

October 20, 2023



The Day the Music Died Once More

“If I am not for myself, who will be for me?”

Pirkei Avot 1:14



Dear alumni of the Yale Law School,

We write as current students of the Yale Law School. If you were following the news these past few weeks, you may have gratefully realized that Yale has rarely made headlines for the kinds of abhorrent celebrations of terrorism that have transpired at places like Harvard, Penn, and elsewhere.

Unfortunately, as Mayor Eric Adams said so poignantly in New York last week, “we are not all right.” While we have been spared the screaming mobs, we have experienced the equally-unnerving sound of silence. And it is important to stop living within the lie: things are not all right.

In the last two weeks, nobody in the Yale Administration—neither President Salovey nor Dean Gerken—has even been able to use the words “antisemitism” or “Jewish” in their official statements. More generally, everyone seems paralyzed over whether it is “appropriate” to condemn the largest pogrom in the last three-quarters of a century. In what should have been a time of unparalleled moral clarity, all that’s been left is equivocation and obfuscation.

In the aftermath of the most lethal day for the Jewish people since the horrors of Auschwitz and the Holocaust, it appears that many in the law school would rather the jihadist terrorist massacre in Israel recede into the past, avoiding comment or condemnation. To their great credit, some administrators and faculty have offered to support students individually. But this is not a personal problem: it is a communal one.

President Biden has spoken before this heterogenous nation of 330 million and said without hesitation or qualification that Hamas’s purpose is the annihilation of Israel and “the murder of Jewish people” and that there can be “no justification for terrorism.” In an era of rancorous partisanship, the United States Senate stood united by a 97-0 vote to a similar effect. Can our beloved community not muster the same honorable resolve?

An indefensible atmosphere of mis-principled equivocation hangs in the air. Yale has a long, sordid history with a particularly pernicious and genteel form of latent antisemitism. The present situation seems to demonstrate that aristocratic sensibility is alive and well. It is deeply distressing that this community did not react *immediately* and *universally* to the slaughter of hundreds of innocent party-goers at Kibbutz Reim—which alone would have been the largest mass shooting in American history had it happened here. For a community where the norm is to speak decisively and with moral authority on so many issues of race, justice, war, public policy, and democracy, there seems to be a logically-unsustainable double standard regarding recent events.

Student groups have tried to “explain” the events of October 7 and justify them with “context.” But beheading babies, raping women, burning children alive, executing civilians, and murdering Holocaust survivors are not acts of “resistance.” Roughly a dozen Americans, our own countrymen, languish as hostages in Gazan terror tunnels. Indeed, students and student groups—funded by *your* donations—have taken this opportunity to blame Israel for Hamas’s attack, launch unfounded accusations against Israel of “ethnic cleansing,” and call on Congress to cut support for Israel’s right to defend itself and recover hostages. The loudest yelps for justice often come from the peddlers of the world’s oldest prejudice.

What kind of intellectual community shrugs as the National Lawyers Guild—on Monday, October 9—reissued a call for “all Palestinian and Lebanese resistance organizations to be removed from the U.S. list of ‘Foreign Terrorist Organizations’ and ‘Specially Designated Global Terrorists?’” Did the events of October 7 not make the matter undeniably clear?

What kind of “Center for International Human Rights” would refuse to host an event condemning the largest pogrom since the Holocaust? Does the Schell Center not think that Israelis are entitled to human rights, too? Or is it perhaps because they were Jewish?

Students and student groups are undeniably entitled to their expressive rights. And, as some students condone—and collaterally celebrate—a massacre of Jewish lives, it seems that most will stand idly by. This should, for those who say they would have stood up for justice in bygone eras, be a disturbing wake-up call. But the alarm bell so far tolls unanswered. In the absence of strong moral authority, we believe the kinds of anti-Zionist and antisemitic sentiments that have been percolating within these halls will only metastasize as the situation in Israel and Gaza continues to develop.

Do not dismiss this as microscopic, because only in microscopes can we see a virus. This law school, like many others around the country, is infected by a fear—latent, perhaps, but undeniable—over speaking up on behalf of the Jew. True, the strain here may be less virulent than elsewhere, but almost any Jewish student here could tell you that these last two weeks have been deeply uncomfortable and disturbing.

Hillel’s eternal question has been answered once more: if we are not for ourselves, nobody will be for us.

Law schools—like all institutions of higher education—are sites of moral formation. In the Tocquevillian mold, the inculcation of these values is needed to create a virtuous citizenry. This process is especially important for lawyers, whose avocation is inextricably linked to the integrity of moral republican governance. By not speaking more strongly and unequivocally, this community has done a great disservice to this country and its legal profession.

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