**Seminar: Antisemitism and the Law**

**(2 credits – 14 weeks)**

**Semester:** [Insert Term/Year]
**Instructor:** [Insert Name]
**Meeting Times:** [Insert Day/Time]
**Room:** [Insert Room]
**Email:** [Insert Email Address]
**Office Hours:** [Insert Hours/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 explores lessons that extend beyond them. Through comparative and U.S. law, students will analyze how antisemitism has both shaped and been shaped by legal rules and institutions. The seminar investigates how law has codified antisemitism—sometimes with severity and exactitude—but also how Jews and their allies have mobilized law as a tool of resistance, often with lasting impact.

Major topics include anti-discrimination law, hate speech and hate crimes, the construction and complexities of Jewish identity in law (are Jews white, off-white, non-white, an ethnicity, a religious group, a race?), campus antisemitism, the Dreyfus Affair, the Catholic Church’s treatment of Jews, and the evolving position of Jews in relation to Christian and secular institutions. 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.

**Learning Objectives**

* Understand the legal history and contemporary doctrine of antisemitism in multiple jurisdictions.
* Analyze major cases and statutes affecting the status and safety of Jews.
* Critically assess the limits and potentials of law to address antisemitism.
* Develop legal argumentation and advocacy skills relevant to combating antisemitism.

**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**

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| 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 a Race/Racists? | Chs. 5.A & B; 6.B |
| 4 | Zionism & Jewish Statehood | 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 | Antisemitic Speech IV: Comparative Hate Speech 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 [Insert Course Platform/Email]. Students are responsible for checking these regularly.

**Important Dates**

* **Final Paper/Project Due:** [Insert Date]
* **No Class:** [Insert Holidays/Breaks]

**Instructor Contact**

For questions about readings, assignments, or other course matters, please contact the instructor at [Insert Email], or meet during scheduled office hours.

**Seminar 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. Through case law, legislative history, and community responses, the unit highlights the persistent challenges faced by Jews in securing legal recognition and protection, interrogating the dilemmas and implications of defining Jewishness in racial, ethnic, or religious terms within the framework of American antisemitism and anti-discrimination law.

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

Building on the foundational exploration of Jewish identity and civil rights protections in U.S. law, 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 opens with a focus on how Ashkenazi Jews have navigated their ambiguous status—legally and socially perceived as white by some yet remaining racialized and targeted by antisemitism—influencing their inclusion, exclusion, and experiences of privilege and marginalization within American society. The unit then shifts to the U.K., where anti-discrimination statutes recognize Jews primarily as an ethnic group, a classification with distinct legal implications allowing for protection that transcends religious definitions. Through analysis of U.S. social history and legal debates alongside British case law, above all *Mandla v. Dowell Lee*, and parliamentary discourse, students will critically assess how constructions of Jewish identity vary across contexts and how these categorizations shape the legal battles against antisemitism and the quest for Jewish equality

**Week 3: Jews as a Race and Jews as Racists**

This unit prompts critical examination of how law has both racialized Jews and, at times, depicted Jewish practices as exclusionary or even racist. It first explores the evolution from legal emancipation to Nazi Germany’s race-based persecutions, highlighting how German law defined Jews as a separate, subhuman race and systematically deprived them of rights and personhood. It then examines prominent cases in Anglo-American law that interrogate Jewish communal practices—such as inheritance clauses favoring Jewish spouses and religious school admissions policies—for their compliance with anti-discrimination norms, raising questions about when cultural or religious boundaries become legally actionable as racial exclusion or racism.

**Week 4: Zionism and Jewish Statehood**

This unit opens by tracing transformation of Zionism into an American Jewish project, spotlighting the pivotal leadership and vision of Louis Brandeis. Brandeis argued that loyalty to Zionism and to America were fully compatible, challenging fears of dual loyalty and energizing American Jewish engagement for Israel's founding and development. Students then consider the legal and symbolic importance of Israel’s Declaration of Independence, the foundational law of the Israeli state, which asserted the Jewish people’s right of self-determination and legal equality for all its inhabitants. The unit next examines the complexities of Jewish identity and belonging as they emerged in the landmark *Brother Daniel* (Rufeisen) case before Israel’s Supreme Court, where competing religious, national, and civic definitions of “Who is a Jew?” shaped decisions about migration, membership, and the meaning of Jewish peoplehood. It concludes by exploring the international controversy ignited by the UN’s “Zionism is Racism” resolution and subsequent legal and scholarly debate over how Zionism, Jewish identity, and racism are defined and contested on the global stage, interrogating the implications for antisemitism and Jewish rights in law and public discourse.

**Week 5: Antisemitic Speech I – Defamation**

This unit shifts the seminar’s focus from antidiscrimination law and Jewish identity to the legal regulation of antisemitic speech. It investigates legal battles over antisemitic defamation and group libel, focusing on the rare lawsuits where Jews have successfully used defamation law against those defaming and spreading lies about Jews. Students will study the cases of *Ortenberg v. Plamondon* (blood libel in Quebec City), *Levy v. von Moltke* (Protocols of the Elders of Zion in South Africa), and *Irving v. Penguin Books Ltd*. *and Deborah Lipstadt* (Holocaust denial/distortion/minimization), which show the complex hurdles in contesting hate speech, from the difficulties of group reputational harm to the legal strategies that put historical truth on trial. By analyzing these cases, students assess the challenges and limits of contesting antisemitic speech through defamation law remedies and critically reflect on the broader implications for protecting vulnerable groups and the boundaries of free expression in democratic societies.

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

This unit explores the history and evolution of American law’s response to hate speech targeting Jews. It traces pivotal episodes such as Henry Ford’s publication of the Dearborn Independent and the Americanized Protocols of the Elders of Zion, the Supreme Court’s *Beauharnais v. Illinois* decision upholding group defamation statutes, and the landmark Skokie affair of *Collins v. Smith*. The unit explores the shift from early group-libel and anti-bias statutes to the modern embrace of expansive First Amendment protections—even for the most provocative or hateful speech. Students will analyze not only legal remedies and their limits, but also the psychological and communal consequences of hate speech and critically engage arguments over whether defending broad speech rights best serves or undermines American Jewish civil rights advocacy.

**Week 7: Antisemitic Speech III – Online Hate Speech**

This unit transitions from traditional hate speech regulation to the challenges of online antisemitism in the platform era, documenting the history of initial efforts to apply common law defamation and publisher liability to internet content. Ultimately, these approaches were set aside as Section 230 of the Communications Decency Act established broad immunities for platforms, ushering in a “wild west” speech environment in which public law provides little effective oversight and platforms themselves set the rules. Students will analyze why courts and legislatures abandoned robust legal remedies for victims of online group defamation, and how self-regulatory efforts—including Meta’s evolving policies and oversight mechanisms—have become the main response to antisemitic content, Holocaust denial, and hate speech online. Attention is paid to the successes, limitations, and controversies surrounding platform moderation, transparency, and civil society advocacy in the absence of meaningful state regulation.

**Week 8: Antisemitic Speech IV. - Comparative Hate Speech Law**

Transitioning from American free speech debates, this unit situates students in the world of comparative hate speech law by exploring how Germany, Canada, and international courts have confronted antisemitic incitement and propaganda in the wake of the Holocaust and continuing threats to Jewish communities. Through landmark cases such as *United States v. Streicher* at Nuremberg (prosecuting incitement as a crime against humanity), *R. v. Keegstra* in Canada (addressing the willful promotion of hatred), and Germany’s *Wunsiedel* decision (restrictions on the glorification of Nazism), the unit invites students to analyze how criminal and constitutional law interact to regulate expression of group hatred. Special attention is given to the role of memory laws, the legacy of genocide, and the unique legal and moral duties assumed by contemporary German law, as well as the challenges and risks—such as publicity for hatemongers, or risks to open debate—that accompany robust prosecution of antisemitic speech. By comparing these regimes, students assess how national histories, constitutional values, and social priorities shape different models for balancing free expression with the protection of vulnerable communities.

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

This unit explores the promise and limits of hate crimes law to combat antisemitic violence and bias-motivated offenses. It analyzes the Leo Frank affair and the broader effects of bias-motivated crimes on targeted communities. The unit examines key cases that established the constitutionality of hate crime statutes and their application to Jews, with attention to how such laws are defined, interpreted, and implemented. Special focus is given to judicial developments such as the Wuppertal Decision in Germany, which held that the defendants’ attempt to firebomb a synagogue was not antisemitic because they were attempting to raise awareness about Israeli government policies, thereby prompting inquiry into the distinction between anti-Jewish and anti-Israel violence and a hate crime regime’s ability to detect this difference.

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

This unit explores the application of Title VI of the Civil Rights Act of 1964 to protect Jewish students from antisemitic harassment and discrimination in educational settings. Centered around the landmark case *T.E. v. Pine Bush Central School District*, the unit examines how courts have recognized anti-Jewish harassment under the textual rubric of “race” and/or “national origin” under Title VI, framed as ancestry or ethnic discrimination, notwithstanding the statute's omission of religion. It analyzes the roles played by the U.S. Department of Education’s Office of Civil Rights, university policies, and advocacy groups in enforcing these protections, and focuses on a series of antisemitic incidents at the University of Vermont.

**Week 11: Campus Antisemitism II – Anti-Discrimination Law vs. Free Speech**

This unit focuses on the complex interplay between universities' obligations under Title VI to prevent hostile environments for Jewish students and their constitutional duty to protect free speech under the First Amendment. Using litigation and controversies from institutions including Harvard, UC Berkeley, and University of Illinois Urbana Champaign, students analyze recent Department of Education guidance, case law, and administrative enforcement actions. The unit probes debates over when anti-Zionist or pro-Palestinian speech crosses into unlawful discrimination or harassment, the limits and risks of government enforcement under Title VI, and the challenges universities face in regulating political expression without infringing free speech rights. This unit highlights the evolving legal landscape shaping campus dialogue and Jewish student rights.

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

This unit examines the Dreyfus Affair as a pivotal turning point in the legal history of Jews in Europe, focusing on how antisemitism shaped the wrongful prosecution, conviction, and public vilification of Captain Alfred Dreyfus—a Jewish army officer falsely accused of treason in 19th-century France. Through detailed analysis of courtroom proceedings, media coverage, and public debates, students will investigate how the Affair mobilized antisemitic sentiment in France, exposed the vulnerability of Jewish citizens to legal discrimination, and ignited debates about Jewish identity, loyalty, and belonging. Drawing on primary sources and influential interventions such as Émile Zola’s “J’accuse,” the unit situates the Dreyfus Affair within the broader context of Jewish legal status, communal advocacy, and ongoing struggles against exclusion and scapegoating. By tracing the Affair’s impact on legal reforms and Jewish political movements, the course highlights the ways in which antisemitism has been embedded in—and at times resisted by—law. This unit further illustrates both the limits of law alone to secure justice and the importance of broad civic alliances in combating antisemitism and defending minority rights, making explicit how questions of Jewish equality and justice stand at the heart of both the episode and the course’s larger project.

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

This unit examines the evolving relationship between the Catholic Church and the Jewish people, tracing a history that moves from medieval legal protections and condemnations of antisemitic myths toward the Church’s modern renunciation of antisemitism and its recognition of Jewish self-determination. Through several key moments—including Pope Innocent IV’s 1247 papal bull condemning blood libel, the Second Vatican Council’s repudiation of Jews’ alleged collective guilt for Jesus’ death, and the 1993 Fundamental Agreement establishing diplomatic relations between the Holy See and the State of Israel—students explore how theological doctrines and legal responses have shaped Jewish-Christian relations. The inquiry reveals how law, theology, and international diplomacy positioned the Catholic Church as an ally in the fight against antisemitism.