

Draft February 20, 2026 (RK)

Seminar: Antisemitism and the Law (3 credits)

Semester: *InsertTerm/Year*

Instructor: *InsertName*

Meeting Times: *InsertDay/Time*

Room: *InsertRoom*

Email: *InsertEmailAddress*

Office Hours: *InsertHours/Location*

Course Description

Law has the power both to oppress and to liberate. This seminar critically examines how legal systems—historically and today—have wielded that power over Jews and how law can be used to combat antisemitism. Descriptively, it examines case studies in which law was used to discriminate against Jews or successfully enlisted to protect them. In each case, it seeks to explain the outcomes, including the strategies that Jewish advocates and allies pursued to protect Jews from harm and the historical, political, and theological factors that shaped those outcomes. Its selective coverage ranges three millennia and a dozen-plus countries and legal systems.

Normatively, the course starts from the premise that Jews should not be discriminated against for being Jewish or perceived as such. Drawing on these case studies, it then considers how, moving forward, law can be used more effectively to prevent or mitigate anti-Jewish discrimination. A key aim is to equip students, as future lawyers and policymakers, to deploy legal tools and advocacy strategies—litigation, legislation, institutional reform, the court of public opinion, and other non-legal alternatives, etc.—to combat antisemitism in practice and to participate thoughtfully in debates over how best to do so. Its larger goal is to introduce students to the canonical cases, frameworks, and organizing questions in the emerging field of law and antisemitism studies and to prepare them to engage in broader scholarly and public conversations about the topic.

Historical case studies involving law and antisemitism, both devastating and hopeful, include the Spanish Inquisition, the Dreyfus Affair, Nazi racial laws, group defamation and conspiracy cases (e.g., the Blood Libel, Henry Ford's *The International Jew*, *Levy v. Von Moltke*), the Leo Frank Affair, the Nuremberg trials, marches by neo-Nazis, and Vatican II, which repudiated the charge of deicide.

A central focus of the class is U.S. anti-discrimination law and its halting but expanding protection of Jews as a covered group. Key statutes include the Civil Rights Act of 1866 (now codified at 42 U.S.C. §§ 1981 and 1982) (all persons entitled to the same contract and property rights “as white citizens”); Title VI of the Civil Rights Act of 1964 (non-discrimination by recipients of federal funds, including universities); Title VII of the 1964 Act (non-discrimination in employment); hate-crimes laws; and the law of donative transfers, including cases testing the validity of “Jewish clauses” that condition gifts on a beneficiary’s marrying a Jewish spouse. The course also considers U.K. anti-discrimination law, German hate-crimes law, and emerging transnational norms on antisemitism.

A major theme of the course is how Jews’ treatment under law—good or ill—often turns on how law defines Jews: as a race, a religion, an ethnicity, an ethnoreligious group, a nation, or a people of “national origin,” and how those competing definitions play out in different doctrinal regimes. It juxtaposes antisemitic voices with Jewish voices and legal traditions, including Louis Brandeis, Halakha (Jewish law), the Reform Movement, the Israeli Supreme Court, and U.S. and U.K. courts adjudicating Jewish clauses.¹¹ The course devotes significant attention to efforts to counter anti-Jewish defamation and hate speech, including the Blood Libel, *The Protocols of the Elders of Zion*, Holocaust denial, and modern conspiracy libels. It examines common-law group defamation, the First Amendment, online hate speech, and comparative hate-speech regulation in Canada, Germany, and the Nuremberg prosecution of Julius Streicher. A full unit addresses antisemitism in educational institutions, with special attention to the tension between anti-discrimination law (especially Title VI), campus speech and academic freedom, and contemporary controversies over anti-Zionist and anti-Israel speech, protests, and institutional responses at American universities.

By examining how antisemitism is refracted through multiple legal systems across millennia, this inquiry promises to deepen understanding of both law and antisemitism—making us better readers, thinkers, and advocates, and, potentially, more just and empathetic citizens.

Required Text:

Robert Katz, *Antisemitism and the Law* (Carolina Academic Press, 2025) (“Katz”). Supplemental readings, statutes, and case law will be provided as needed.

Grading and Assessment

- **Class Participation:** 30%
- **Weekly Short Responses/Discussion Posts:** 30%
- **Final Paper/Project** (10–12 pages or class presentation): 40%

Regular attendance, full preparation, and active participation are mandatory. More than two unexcused absences may adversely affect the final grade.

Weekly Schedule

Week	Topic	Reading Assignment (in Katz)
1	Jews & U.S. Anti-Discrimination Law	Ch. 1
2	Jews in U.K. Law & Intersectionality	Chs. 2–3
3	Jews as Race/Racists	Chs. 5.A–B; 6.B
4	Jewish Nationalism	Chs. 4.C, 14.D, 4.A, 5.C
5	Antisemitic Speech I: Defamation	Ch. 7
6	Antisemitic Speech II: U.S. Hate Speech	Ch. 8
7	Antisemitic Speech III: Online Hate	Ch. 9

8	Hate Speech IV: Comparative Law	Ch. 10
9	Hate Crimes Law	Ch. 11
10	Campus Antisemitism I	Ch. 12.A-C
11	Campus Antisemitism II	Ch. 12.D-F
12	The Dreyfus Affair – Antisemitism and the Limits of Law	Ch. 13
13	The Catholic Church & Jewish-Christian Relations	Ch. 14
14	Paper presentations	—

Additional Course Policies

- **Academic Integrity:** All work must be completed in accordance with the Law School Honor Code. Plagiarism and cheating will result in disciplinary action.
- **Accommodations:** Students requiring academic accommodations due to disability should contact the instructor and the university’s Office of Disability Services at the beginning of the semester.
- **Communication:** Course announcements and materials will be distributed via *InsertCoursePlatform/Email*. Students are responsible for checking these regularly.

Important Dates

- **Final Paper/Project Due:** *InsertDate*
- **No Class:** *InsertHolidays/Breaks*

Instructor Contact

For questions about readings, assignments, or other course matters, please contact the instructor at *InsertEmail*, or meet during scheduled office hours.

Course Content Overview

Week 1: Jews and U.S. Anti-Discrimination Law

This unit explores the shifting legal status and identity of Jews in American civil rights law, using key cases and statutory developments to analyze the categorization of Jews as a racial or ethnic minority for purposes of protection against discrimination. Focusing on the landmark case of *Shaare Tefila Congregation v. Cobb*, students will examine the role of Jewish advocacy organizations, judicial debates over whether antisemitism is best understood as racial or religious prejudice, and the legal and social consequences of treating Jews as “non-white” under U.S. law.

Week 2: Jews, U.K. Anti-Discrimination Law, and Intersectionality

This unit turns to a deeper examination of the social and legal construction of Ashkenazi Jewish whiteness in America and the contrasting British approach to Jewish protection under anti-discrimination law. It concludes by assessing how constructions of Jewish identity vary across contexts and how these categorizations shape legal battles against antisemitism and the quest for Jewish equality.

Week 3: Jews as a Race and Jews as Racists

This unit examines how law has both racialized Jews and, at times, depicted Jewish practices as exclusionary or even racist, from Nazi Germany's race-based persecutions to Anglo-American cases interrogating Jewish communal practices for compliance with anti-discrimination norms.

Week 4: Jewish Nationalism

This unit traces Louis Brandeis' reformation of Zionism into an American Jewish project, the *Brother Daniel* case on "Who is a Jew?", and the controversy over the UN's "Zionism is Racism" resolution.

Week 5: Antisemitic Speech I – Defamation

Focuses on legal battles over antisemitic defamation and group libel, including *Ortenberg v. Plamondon*, *Levy v. Von Moltke*, and *Irving v. Penguin Books Ltd. and Deborah Lipstadt*.

Week 6: Antisemitic Speech II – Hate Speech in the U.S.

Explores the evolution of American law's response to hate speech, from Henry Ford and *Beauharnais v. Illinois* to the Skokie affair, and the shift toward expansive First Amendment protection.

Week 7: Antisemitic Speech III – Online Hate Speech

Covers the rise of online antisemitism, Section 230, and platform governance (e.g., Meta's policies and oversight) as the primary response to online hate.

Week 8: Antisemitic Speech IV – Comparative Hate Speech Law

Examines Germany, Canada, and international tribunals (including the Streicher prosecution at Nuremberg and *R. v. Keegstra*) to compare models of criminalizing antisemitic incitement.

Week 9: Hate Crimes Law – U.S. and Germany

Analyzes the promise and limits of hate-crimes law, including the Leo Frank affair and Germany's Wuppertal decision on anti-Israel versus antisemitic violence.

Week 10: Campus Antisemitism I – The Legal Framework for Protecting Jewish Students

Covers Title VI, *T.E. v. Pine Bush Central School District*, OCR enforcement, and university policies, including recent incidents at the University of Vermont.

Week 11: Campus Antisemitism II

Focuses on the interplay between Title VI obligations and First Amendment protections at institutions such as Harvard, UC Berkeley, and UIUC.

Week 12: The Dreyfus Affair – Antisemitism, Zola, and the Limits of Law

Uses the Dreyfus Affair to explore wrongful conviction, public antisemitism, and the limits and possibilities of law in securing justice, including Zola's "J'accuse."

Week 13: The Catholic Church, Antisemitism, and Jewish-Christian Reconciliation

Traces the Church's evolving stance from medieval bulls to Vatican II and the 1993 Fundamental Agreement with Israel, highlighting its changing legal and theological posture toward Jews.