obligations to communicate with one another with civility and empathy are even more paramount."

"Again, there is no place here for Antisemitism or Islamophobia or any other form of bias," he wrote. "We must take care to exercise curiosity and compassion in our interactions with one another."

The free-speech battles on campus over the war in Israel have also forced law firms to act, and several have rescinded job offers to law students who have expressed their views about the Israel-Hamas war siding with Palestine.

On Oct. 10, Winston & Strawn [rescinded its job offer](#) to Ryna Workman, a New York University School of Law student, who had previously worked as a summer associate, because their comments were "profoundly in conflict with Winston & Strawn's values as a firm."

**Other law firms**, such as Davis Polk & Wardwell chair Neil Barr said the law firm rescinded job offers to three law students, who have not been named, because of their involvement in student organizations at Columbia Law School and Harvard Law School due to the those organizations' views taken regarding the conflict between Israel and Hamas.

Further, Steven Davidoff Solomon, the Alexander F. and May T. Morrison Professor of Law at the University of California Berkeley School of Law, has been encouraging law firms not to hire students who voice anti-Semitic views, according to a report in [NewsNation](#).

In his Wall Street Journal opinion piece published Oct. 22, Solomon wrote, "If you don't want to hire people who advocate hate and practice discrimination, don't hire some of my students," according to NewsNation.

Chemerinsky told Law.com on Oct. 18—and confirmed on Oct. 30: "We are committed to helping every student get employment, Chemerinsky said, and provided Law.com with a statement he sent to the Berkeley Law community on Tuesday, which states, "Each year, I write to the community to express our commitment to freedom of speech, which includes the right of people to say things that others find offensive, even deeply offensive."

He said that Solomon speaks for himself and not for Berkeley Law, and while some were upset by Solomon's opinion piece, Chemerinsky reassured students that "our Career Development Office is unflagging in this effort to work with each student to obtain employment during and after law school."

When the Council of the American Bar Association Section of Legal Education and Admissions to the Bar meets in mid-November, it may take action on Standard 208, [Academic Freedom and Freedom of Expression](#), which pertains to law schools adopting, publishing and adhering to written policies that protect academic freedom with a law school's academic freedom policies protecting the rights of faculty, students and staff to communicate ideas that may be controversial or unpopular.

## Extra Credit Reading

### [Inaugural Dean of Michigan State Law Stepping Down](#)

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## General Information

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