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depended on context. New York Gov. Kathy Hochul told the state's public universities that such a call should face "swift disciplinary action."

Campus officials are being pulled in every direction from donors, alumni, students and politicians. But the latest battle has seen a reversal of sorts in the allegiances over free speech.

Republicans, who have long characterized colleges as liberal hotbeds that stifle free speech, are now calling on those institutions to curb speech seen as antisemitic. Colleges previously accused of ceding ground on free speech are suddenly emerging as its strongest defenders.

"The thing that I don't know is, does anyone really have a principled position on this? Or is it just about the politics?" says Genevieve Lakier, a First Amendment scholar at the University of Chicago. She fears allegations of antisemitism are being used as a weapon to silence pro-Palestinian speech, and the biggest threats come from donors and legislators.

Still, she sees a changing tide on campuses. Students are increasingly suspicious of free speech arguments they say have been used to empower some and oppress others. Their version of free speech leaves no room for certain racial slurs, Lakier says, and it introduces new rules around pronouns. Amid changing cultural views, certain kinds of language once tolerated are now seen as unacceptable, she says. "Except for a few outliers, that is, I don't think, a bad thing."

In nearly 20 years as president of Augustana College, Steven Bahls saw the generational change play out. When confronted with speech disputes in the past, he could settle it by applying the Constitution and explaining case law. At some point that wasn't enough, and emotion came to dominate the debate.

"Students expect the college president to be on their side," says Bahls, a lawyer by trade. "And you know, you can't blame them. They're paying a lot for their education. And to show students that you're on their side doesn't mean you have to agree with them politically."

Looking at the wider picture

Today's moment carries echoes of past speech battles. The rise of shop-



"When your thought is predicated on the subjugation of me or my people, or to a generalized people, then we have problems," said University of Wisconsin student Kaleb Autman.

MORRY GASH/AP

ping malls in the 1970s brought a slew of legal cases asking if mall owners could place constraints on expression on private property that functions as a public space (in general, they can, courts found). And college campuses have faced past battles of their own, including turbulent protests over the Vietnam War and the proliferation of speech codes that aimed to fight hate speech in the 1990s.

To students, it's a complex question. Max Zimmerman says he is a firm supporter of the First Amendment. But in the aftermath of Oct. 7, he says it's sometimes scary being a Jewish student at Towson University, near Baltimore. In a campus plaza known as Freedom Square, a public chalkboard meant to encourage civil discourse often displays anti-Israel phrases. Protesters have marched across campus chanting "from the river to the sea."

"A phrase that has a hidden phrase, like calling for the mass genocide of the Jews, stuff like that shouldn't be allowed on college campuses," he says. "There needs to be a limit to what you can say."

The university referred questions to a campus guide on free expression. It says: "Hateful or offensive speech that does not rise to the level of a true threat or unlawful harassment cannot be banned or punished." Zimmerman says campus officials have responded by erasing the chalkboard twice a day.

There is no unified push to rewrite the rules of speech, and there's no consensus among students, but polling reveals a shift. Students have become less likely to see freedom of speech as "extremely important," and they prioritize inclusivity and free speech at nearly the

same levels, according to a 2022 Knight Foundation poll. Black students especially said they were losing confidence that the First Amendment protects students like them, the poll found.

At the University of Wisconsin-Madison, a coalition of Black students demanded a total ban on hate speech in 2023 after a white student used racial slurs in a video that spread on social media. The university rejected the demand and said it couldn't punish constitutionally protected speech.

"How are we supposed to be protected by a document that at one point would have allowed for the enslavement of me as a Black person?" says Autman, a senior in legal studies and sociology. "We should not wait for harm or violence to be inflicted on us to combat it."

Private universities have wider power to limit speech because they aren't bound by the First Amendment, although most commit to its principles. Public universities can place narrow limits on the time, place and manner of speech. Under federal civil rights law, all are required to take action against speech rising to the level of harassment based on someone's race, religion or na-

tional origin.

For colleges, navigating the minefield of public discourse is trickier than ever. They are caught in the middle: Standing up for offensive speech could draw accusations of antisemitism, and they could be added to the list of schools facing federal civil rights investigations. Adding new limits to speech could bring its own legal challenges and threatens to further erode civil discourse.

William Adams, a former president of Colby College in Maine, says the solution lies somewhere between. The drift away from a classical view on free speech has left even progressive faculty fearful. At the same time, he says, colleges have a duty to meet the changing expectations of an increasingly diverse student body.

"Something has got to really be rearranged in these settings without a return to hard-nosed constitutionalism, because I don't think that'll work either," he says. "We have to get to a place where there isn't this tension."

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