Thank you, honorable Senators, for inviting me.

I'm Kenneth Stern. I direct the Bard Center for the Study of Hate. I also worked at the American Jewish Committee for 25 years, where I directed the division on antisemitism, and in 2004 was the lead drafter of the text of what is now known as the IHRA definition of antisemitism.

That definition was created primarily to help data collectors across Europe gauge the level of antisemitism across time and borders.

Many of the examples were about Israel, because then, as now, there is a correlation between certain expressions about Israel and the level of societal antisemitism.

Unfortunately, since 2010, proponents of the definition have used it as a de facto "hate speech" code, targeting expressions about Israel, particularly on campus, going after texts faculty assign and political speech.

Proponents say antizionism is antisemitism. But of course not all anti-Zionism is antisemitism. Among Jews, most are Zionist, but for some their Judaism leads them to anti-Zionism. In Germany, IHRA was used to label Jews protesting the war in Gaza antisemites. One commentator noted the irony of Germany again defining what it means to be a Jew, what's a legitimate Jewish position. No state should be deciding this internal religious issue.

In education, the adoption of IHRA violates academic freedom. It's also unconstitutional viewpoint discrimination, and has been held so by US Federal courts.

If there's a definition of antisemitism, why not, to be fair, also adopt a definition – which came out of Canada – of anti-Palestinian racism? And if you do that, what can administrators do when someone says "Palestine Will be Free from the River to the Sea" or "Israel has the right to a Jewish state between the River to the Sea?" Why not adopt one for every other type of bigotry that some believe are associated with political speech? How would that work?

What do you do as an administrator on a campus if there's a fundamentalist Christian group that believes in the Gospels? IHRA includes an assertion of Jews killing Jesus as one of its examples.

And consider Columbia University's Marianne Hirsch, a tenured genocide scholar from a family of Holocaust survivors. She said she may quit because she doesn't know how she can teach with IHRA in place.

IHRA is being used to limit what professors can teach, similar to what happened in the McCarthy period in the US.

When I speak to synagogues about what worries me most about antisemitism today I point to two things.

First, the vilification of anyone among us creates a conveyer belt to antisemitism. Anti-immigrant hysteria was the background to the 2019 mass murder of Mexicans and Mexican-Americans at a Walmart in El Paso. No one would call that an act of antisemitism. But a few months earlier Jews were gunned down at The Tree of Life synagogue in Pittsburgh. That shooter knew that a synagogue had hosted a pro-immigrant event. The two shooters had the same ideology, just chose different targets.

And think of Charlottesville. This was a protest over the removal of a Confederate statue. Why did they chant Jews shall not replace us? Antisemitism at its core is two things: a belief that Jews conspire to harm humanity, and that that conspiracy is the explanation for what goes wrong in the world.

If you're a white supremacist, believing you are losing to inferior people, how can that be? Someone must be putting their finger on the scales. That would be Jews.

Second, our ability to fight hate, including antisemitism, is directly related to the strength of our democratic institutions. Jews have been particularly vulnerable during times when free speech, academic freedom and due process were under duress.

In the US we are seeing the government proscribing what can be taught about race and gender, and a good part of the Jewish community, which likely objects to those efforts to silence speech and teaching, is asking unfortunately for the government to do something similar regarding Israel.

We are losing the distinction between actual harassment, true threats, and bullying, on one hand, and hearing ideas that may disturb us, on the other.

Instead of defining what political speech we would like the government to chill or suppress, we should be working to underscore that we are all human beings first, and encourage students – and the rest of us – to have the emotional empathy and intellectual curiosity about why our classmates and neighbors might have views we detest.

In my 2020 book The Conflict Over the Conflict: The Israel/Palestine Campus Debate I outlined courses – on Israel/Palestine, hate, antisemitism, free speech, and so much more – that are designed to do just that. Now, there's even an AI-program called Sway that pairs students in discussions of contentious topics (like Israel/Palestine). No raised voices, no eye rolls, just text back and forth, fun and effective.

Let's empower complexity and empathy and more speech, not target speech some might want the government to suppress.