

Should Australian universities ban pro-Palestinian protests?

What they said...

'You have stood idly by in the name of free speech while Jewish university students have been verbally and physically vilified...'

The mother of a Jewish university student condemning Australian university chancellors

'Aren't university campuses exactly the places where young adults should be allowed the maximum possible space to develop and share their political voices?'

Luke McNamara, Professor in the Faculty of Law and Justice and member of the Centre for Criminology at the University of New South Wales

The issue at a glance

On May 2, 2024, federal Opposition Leader, Peter Dutton, accused Australia's university chancellors of being 'weak' and called on them to shut down pro-Palestinian protests on their campuses, claiming the protests were anti-Semitic.

Dutton also challenged Prime Minister Anthony Albanese, claiming he 'really needs to stand up and show some backbone here and call for an end to these nonsense protests'.

<https://www.afr.com/politics/federal/dutton-calls-on-unis-to-shut-down-pro-palestinian-protests-20240502-p5f0gj>

Peter Dutton's comments were made in response to Australian university student protests against the Israel-Hamas war and their claims that the Israeli attacks in Gaza constitute a war crime against the civilian population. Similar pro-Palestinian protests are occurring on university campuses in the United States, Canada, and Europe.

Background information

The material below has been taken from a Wikipedia entry titled '2024 pro-Palestinian protests on university campuses'. The full text can be accessed at

https://en.wikipedia.org/wiki/2024_pro-Palestinian_protests_on_university_campuses

Pro-Palestinian protests on university campuses escalated in April 2024, spreading in the United States and other countries, as part of wider Israel–Hamas war protests.

The escalation began after mass arrests at the Columbia University campus occupation, in which protesters demanded the university's disinvest from Israel over its alleged genocide of Palestinians. Disinvestment from Israel means that the universities would withdraw funds they have invested in projects linked with Israel and invest them elsewhere. The term also refers to withdrawing investment from weapons manufacturers whose products are supplied to Israel.

<https://tinyurl.com/4n8bhbka>

In the United States, over 2,950 protesters have been arrested, including faculty members and professors, on over 60 campuses.

Protests in other countries

On May 7, protests spread across Europe with mass arrests in the Netherlands. By May 12, twenty encampments had been established in the United Kingdom, and across universities in Australia and Canada.

Police response

Police departments have employed a range of tactics, including dispersing crowds using horses and police in riot gear, deploying pepper balls, using tasers, mass arrests, tear gas, clearing unauthorised encampments, and beating both students and professors. A report by Armed Conflict Location and Event Data Project found that police interventions at United States student protests linked to conflict issues increased fourfold in April. Police repression of protesters, particularly in America, has been characterized as unusually harsh.

Response to protests in Australia

The Group of Eight, (comprised of the universities of Adelaide, Melbourne, Sydney, Monash, Queensland, New South Wales, Western Australia, and the Australian National University) has sought legal advice on using terms such as ‘intifada’ and ‘from the river to the sea’ and has said it would ban those phrases if given definitive legal advice that they are unlawful. It said such phrases are ‘deeply offensive to many in the Jewish community’. It sent a letter to Attorney-General Mark Dreyfus asking for legal advice on whether these phrases violate Commonwealth law. Dreyfus wrote back that he does not give legal advice, noting the universities were taking external legal advice.

‘Intifada’ is an Arabic word literally meaning, as a noun, ‘tremor’, ‘shivering’, ‘shuddering’. It is derived from an Arabic term ‘nafada’ meaning ‘to shake’, ‘shake off’, ‘get rid of’, as a dog might shrug off water. In English-language usage, the word primarily refers to Palestinian uprisings against Israeli occupation. <https://en.wikipedia.org/wiki/Intifada> The phrase ‘from the river to the sea’ describes the area between Israel’s eastern border, the River Jordan, and the Mediterranean Sea which borders the Gaza strip on Israel’s west. It is variously interpreted, to mean liberation for Palestinians in the area or the total removal of the Israeli inhabitants. <https://apnews.com/article/river-sea-israel-gaza-hamas-protests-d7abbd756f481fe50b6fa5c0b907cd49>

Victoria Police Chief Commissioner Shane Patton has raised concerns that protests could become violent. He has said the police do not want the ‘existing tension’ and that universities must consider ‘how much more risk they’re accepting by allowing these encampments to continue’.

Prime Minister Anthony Albanese has taken a neutral stance on the protests, saying he is worried about social cohesion. Education Minister Jason Clare has expressed concern about students feeling unsafe. He has said that while there will always be protests in a democracy, there is no place for bigotry, including antisemitism and Islamophobia.

Liberal/National Coalition leader Peter Dutton has been sharply critical of the protests, calling universities that are allowing them to continue ‘weak’. He has said Prime Minister Albanese ‘needs to stand up and show some backbone here and call for an end to these nonsense protests’.

Internet information

On June 14, 2024, The New Daily published a news report titled ‘Sydney University orders end to pro-Palestine camps’ which details Sydney University’s recent demand that pro-Palestinian protesters vacate the campus quadrangle.

The full text can be accessed at

<https://www.thenewdaily.com.au/news/national/2024/06/14/sydney-uni-orders-end-to-camps>

On June 3, 2024, The Conversation published a comment by Fahad Ahmad, Assistant Professor, Department of Criminology, Toronto Metropolitan University and Adam Saifer, Assistant Professor, Faculty of Management, University of British Columbia. The comment is titled ‘How rich philanthropists exert undue influence over pro-Palestinian activism at universities’. The opinion piece gives instances of private donors withdrawing donations in disapproval of United States universities’ handling of pro-Palestinian protests. The authors call for greater public funding of American colleges.

The full text can be accessed at <https://theconversation.com/how-rich-philanthropists-exert-undue-influence-over-pro-palestinian-activism-at-universities-230507>

On May 24, 2024, the ABC published an opinion piece by Maria O’Sullivan, an Associate Professor in Deakin Law School, titled ‘The right to protest on university campuses: Freedom of speech, safety, and the role of the modern university’

The comment discusses the relative rights of university administrators and students when protests are conducted on university grounds.

The full text can be accessed at <https://www.abc.net.au/religion/right-to-protest-freedom-of-speech-safety-on-university-campuses/103846854>

On May 24, 2024, The Globe and Mail published a comment by Gus Carlson titled ‘Facing pro-Palestinian protests, universities must realize they are businesses - and act like it’. Carlson praises Tulane University in New South Wales for effectively discouraging student protest on its campus.

The full text can be accessed at

<https://www.theglobeandmail.com/business/commentary/article-facing-pro-palestinian-protests-universities-must-realize-they-are/>

On May 22, 2024, Crikey published a comment by Ben Eltham titled ‘Coverage of pro-Palestine university protests reflects Australia’s polarised, skewed media’. The opinion piece claims that pro-Palestinian student protesters have been negatively represented by many Australian media outlets.

The full text can be accessed at <https://www.crikey.com.au/2024/05/22/israel-gaza-university-protests-encampments-media-coverage/>

On May 22, 2024, The Conversation published a comment by Geoff Callaghan, Assistant Professor, Political Science, University of Windsor, Canada. The comment is titled ‘University encampments highlight critical issues about the right to protest’. The opinion piece argues that where university protests are conducted peaceably and without vilification, there are few legal grounds on which they should be dispersed.

The full text can be accessed at <https://theconversation.com/university-encampments-highlight-critical-issues-about-the-right-to-protest-230266>

On May 16, 2024, The Nightly published an article by Remy Varga, Katina Curtis and Matthew Schrivell titled ‘Pro-Palestine protesters cause chaos at Melbourne University as

Anthony Albanese condemns MP's chant'. The article focuses on the cancelled classes caused by pro-Palestinian student protests at Melbourne University.

The full text can be accessed at <https://thenightly.com.au/australia/pro-palestine-protesters-cause-chaos-at-melbourne-university-as-anthony-albanese-condemns-mps-chant-c-14688555>

On May 15, 2024, The Guardian gave the views of four Jewish American university students on whether the current pro-Palestinian protests taking place on campuses across the United States are antisemitic.

The full text can be accessed at

<https://www.theguardian.com/commentisfree/article/2024/may/15/campus-protest-jewish-student>

On May 14, 2024, Oxford University's vice-chancellor, Irene Tracey, placed on the university's website a full statement of its attitude toward student protest and freedom of expression, its concern for the safety and wellbeing of all staff and students and its ethical investment policies.

The full text can be accessed at <https://www.ox.ac.uk/about/organisation/global-crises/university-response-israel-gaza-middle-east/oxford-university-response-recent-encampment-protest>

On May 13, 2024, the Australian Studies Institute of the Australian National University published a comment by Mark Kenny titled 'A world without protest? No thanks'

The opinion piece argues for the importance of student protest in bringing about necessary social changes.

The full text can be accessed at <https://ausi.anu.edu.au/news/opinion-world-without-protest-no-thanks>

On May 10, 2024, The Guardian Australia published an article titled "'It's unacceptable": as pro-Palestine encampments grow at Australian campuses so do claims of antisemitism'. The article details the claims of Jewish Australian university students that they are facing increasing incidents of antisemitism.

The full text can be accessed at <https://tinyurl.com/yhxefxy7>

On May 9, 2024, The Sydney Morning Herald published a comment by David Crowe titled 'When uni students endorse terror, it's time for political intervention'. The opinion piece condemns the brutality of many of the student demands but highlights the difficulties for either governments or universities in acting against them.

The full text can be accessed at <https://www.smh.com.au/politics/federal/free-speech-or-threat-to-society-uni-tensions-demand-political-intervention-20240509-p5ir0w.html>

On May 8, 2024, Inside Higher Ed published an article titled 'Survey Shows College Students Largely Support Pro-Palestinian Protests' presenting the results of a recent student survey on support for pro-Palestinian protest action.

The full text can be accessed at <https://www.insidehighered.com/news/quick-takes/2024/05/08/survey-shows-college-students-largely-support-pro-palestinian-protests>

On May 6, 2024, Aljazeera published a comment by Rami G Khouri, non-resident Senior Fellow at the Arab Center Washington, titled 'Watching the watchdogs: How US media weaponised campus protests coverage'. The opinion piece argues that much of American

media's coverage of the pro-Palestinian protests on campus has been biased against the protesters.

The full text can be accessed at <https://www.aljazeera.com/opinions/2024/5/6/watching-the-watchdogs-how-us-media-messed-up-campus-protests-coverage>

On May 4, 2024, Forward published a comment by Eleanor Reich titled 'I'm an Israeli Columbia student. I never thought I'd be afraid to invite my parents to my graduation' in which she explains why her fear of antisemitism has prevented her inviting her parents to this ceremony.

The full text can be accessed at <https://forward.com/opinion/609871/israeli-columbia-graduation-pro-palestinian-protests/>

On May 2, 2024, ABC News published a report titled 'Australian students join US university movement with pro-Palestinian encampments' detailing the growth of pro-Palestinian protests on Australian university campuses following police action against United States students at Columbia and UCLA.

The full text can be accessed at <https://tinyurl.com/2d5977x9>

On April 28, 2024, The Independent published an article by Richard Hall titled 'Jewish student protesters say Columbia's pro-Palestine demonstrations aren't antisemitic'. The article features comments by Jewish students at Columbia claiming the student protests were not antisemitic.

The full text can be accessed at

<https://www.independent.co.uk/news/world/americas/columbia-protests-jewish-students-antisemitism-b2534817.html>

On April 16, 2024, The United States Anti-Defamation League (ADL) published its annual audit of antisemitic incidents across the United States. The audit for 2023 found a dramatic increase in antisemitic incidents.

The full text of the audit can be accessed at <https://dig.abclocal.go.com/wpvi/pdf/041624-wpvi-Audit-2023.pdf>

On November 21, 2023, The Age published an article by Annika Smethurst titled 'Letter from Jewish community calls for tougher line on pro-Palestine student strike' which paraphrases a letter sent by representatives of the Victorian Jewish community requesting the Victorian government discourage a planned 'Student Strike for Palestine'.

The full text of the article can be accessed at

<https://www.theage.com.au/politics/victoria/letter-from-jewish-community-calls-for-tougher-line-on-pro-palestine-student-strike-20231120-p5elfc.html>

On August 10, 2023, the Institute of Public Affairs published a report by Brianna McKee titled 'Free Speech on Campus Audit 2023' and subtitled 'Australia's universities are failing to protect freedom of speech on campus'. The report details a significant decline in support for free speech on campus across all Australia's 42 universities.

The full text of the report can be accessed at <https://ipa.org.au/publications-ipa/research-papers/free-speech-on-campus-audit-2023>

Arguments in favour of Australian universities banning pro-Palestinian protests

1. These protests can escalate and cause violence and physical injury

Opponents of students staging pro-Palestinian protests on university campuses claim that these demonstrations have a high potential to become disruptive and violent. The strength of the differing opinions on the Israel-Hamas war has provoked violence in other jurisdictions and has prompted fears that there could be similar outbreaks at Australian universities.

Critics of the protests have noted that these demonstrations have become violent and resulted in police action at various universities around the world, particularly within the United States. On the night of April 30, 2024, there were violent clashes on the campus of the University of California in Los Angeles (UCLA) between pro-Palestinian protesters and a group of counterdemonstrators. A pro-Palestinian protester claimed counter-protesters sprayed aerosol irritants, launched fireworks, tore down barricades and hit those inside with metal poles and wooden planks. <https://dailybruin.com/2024/05/07/i-thought-i-was-going-to-die-ucla-encampment-protesters-recall-april-30-attack> The UCLA's administration summoned the police, the fire department, and medical personnel. Mary Osako, vice chancellor for UCLA Strategic Communications, issued a statement which stated, 'We are sickened by this senseless violence, and it must end.' <https://newsroom.ucla.edu/ucla-statement-on-disturbances-at-encampment> On May 1, 2024, it was reported that a Palestinian solidarity encampment at the University of California campus in Los Angeles had also been attacked by pro-Israel counter protesters, and classes had been cancelled. University of South Florida police stated that ten people had been taken into custody after protests on campus. Tulane University Police Department in New Orleans, Louisiana, stated that at least 14 protesters, including two Tulane students, had been arrested in connection with protests. <https://www.aljazeera.com/news/liveblog/2024/5/1/live-us-university-protests-spread-amid-growing-calls-to-end-gaza-war> On April 30, the president of Columbia University summoned police to remove students who were claimed to have become destructive after occupying Hamilton Hall. <https://www.nbcnews.com/news/us-news/columbia-university-president-says-negotiations-protesters-stalled-sch-rcna149755>

There has also been some disruption at universities outside the United States. On May 15, 2023, it was reported that the University of Amsterdam was cancelling classes and shutting buildings for two days after demonstrations over the war in Gaza became violent. According to the University of Amsterdam, peaceful protest was 'hijacked by violent elements' who left behind 'wanton destruction.' <https://abcnews.go.com/International/wireStory/amsterdam-university-cancels-classes-after-violence-erupted-pro-110217898> Similar protests have also taken place at Dutch universities in Groningen, Nijmegen, Utrecht, Wageningen and Leiden. <https://www.euronews.com/my-europe/2024/05/14/pro-palestinian-university-students-in-the-netherlands-uphold-protest>

Police have warned that violence may occur on Australian campuses if universities allow pro-Palestinian protests to continue. On May 9, 2024, it was reported Victoria Police were raising concerns with universities daily about ongoing pro-Palestine student encampments on campus. Victorian Chief Commissioner, Shane Patton, said police were meeting with university security staff to outline their fears that simmering tensions could boil over and become violent. Paton stated, 'The longer these encampments go on, the more people get there.' Of particular concern to the Commissioner was that the protests were being infiltrated by radical groups from outside the universities. Paton warned that if local protests escalated in the same way they have in the United States, the job for police would become increasingly difficult. <https://www.watoday.com.au/national/victoria/warning-as-universities-refuse-police-help-with-pro-palestine-camps-20240509-p5ir1p.html> The potential for conflict was

shown at Melbourne University on May 2, 2024, when pro-Israeli and pro-Palestinian protesters confronted each other across a long ornamental pond on the university's south lawn. <https://www.theaustralian.com.au/nation/jewish-students-to-rally-at-university-of-melbourne/news-story/6d1e78991d4e8db44926ae18c92dc8b6>

On May 14, one Australian university, Deakin, ordered pro-Palestinian protesters to dismantle the camp they had set up a week before. The university's administration believes the encampment and the demonstration are a threat to the safety of the overall student body. Deakin's Deputy Vice Chancellor, Professor Liz Johnson, sent an email to the pro-Palestinian protest group stating, 'The continuing presence of the encampment at our Burwood Campus is compromising the right of everyone in the Deakin community to access and enjoy a safe and secure learning and work environment...' <https://www.abc.net.au/news/2024-05-14/albanese-condemns-university-protest-israel-palestine/103843220>

2. Allowing pro-Palestinian protest on-campus appears an endorsement of terrorism
Many of those who want pro-Palestinian protests banned from Australian university campuses argue that the extreme views of some protesters support and promote terrorism. They claim that universities, in allowing these protests to continue, appear to be endorsing terrorism.

In Australia, terrorism is defined as any act which 'causes serious physical harm to a person or serious damage to property; causes death or endangers a person's life; creates a serious risk to the health and safety of the public... or seriously interferes, disrupts or destroys an electronic information, telecommunications or financial system.' To be classed as terrorism these acts need to have a political motivation. Australian anti-terrorism law states that terrorist acts are intended to 'advance a political, ideological, or religious cause; and coerce or intimidate an Australian or foreign government or the public'.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/pjci/s/securityleg/report/chapter5#defi

Claims that pro-Palestinian protesters support terrorism come from the association of Hamas with calls for Palestinian independence. Hamas (an acronym from Harakat al-Muqawama al-Islamiya or 'Islamic Resistance Movement') is a Palestinian Sunni Islamist political and military movement which has governed the Israeli-occupied Gaza Strip since 2007.
<https://en.wikipedia.org/wiki/Hamas#> Hamas has performed many acts generally regarded as terrorism. The most recent of these, and the immediate trigger for the current Israeli-Hamas War, was a raid which occurred on the morning of October 7, 2023. Hamas gunmen crossed Gaza's border into Israel, killing about 1,200 people. Among those killed were children and the elderly. Thousands of rockets were fired. Hamas also took more than 250 Israel hostages back to Gaza. <https://www.bbc.com/news/world-middle-east-67039975>
<https://www.bbc.com/news/world-middle-east-67039975>

Many countries, including Australia, has classified Hamas as a terrorist group. The United States designated Hamas as a terrorist organisation in 1995, as did Canada in November 2002, and the United Kingdom in November 2021. The European Union listed Hamas's military wing as terrorists in 2001 and, gave Hamas as a whole this designation in 2003. Hamas challenged this decision, which was upheld by the European Court of Justice in July 2017. Japan, Australia, and New Zealand have designated the military wing of Hamas as a terrorist organization. In 2022, Australia listed both the political and military wings of Hamas as terrorists and in late February 2024, New Zealand re-designated the entire Hamas

organization as a terror entity. The organization is banned in Jordan.

<https://en.wikipedia.org/wiki/Hamas#>

Several on-campus pro-Palestinian protesters have publicly proclaimed their support for Hamas. On April 30, 2024, Australian National University student Beatrice Tucker stated, ‘I actually say that Hamas deserves our unconditional support’.

<https://www.abc.net.au/listen/programs/canberra-drive/anu-protest/103792324> On May 1, 2024, The Australian reported that pro-Palestinian protesters at the University of Queensland’s encampment had flown the flag of an internationally recognised terrorist organisation. The report stated, ‘The flag of the Popular Front for the Liberation of Palestine (PFLP) was seen flying amid the placards and banners on the third day of the university’s “Gaza solidarity” encampment at the St Lucia campus in Brisbane. The PFLP is a designated terrorist organisation in the United States, the European Union and Canada...’

<https://www.theaustralian.com.au/nation/university-of-queensland-locked-down-by-propalestine-activists/news-story/cafe29f863a5dabee90b0cdb8ef6509e> Other publications have raised similar concerns about university students appearing to support terrorist actions. On May 9, 2024, David Crowe, chief political correspondent for The Sydney Morning Herald noted, ‘The protest slogans have clearly gone beyond polite debates about free speech. Some of them call for violence. The chant for an “intifada” uses the key term for the waves of suicide bombings and other attacks against Israelis in recent decades.’

<https://www.smh.com.au/politics/federal/free-speech-or-threat-to-society-uni-tensions-demand-political-intervention-20240509-p5ir0w.html>

Critics claim that in allowing such student protests to continue, university authorities are effectively encouraging support for terrorism. In an opinion piece published on May 5, 2024, Herald Sun commentator, Andrew Bolt, stated, ‘The trend is frighteningly clear. Universities are allowing radical staff, students and campus invaders to endorse mass murder and rape, or chant genocidal war cries...’

<https://www.heraldsun.com.au/news/opinion/andrew-bolt/andrew-bolt-cowardly-university-leaders-allow-prohamas-ferals-to-run-wild/news-story/5fc64d8e8fe5d13d2c67b72f7c36b1a1> On May 15, 2024, a commentator for The Australian, Janet Albrechtsen, similarly stated, ‘University leaders [need] to use the power and force of moral condemnation to stop hate speech...on their campuses.’

<https://www.theaustralian.com.au/commentary/forget-the-legal-advice-what-about-some-moral-courage/news-story/79aa60ccc0f369beadffaa192f28b31d>

3. Allowing pro-Palestinian protest may promote antisemitism

Opponents of the pro-Palestinian university protests being conducted in Australia believe that many of those taking part are antisemites and are promoting antisemitism.

Antisemitism is a form of religious and racial prejudice. As defined by the United States Holocaust Memorial Museum, ‘Antisemitism means prejudice against or hatred of Jews...Hatred of Jews can take many forms, including violent attacks. It also appears in daily life.’ The Holocaust Museum further explains, ‘Hatred of Jews has existed for thousands of years. The Holocaust, in which the Nazis and their collaborators murdered six million Jews in Europe, was one of the worst examples. But antisemitism didn’t start or end with the Holocaust.’ <https://www.ushmm.org/antisemitism/what-is-antisemitism/explained>

Since the beginning of the Israel-Hamas War, antisemitic incidents have increased in Australia. On November 14, 2023, The Conversation published a comment by Suzanne Rutland, Professor of Hebrew, Biblical and Jewish Studies at the University of Sydney.

Professor Rutland states, ‘According to the Executive Council of Australian Jewry, there were 368 anti-Jewish incidents reported in Australia between October 8 and November 19. This compares to a total of 478 antisemitic incidents for the entire year from October 2021–22.’ Professor Rutland warns that opposition to the Israelis’ actions in Gaza can turn from being political or humanitarian opposition and become an expression of antisemitism motivated by hatred of Jews. Professor Rutland states, ‘Research into current antisemitism has demonstrated it takes three principal forms. It begins with religious anti-Judaism, then mutates into racial antisemitism, and, most recently, political antisemitism associated with the Israeli-Palestinian conflict, in which ostensible criticisms of Israel can morph into an irrational hatred of Jews.’ <https://theconversation.com/the-long-dark-history-of-antisemitism-in-australia-217908>

Opponents of pro-Palestinian protests on Australian university campuses claim that many of those taking part are expressing antisemitic views, rather than simply promoting Palestinian independence, or protesting alleged human rights violations in the Israelis’ conduct of the Israel-Hamas war. Several allegations have been made of antisemitic behaviour among protesters. On May 10, 2024, The Guardian Australia reported that Nazi salutes were purportedly performed during an Australian National University student association. The Australasian Union of Jewish Students (AUJS) claims the gestures occurred at the ANU Students’ Association’s (ANUSA) annual general meeting when a motion was raised by Jewish students to address antisemitism. <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>

Similar claims of antisemitism among the university protesters have been made in the United States. Several antisemitic incidents in or near protests have trended online – including a photo that appears to show an individual holding up a sign that states ‘Al-Qassam’s Next Target,’ referring to a military wing of Hamas, pointing toward people holding Israeli flags on Columbia University’s campus on April 20. United States President Joe Biden, House Speaker Mike Johnson and others have denounced alleged instances of hate amid ongoing debate around the Israel-Hamas war. In an official statement, President Biden has warned, ‘Even in recent days, we’ve seen harassment and calls for violence against Jews. This blatant antisemitism is reprehensible and dangerous – and it has absolutely no place on college campuses, or anywhere in our country.’ <https://abcnews.go.com/US/student-protesters-denounce-antisemitism-amid-criticism-pro-palestinian/story?id=109643275>

Jewish university students in Australia have claimed that their experience of university life is being damaged by the bigotry they are encountering. They claim they are suffering direct abuse from protesters and because of the antisemitic atmosphere created by the on campus pro-Palestinian demonstrations. In a letter published in The Australian on May 15, 2024, and addressed to the university chancellors of Australia, a Jewish mother explained the bigotry her daughter was experiencing. The mother, Moran Dvir, wrote, ‘Your acquiescence to the growing unruly mobs that have gathered on campuses around Australia has given way to the ugliest behaviour this country has ever seen. You have stood idly by in the name of free speech while Jewish university students have been verbally and physically vilified in the name of a conflict on the other side of the world.’ She described an experience of abuse she had suffered with her daughter, stating, ‘We stood quietly to the side with other Jewish staff and students, as protesters and rally organisers chanted at us, “F..k off, Zionist scum”, “bye bye, Zionists” and “shame, Zionists, shame”.’

<https://www.theaustralian.com.au/commentary/uni-leaders-enable-ugliest-behaviour-in-nations-history/news-story/a676947ea02d563981e2e8b171382d82>

In an article published in The Guardian Australia on May 7, 2024, the vice-president of the Australasian Union of Jewish Students (AUJS), Zac Morris, explained the negative experiences being faced by Jewish university students. He stated, 'Students are afraid to go to class, they're missing lectures and tutorials. They're being filmed, followed, intimidated.'

<https://www.theguardian.com/australia-news/article/2024/may/07/amid-reports-jewish-students-in-sydney-afraid-to-go-to-class-minister-urged-to-condemn-university-encampments>

4. Protesters right to freedom of speech should not override the right of other students to learn. Opponents of the pro-Palestinian protests occurring on university campuses argue they are disrupting the learning opportunities of other students. There is concern that universities have not been able to support protesters right to free speech while also protecting the right of other students to pursue their education.

Several university chancellors have highlighted that the behaviour of some pro-Palestinian protesters could undermine the creation of a safe learning environment. On May 1, 2024, the Vice-Chancellor and President of the University of Sydney, Professor Mark Scott, issued a statement regarding the protests. He declared the following behaviours unacceptable as they would disrupt the learning environment of the university: 'disruption of lectures and classes, preventing other students from learning; harassing or intimidating staff and students who may hold a different view or simply do not wish to engage in protest or debate; preventing free movement around campus; and damage to property.' Vice Chancellor, Professor Scott, then explained that some of the University's expectations had not been met by the protesters, including: 'Protesters entering buildings and harassing staff; and protesters blocking City Road and endangering the health and wellbeing of students and staff...'

<https://www.sydney.edu.au/news-opinion/news/2024/04/24/statement-regarding-peaceful-protests-on-campus.html>

Columbia University president Minouche Shafik has also stated that some of the protesters' behaviour has violated the university's expectations. Shafik explained, 'I...want to be clear that we will not tolerate intimidating, harassing, or discriminatory behaviour. The right to protest is essential and protected at Columbia, but harassment and discrimination is antithetical to our values and an affront to our commitment to be a community of mutual respect and kindness.' Ultimately, Shafik concluded, 'The encampment raises serious safety concerns, disrupts campus life, and has created a tense and at times hostile environment for many members of our community. It is essential that we move forward with a plan to dismantle it.'

<https://www.sbs.com.au/news/article/protesters-arrested-and-students-feeling-unsafe-whats-going-on-at-columbia-university/lftwhjio7>

Fayetteville State University has also highlighted the values the educational institution seeks to promote and the potential conflict that the protesters create. The university has stated, 'Our mission promises respect for diversity and a commitment to life-long learning, and professional development for faculty, staff, and students. Our First Amendment obligation not to restrict offensive and hateful speech does not mean such speech is worthy or welcome. FSU reserves its right to publicly condemn words or acts of intolerance and commits to protecting the speech of members of our community who choose to do the same.' The university further stated, 'Supreme Court law holds that public institutions like Fayetteville

State University have discretion in regulating the “time, place, and manner” of speech on campus. The right to speak on campus is not a right to speak any time, at any place, and in any manner. In the interest of sustaining its mission and functions, as well as protecting public safety, the university can regulate the “where, when, and how” of speech activity on campus.’

<https://www.uncfsu.edu/faculty-and-staff/divisions-departments-and-offices/division-of-legal-audit-risk-and-compliance/freedom-of-speech-at-fsu>

5. Universities should promote dialogue rather than confrontation as a means of resolving issues

Opponents of pro-Palestinian protests on university campuses claim that these sites of learning should be promoting dialogue and discussion, not hosting demonstrations which spark hostility and conflict.

Critics have expressed concern that protests promote polarisation of views rather than the compromise and collaboration needed to achieve peaceful resolutions. In an article published in *The Conversation* on May 10, 2024, Kawser Ahmed, Adjunct Professor at the Political Science Department, University of Winnipeg, pointed to historical instances of on-campus peace movements increasing support for war among opposing groups. Professor Ahmed writes, ‘In the 1960s, anti-war protests...triggered a boost in enrolment in pro-war groups like the Young Americans for Freedom and the founding of right-wing student newspapers like the *Badger Herald*.’ Professor Ahmed also argued against using police to prevent the outbreak of violent counter protests. He states, ‘Such police involvement might lead to a rise in extremism since it could fuel resistance, or result in confrontations...’

<https://theconversation.com/university-campuses-should-be-places-of-peacemaking-not-venues-for-proxy-wars-229337>

Other strategies have been suggested as more effective than protest in promoting peaceful discussion and the ultimate resolution of an issue. Professor Ahmed has suggested that university presidents should ‘initiate a “community dialogue initiative” by convening pro-Israel and pro-Palestinian groups, along with influential community members, to serve as mediators for mutual expression of grievances’. The Professor has also suggested that ‘Engaging a professional mediator may prove beneficial... [while] University leadership should preside over these discussions, stressing the significance of peaceful protest and ensuring campus safety’. Ahmed has proposed that both sides of the issue should be ensured a safe hearing, stating, ‘Addressing pro-Palestinian grievances should be done judiciously, while balancing pro-Israeli sentiments by emphasizing a shared journey towards hope and co-existence.’ <https://theconversation.com/university-campuses-should-be-places-of-peacemaking-not-venues-for-proxy-wars-229337>

It has been claimed that students want an opportunity for dialogue, not confrontational protest. In an opinion piece published in *The Hill* on May 16, 2024, Jessica Carpenter stated, ‘We’re seeing a vocal minority on campus take control of the conversation — or lack thereof — around Israel and Palestine. These voices are being aided by “outside agitators” taking advantage of student anger. While universities grapple with how to navigate these protests, they’re missing the fact that students want spaces to talk and be heard.’ Carpenter has referred to her own experience of students wanting an opportunity to discuss the Palestinian-Israeli conflict rather than be intimidated by aggressive protests. She writes, ‘My organization, BridgeUSA, held a listening session with student leaders at the University of Southern California (USC), Columbia University, New York University, the University of

Texas at Austin and the University of California, Berkeley (UC Berkeley). Their takeaways from campus were that most students are refraining from conversation due to tension on campus and fear of having their voices drowned out by those dominating media coverage. Not only that, but they also said students are looking for spaces on campus for constructive discussion, and that the universities can be valuable partners in creating these.’

<https://thehill.com/opinion/4666294-dont-be-fooled-by-college-protests-gen-z-wants-dialogue-on-israel-and-palestine/>

Critics argue that rather than places of protests, universities should be places of civil dialogue where differing views can be heard not shouted down. Jessica Carpenter concluded, ‘The problem is not that students don’t want to talk — the problem is that the majority of students don’t feel there is the right space and structure to have a productive conversation. It’s that we’re focusing on the vocal minority when we should be elevating the majority of students who are seeking spaces for conversation.’ <https://thehill.com/opinion/4666294-dont-be-fooled-by-college-protests-gen-z-wants-dialogue-on-israel-and-palestine/>

Arguments against Australian universities banning pro-Palestinian protests

1. Universities should promote students’ freedom of speech, not seek to suppress it. Supporters of pro-Palestinian protests on campus argue that one of the fundamental principles of intellectual life is freedom of thought and freedom of expression. They claim that universities should support these principles by allowing student protesters to express their views on university sites.

Laws in the United States guarantee free speech. The United States Civil Liberties Union states in its document ‘Speech on Campus’, dated December 18, 2023, ‘The First Amendment to the [United States] Constitution protects speech no matter how offensive its content. Restrictions on speech by public colleges and universities amount to government censorship, in violation of the Constitution. Such restrictions deprive students of their right to invite speech they wish to hear, debate speech with which they disagree, and protest speech they find bigoted or offensive. An open society depends on liberal education, and the whole enterprise of liberal education is founded on the principle of free speech.’

<https://www.aclu.org/documents/speech-campus#:~:text=The%20First%20Amendment%20to%20the,in%20violation%20of%20the%20Constitution.>

United States commentators have claimed that recent actions taken against pro-Palestinian protesters have violated their rights to freedom of speech. An article published by the New York Civil Liberties Union (NYCLU) stated, ‘Universities should be havens for robust debate, discussion, and learning – not sites of censorship where administrators, donors, and politicians squash political discourse they don’t approve of. But Columbia University recently violated New York law to single out and suspend two student groups for participating in a peaceful student demonstration and temporary art installation in support of Palestinian rights.’ The NYCLU stated, ‘That’s retaliatory, it’s targeted, and it flies in the face of the free speech principles that institutes of higher learning should be defending.’

<https://www.nyclu.org/podcast/inside-columbias-crackdown-on-pro-palestinian-free-speech>

Australian law does not offer the same protection for free speech. The Institute of Public Affairs (IPA) has stated that in the absence of clear guarantees of freedom of expression

within the Australian Constitution, many Australian universities are becoming less supportive of freedom of speech. In a freedom of speech on campus audit published on August 10, 2023, the IPA stated, ‘In 2023, almost all Australian universities are hostile to freedom of speech on campus: 38 of Australia’s 42 universities (90 percent) are rated ‘red’ for having policies that are hostile to free speech on campus, an increase from 33 in 2018 and 31 in 2017. Four of Australia’s universities (10 percent) are rated ‘amber’ for policies that threaten free speech on campus, a decrease from 8 in 2018 and 10 in 2017. Zero universities are rated ‘green’ for supporting free speech on campus, a decrease of one institution, The University of New England, in 2018.’ The IPA further noted, ‘The total combined hostility scores of all Australian universities [toward freedom of speech on campus] has more than doubled since 2016.’ <https://ipa.org.au/publications-ipa/research-papers/free-speech-on-campus-audit-2023#:~:text=For%20the%20first%20time%2C%20the,in%20the%20French%20Model%20Code>.

Critics have claimed that calls to disband pro-Palestinian protests on Australian university campuses are an attack on freedom of expression. In a comment published by the University of Sydney Newsroom, on May 27, 2024, Luke McNamara, Professor in the Faculty of Law and Justice and member of the Centre for Criminology, Law & Justice at the University of New South Wales, Sydney, asked, ‘Aren't university campuses exactly the places where young adults should be allowed the maximum possible space to develop and share their political voices?’ Reviewing the recent demands that pro-Palestinian protests be dispersed, McNamara suggests, ‘The day that a peaceful human rights-affirming assembly on a public university campus (even one that causes distress to some members of the university community) is deemed intolerable may well be the day we have to face the fact that...the right to protest is very ill indeed.’ <https://www.unsw.edu.au/newsroom/news/2024/05/gaza-sit-in-reactions-show-limits-of-right-to-protest>

Sydney University vice chancellor, Mark Scott, has similarly argued that universities must continue to be places where freedom of speech is fostered. Defending his institution’s decision to allow pro-Palestinian protests to continue, he has stated, ‘Over the years you can go back to the Vietnam War, the conscription debate – there have always been strongly held views and intense debates. That’s part of who we are. Our instinct is never to pre-emptively shut down free speech and debate and the right to protest.’ <https://www.smh.com.au/national/nsw/part-of-who-we-are-why-sydney-uni-vice-chancellor-allows-protest-camp-to-stay-20240430-p5fnpk.html>

2. Universities should be places of academic freedom where a wide variety of views are encouraged and debated, including among staff.

Critics of any ban on Pro-Palestinian protests claim that such bans may encourage restrictions being placed on what views academics are allowed to present to their students and those students are able to debate. Supporters of the pro-Palestinian protests argue that openness to diverse opinions is fundamental to university education.

Critics of the protest bans note that several United States academics have been threatened with penalties for expressing pro-Palestinian views and that this undermines their academic independence. In an opinion piece published in Inside Higher Ed on May 3, 2024, Ryan Quinn stated, ‘Many faculty members have raised alarm over these events, saying they threaten two often-overlapping concepts: academic freedom and free speech. After Columbia’s president suggested to House Republicans that faculty members may face discipline for their speech...concerns began to multiply about politicians, university donors

and board members limiting what professors wish to teach on campus, research in their careers and speak about in public.’ <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/05/03/will-academic-freedom-and-campus-free-speech#> Ryan Quinn claimed, ‘Dozens of U.S. faculty members have been investigated, suspended, or fired for speaking out about Israel and Palestine since the war began Oct. 7. Free speech and academic freedom advocates have been disturbed by the spate of probes and punishments for faculty members’ social media posts, rally speeches, defenses of encampments and other out-of-classroom activities.’ <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/06/03/depaul-adjunct-ousted-optional-gaza-assignment>

Dr. Anne D’Aquino, an adjunct professor at DePaul University, Chicago, Illinois, has been claimed to be an example of overt academic repression when she was fired after offering an optional assignment to her students in which she asked them to explore the biological and health impacts the war in Gaza has had on Palestinians. D’Aquino taught Health 194, Human Pathogens and Defense, across from the now torn-down pro-Palestinian protest encampment on her university’s quad. The professor defended her assignment on the basis that the course she was teaching is intended to explore microbiology research and its relevance to everyday life and current events. <https://www.cbsnews.com/chicago/news/adjunct-professor-fired-depaul-assignment-war-in-gaza-public-health/> Those who believe the pro-Palestinian protests should be allowed claim D’Aquino’s case represents the sort of academic discrimination encouraged by protest bans.

It has also been claimed that attempts have been made to limit the publication of scholarly articles critical of Israel’s actions against Palestine. Editors of Columbia Law Review, a prominent journal run by students from the prestigious university’s law school, have claimed the publication’s board of directors urged them on June 2, 2024, to refrain from publishing an article critical of Israel. After the students published the article online the following day, the board had the law review’s website taken down. Though the website was subsequently restored, and the article published, critics claim the attack on the website is symptomatic of current attempts to restrict academic freedom. In a comment published in The Conversation, on June 12, 2024, Neal H. Hutchens, Professor of Higher Education at the University of Kentucky, stated, ‘If the students’ allegations are accurate, the board violated widely accepted standards of academic freedom in higher education that scholars see as critical. Academic freedom is part of what makes colleges and universities places where new views and knowledge can be shared and where accepted ideas can be questioned.’ <https://tinyurl.com/5n8kxaue>

Claims have been made that university academics worldwide have faced penalties up to dismissal for expressing pro-Palestinian views. In an opinion piece written by Natasha Lennard and published in The Intercept on May 16, 2024, it was claimed, ‘Since the beginning of Israel’s war on Gaza, academics in fields including politics, sociology, Japanese literature, public health, Latin American and Caribbean studies, Middle East and African studies, mathematics, education, and more have been fired, suspended, or removed from the classroom for pro-Palestine, anti-Israel speech.’ Leonard further claimed, ‘These educators have little in common. They live in different cities and states and hail from different countries. Some have been teaching in their institutions for decades, some were newly hired. Some taught at private universities, others public. They have varying degrees of job security, from a tenured professor to the most precarious adjunct contracts. And they are racially, ethnically, religiously, age, and gender diverse.’ <https://theintercept.com/2024/05/16/university-college-professors-israel-palestine-firing/>

It has been reported that in Israel, Hebrew University academic, Professor Shalhoub-Kevorkian, was arrested for expressing pro-Palestinian views. In a New York Times article published on June 16, 2024, it was stated that right-wing members of Israel's Parliament had called for her to be fired and for the police to investigate her for incitement. It was also claimed that economic sanctions against Hebrew University had been called for to increase pressure on the university to remove her. On April 18, Israeli police detained the professor at her home in East Jerusalem, and then overnight in a prison cell. It is claimed that over the next few weeks Israeli authorities questioned Professor Shalhoub-Kevorkian for more than 17 hours. The professor has stated, 'Violent extremism has been allowed to overtake and politicize the criminal justice and academic systems and has reached new levels in my case.'
<https://www.nytimes.com/2024/06/12/world/australia/palestinian-professor-israel-gaza-war.html>

3. The level of disruption caused by pro-Palestinian protesters has been exaggerated. Those who oppose the banning of pro-Palestinian protests on university campuses claim that the degree of violence and disruption occurring during these protests has been exaggerated.

It has been stated that the pro-Palestinian protests on campuses in the United States have generally been non-violent. Armed Conflict Location and Event Data Project (Acled), an independent non-profit that tracks political violence and political protests around the world, found that 97 percent of campus demonstrations over the war in Gaza that have taken place in America have been peaceful. An analysis of 553 American campus demonstrations nationwide between 18 April and 3 May found that fewer than 20 resulted in any serious interpersonal violence or property damage, according to statistics from the Armed Conflict Location and Event Data Project (Acled). <https://tinyurl.com/2s3tv94p>

It has further been claimed that media coverage of pro-Palestinian protests in the United States has been biased and has tended to misrepresent them as violent. On May 6, 2024, Aljazeera published a comment by Rami G Khouri, nonresident Senior Fellow at the Arab Center Washington. Khouri claims, 'The mainstream [United States] media has widely condemned students and accused them of using "hate speech and hate symbols", endorsing terrorism, advocating for Israel's destruction, resorting to anti-Semitic slurs, and threatening and frightening Jewish students.' He notes some media have referred to these protesters as 'Nazi mobs'. <https://tinyurl.com/2s3p2yf3>

On May 22, 2024, Crikey published a report by Dr Ben Eltham, a Lecturer in Media and Communications at Monash University's School of Media, Film and Journalism, in which he disputed the way in which these protests have been presented in the Australian media. Eltham has stated, 'I've been struck by the disconnect between the protests and the media coverage of them. Since the first Australian encampments began in April, the majority of reporting has painted them as chaotic, hateful and violent, and focused on contested interpretations of protesters' chants rather than the issues about which they are protesting...A careful scan of the public record suggests pro-Palestine protesters have been overwhelmingly non-violent.'
<https://www.crikey.com.au/2024/05/22/israel-gaza-university-protests-encampments-media-coverage/> Eltham suggests that the reporting of these protests in Australia has followed a well-established pattern of media representation which tends to frame most protests through the lens of violent confrontation. Referring to one Monash protest which Eltham claims was peaceful he describes the media coverage as 'using language like "clashes", "confrontations",

“chaos” and “tensions”.’ <https://www.crikey.com.au/2024/05/22/israel-gaza-university-protests-encampments-media-coverage/>

It has also been claimed that where pro-Palestinian protesters became violent, this was often in response to aggressive police attempts to disperse them. Nearly half of the campus protests that Aclad categorized as violent involved protesters fighting with law enforcement during police interventions. Aclad’s analysis of more than 550 campus protests found only two instances of property damage serious enough to class the demonstration as violent: protesters at Portland State University who shattered glass and damaged furniture and computers during their occupation of a campus library, and protesters at Columbia University who broke windows during their occupation at a campus building. <https://tinyurl.com/2s3tv94p> Despite the lack of violence by most protesters, commentators have noted the force used by United States police in removing them from university campuses. A Vox report published on May 3, 2024, stated, ‘For weeks, police have been arriving on college campuses from New York to California at the behest of university officials, sweeping pro-Palestinian protests and arresting more than 2,100 people. They’ve come in riot gear, zip-tied students and hauled them off, and in some high-profile instances, acted violently... Nearly 50 universities have called the authorities to intervene, and students and faculty have been beaten, tear gassed, and shot at with rubber bullets by police.’ <https://www.vox.com/24147461/columbia-gaza-encampment-campus-protests-police-crackdown-pro-palestinian-students>

The United Nations High Commissioner for Human Rights has indicated he is troubled by ‘a series of heavy-handed steps’ taken by some universities in the United States to disperse and dismantle Gaza war protests. The High Commissioner further stated, ‘I am concerned that some of law enforcement actions across a series of universities appear disproportionate in their impacts.’ <https://www.ohchr.org/en/press-releases/2024/04/united-states-america-un-human-rights-chief-troubled-law-enforcement-actions>

4. Pro-Palestinian protesters are not anti-Semitic

Those who support pro-Palestinian protesters remaining on university campuses argue that most of these protesters are not anti-Semitic. They claim there is a distinction between those who oppose the way Israel has conducted the Israel-Hamas War and those who are anti-Semitic.

The protesters claim that opposition to the state of Israel and the way it has treated Palestinians is not anti-Semitism – an irrational hatred directed at Jewish people as an ethnic, cultural, and religious group. Supporters of the protesters argue that there is a difference between being opposed to the policies of a particular state and being prejudiced against a racial or cultural group. This point has been made by Jeffrey C. Isaac, Professor of Political Science at Indiana University, Bloomington, who describes himself as ‘a Jewish-American political science professor who... has taught at one of the country’s major public universities, Indiana University, for almost four decades.’ Professor Isaac maintains that most of those protesting the actions of the Israeli state against Palestinians are being mischaracterised as antisemitic. He writes, ‘Most of the clamor about “anti-Semitism” on American campuses today is not about hatred of Jews or violence against Jews. It is about the Israeli-Palestinian conflict, and the range of emotional, intellectual, and political responses to it.’

<https://www.commondreams.org/opinion/anti-semitism-2666175824> The same point has been made by Ajay Skaria who teaches South Asian Politics and History at the University of Minnesota. Skaria has stated, ‘In US universities at least, the protests are not, barring some rare exceptions, driven by anti-Semitism... [though] they consider themselves fiercely anti-

Zionist, these students come down sharply on positions that bear any whiff of anti-Semitism.’ Skaria has explained the difference as ‘while anti-Semitism is a hostility directed against Jews because of their religious or cultural identity, anti-Zionism is an opposition to Zionism as an ideology that is racist because it claims the Israeli state and the land of Israel-Palestine exclusively for the Jewish community.’ <https://thewire.in/world/are-critics-of-student-protests-subconsciously-anti-semitic>

Around the world numerous Jewish students have joined the pro-Palestinian university protests. They have declared they are acting because of ethical and political objections to the actions of the state of Israel, not because of prejudice against Jewish culture or ethnicity. One unnamed student interviewed at the University of Southern California told a CBS News reporter, ‘As an Israeli Jewish person, I feel that it is absolutely crucial for me to stand with Muslim friends and peers, especially when they are being accused of antisemitism simply for criticizing my government.’ <https://www.npr.org/2024/04/25/1247253244/unpacking-the-truth-of-antisemitism-on-college-campuses> Ben-Menachem, a Jewish American who joined the protests at Columbia, has said he watched with amazement as the media and political figures have attempted to characterise the protests as antisemitic and dangerous, despite Jewish student organisations playing a central role in them.

<https://www.independent.co.uk/news/world/americas/columbia-protests-jewish-students-antisemitism-b2534817.html> Another Jewish American student, Benjamin Kersten, a PhD candidate in art history at UCLA (University of California, Los Angeles), stated, ‘As a Jewish student who participated in the UCLA Palestine solidarity encampment, I find the charge that the encampments are antisemitic to not only be misleading but dangerous... It is not antisemitic to criticize the state of Israel or to reject Jewish supremacy. The pervasive misidentification of antisemitism hinders our ability to understand and dismantle real antisemitism...’ <https://www.theguardian.com/commentisfree/article/2024/may/15/campus-protest-jewish-student>

5. Most pro-Palestinian protesters are not supporting terrorism

Those who favour pro-Palestinian protests continuing on university campuses claim that they are not an expression of support for terrorism. They argue the protests are against the actions of the Israeli government and an attempt to protect Palestinian civilians. They are not meant to support the terrorist actions of Hamas.

The political leaders of Palestine, Hamas, have been internationally condemned as a terrorist group for their violent attacks on Israeli civilians. However, supporters of pro-Palestinian demonstrations argue it is possible to be part of these protests without endorsing Hamas. They claim that most protesters are seeking better treatment for Palestinians, not supporting the use of terrorist action to advance the Palestinian cause. This was explained by the Deputy Commissioner of the Metropolitan Police (London), Dame Lynne Owens. In an open letter published on October 12, 2023, the Deputy Commissioner stated, ‘Hamas is a proscribed terrorist organisation under UK law... Anyone who expresses support for these organisations, waves their flag, holds up a placard or directly expresses support for them is committing an offence and can expect to be dealt with.’ However, the Deputy Commissioner went on to explain. ‘What we cannot do is interpret support for the Palestinian cause... as automatically being support for Hamas or any other proscribed group, even when it follows so soon after an attack carried out by that group and when to many the link seems indisputable. An expression of support for the Palestinian people more broadly, including flying the Palestinian flag, does not, alone, constitute a criminal offence.’ <https://news.met.police.uk/news/open-letter-from-the-deputy-commissioner-to-londons-jewish-communities-473589>

A similar position has been put by Maria Rashed, a Palestinian Christian living in Israel. In an opinion piece printed in The Guardian on October 22, 2023, Rashed stated, ‘One can support Palestinians’ right to resist and end the occupation without supporting Hamas.’ Rather than being a supporter of Hamas, Rashed opposes them, stating ‘I do not condone violence in the name of religion. I cannot endorse or identify with Hamas’s attack on innocent civilians on 7 October. Despite being a proud Palestinian who supports oppressed communities and actively speaks out against Israeli occupation and colonialism, this attack on Israeli civilians does not align with my beliefs – I condemn killing civilians and deeply mourn the loss of lives among Palestinians and Israelis.’ Rashed is concerned to break the link many in the media claim exists between support for Palestinians and support for Hamas. <https://www.theguardian.com/commentisfree/2023/oct/22/palestinian-citizen-israel-without-supporting-hamas>

Activists protesting in support of Palestinians also object to the assumption that their attempts to draw attention to suffering in Palestine mean they are supporters of Hamas, the terrorist group who are the political and military leaders of Palestine. Momodou Taal, a second-year PhD student at Cornell University in New York, is a member of the college’s Coalition of Mutual Liberation, a group that supports pro-Palestine rallies. He has been disturbed by being repeatedly asked to declare his opposition to Hamas and objects to what he believes is the assumption that he supports the group. Taal has stated, ‘I can say clearly, categorically, I abhor the killing of all civilians no matter where they are and who does it. I love life. I don’t love death... Why is it the association because I’m a Muslim and I’m a Black person, I have to condemn a proscribed terrorist organization before having an opinion on genocide?’ <https://edition.cnn.com/2023/11/04/us/us-students-impacted-by-israel-hamas-war/index.html>

A similar position was put by a first-year student at the University of Pennsylvania who asked to remain anonymous when interviewed by CNN as he was afraid of reprisals against him. He is a supporter of the pro-Palestinian protests but objects to the assumption that he supports the terrorist acts of Hamas. He grew up in Northern Ireland and said he had learned through his father what it was like to be discriminated against and called a terrorist for opposing an ‘oppressive regime’. He stated, ‘You see thousands of children dying, it doesn’t take a terrorist to want to support them. It doesn’t take someone with bad will to support life.’ <https://edition.cnn.com/2023/11/04/us/us-students-impacted-by-israel-hamas-war/index.html>

Further implications

Freedom of speech and assembly are under some challenge in Australia. Laws have been passed which specifically remove the presumed right of Australian protesters to demonstrate against climate change or the clearing of forests.

<https://www.hrw.org/news/2023/05/30/australias-crackdown-climate-activists> Some of Australia’s anti vilification laws have been seen as an unjustifiable limitation on freedom of speech. <https://thesydneytory.com/2017/09/16/how-new-anti-vilification-laws-for-the-plebiscite-undermine-free-speech/> Attempts to regulate content on the Internet have also been interpreted as a threat to free expression. <https://ipa.org.au/research/rights-and-freedoms/australias-war-on-free-speech> While recent calls for university students to be prevented from conducting pro-Palestinian protests on campus have also been viewed as an attack on the presumption of a right to free speech and assembly.

Unlike the United States’ Constitution, Australia’s does not explicitly guarantee rights to free speech and assembly; however, Australia is a signatory to several international conventions that do endorse these rights. The Australian Human Rights Commission has noted that as

Australia is a signatory to the International Covenant on Civil and Political Rights (ICCPR), Australians have the right to hold opinions without interference and the right to freedom of expression. The right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other chosen medium. The exercise of these rights carries with it special duties and responsibilities, including respect for the rights or reputations of others and the protection of national security or of public order, or of public health or morals.

<https://humanrights.gov.au/our-work/rights-and-freedoms/freedom-information-opinion-and-expression>

The Australian Attorney General's Department notes that Australia is a party to seven core international human rights treaties. The right to freedom of assembly and association is contained in articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) and article 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right to peaceful assembly protects the right of individuals and groups to meet for a common purpose or to exchange ideas and information, to express their views publicly and to hold a peaceful protest. The right extends to all gatherings for peaceful purposes, regardless of the degree of public support for the purpose of the gathering.

<https://tinyurl.com/4t8ws3bp>

Both the rights referred to above are subject to legitimate limitations. The right to freedom of expression does not include a right to commit slander or libel, to vilify (racially or otherwise), to threaten public health or to promote unrest or disorder. The right to assembly only extends to peaceful gatherings that do not involve disorder or physical harm.

https://www.alrc.gov.au/wp-content/uploads/2019/08/fr_129ch_4_freedom_of_speech.pdf

Laws which limit or prohibit freedom of speech or assembly can be contested. In December 2023, the New South Wales Supreme Court struck down part of a suite of strict anti-protest laws passed by state parliament in 2022. The state Supreme Court ruled that criminalising activities that cause partial closures or redirections around ports and train stations was constitutionally invalid. The laws were intended to prohibit climate change protests which obstructed roads, bridges, or ports. In making his ruling, Justice Michael Walton stated that the government could not criminalise activities which led to facilities being only partially closed, or which caused people attempting to use them to be redirected. Justice Walton stated that trying to prohibit demonstrations based on public inconvenience had 'a chilling effect on political communication via protests and public assemblies'.

<https://www.smh.com.au/national/nsw/chilling-effect-supreme-court-overturns-nsw-s-tough-anti-protest-laws-20231213-p5erbl.html>

On June 14, 2024, Sydney University ordered the pro-Palestinian encampment to be removed from the campus almost eight weeks after tents, flags and banners were set up and protesters gathered on the quadrangle lawns. A university spokesperson stated, 'The front lawns are a shared space, and as we have said previously, our shared spaces should be welcoming and inclusive to all members of our community. Since 24 April, the encampment has taken over this shared space to the exclusion of others.' <https://www.smh.com.au/national/nsw/sydney-university-orders-protest-camp-to-leave-20240614-p5jlvj.html>

The University is not claiming that the protesters caused violence or physical harm or that they used 'hate speech' or vilified others, all of which would be grounds for their removal. The argument being put is that they are denying other students access to the area where they

are encamped and are causing 'significant disruption to core university operations'. Vice chancellor, Mark Scott, has written to the protest organisers telling them the protest camp needs to be cleared so the lawns can be made ready for the start of semester two's 'Welcome Fest'. <https://www.smh.com.au/national/nsw/sydney-university-orders-protest-camp-to-leave-20240614-p5jlvj.html>

Sydney University's vice chancellor had previously stated, 'Over the years you can go back to the Vietnam War, the conscription debate – there have always been strongly held views and intense debates. That's part of who we are. Our instinct is never to pre-emptively shut down free speech and debate and the right to protest.'
<https://www.smh.com.au/national/nsw/part-of-who-we-are-why-sydney-uni-vice-chancellor-allows-protest-camp-to-stay-20240430-p5fnpk.html> The University is arguing that it is not pre-emptively shutting down the debate, that it has negotiated unsuccessfully with the protesters and now needs to act to protect its 'core...operations'.

The protesters have not yet decided how to respond to the order to remove their encampment. It may take an appeal to the New South Wales Supreme Court to determine whether the University can move them on as proposed.