

No Debate: The Israel Lobby and Free Speech at Canadian Universities

Jon Thompson

Toronto: James Lorimer & Company, 2011

*Reviewed by Howard Tzvi Adelman**

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Introduction

Discourse on the limits of academic freedom is nothing new, but in light of an academic conference on models of statehood for Israel and Palestine hosted by York University in June 2009, the question of where to draw the line has garnered a renewed sense of importance. Entitled *Israel/Palestine: Mapping Models of Statehood and Paths to Peace*,¹ the conference provoked controversy almost as soon as its organizing committee began planning it. In response to what happened before, during and after the conference, the Canadian Association of University

* Director, Jewish Studies Program, Queen's University. Full disclosure: I am not the same person as my namesake at York (Howard Adelman), who appears in the book. To distinguish myself from him, I also use my Hebrew name, which I adopted for regular use when I lived and taught in Israel. I was not involved in planning the conference, nor did I attend. I would like to thank Professors Benjamin Ravid of Brandeis University and Julian Barling of Queen's University for their insightful comments.

1. See "Conference Program" (Program at Glendon Campus, York University, 22 June 2009), online: *Israel/Palestine: Mapping Models of Statehood and Paths to Peace* <<http://www.yorku.ca/ipconf/program.html>>.

Teachers (CAUT) asked Jon Thompson, former chair of the CAUT Academic Freedom and Tenure Committee and a leading authority in the area, to investigate whether external pressure placed on the conference organizers amounted to a threat to their academic freedom.

The organizing committee included faculty from the law schools of Queen's University and York, and the two schools sponsored the conference, together with the Social Sciences and Humanities Research Council of Canada (SSHRC). Apart from providing funds, it remains unclear what it meant to sponsor the event. Central to Thompson's report are the attempts by Jewish organizations—which he refers to collectively as “the Israel Lobby”²—to appeal to university officials and the government to cancel the conference or revoke its funding. Thompson also scrutinizes efforts by York administrators to change the content of the conference in some respects, the organizers' responses to those efforts, and the federal government's attempts to force SSHRC to reconsider its decision to fund the conference.

In *No Debate*,³ Thompson provides an in-depth study of the controversy leading up to *Mapping Models of Statehood*. Based on emails obtained through freedom of information requests, and information gathered through interviews and reports, he offers a detailed and compelling description of the events. He considers the controversy from the standpoint of academic freedom, and after describing the complex political and administrative machinations that were at play, he discusses implications for the future.

The initial purpose of the conference was to explore options for a one-state solution as the way to resolve the impasse between Israelis and Palestinians. The baseline concept would be one secular state for all those who currently live in Israel/Palestine, as well as for all Palestinian refugees and for their descendants. The contrasting idea of a two-state solution entered public discourse during the 1990s when, after years of

2. On the idea of the Israel Lobby, see John J Mearsheimer & Stephen M Walt, *The Israel Lobby and US Foreign Policy* (New York: Farrar, Straus and Giroux, 2007). *Contra* Alan Dershowitz, “Debunking the Newest—and Oldest—Jewish Conspiracy: A Reply to the Mearsheimer-Walt ‘Working Paper’” (2006), online: Commonwealth Institute <<http://www.comw.org/warreport/fulltext/0604dershowitz.pdf>> .

3. Jon Thompson, *No Debate: The Israel Lobby and Free Speech at Canadian Universities* (Toronto: James Lorimer & Company, 2011).

conflict, Israelis and Palestinians began to negotiate for a Palestinian state in the West Bank and the Gaza Strip. Many Jews and Palestinians opposed a two-state plan because it meant each side giving up its aspirations to rule over all of the territory between the Jordan River and the Mediterranean Sea. Violence ensued, with a wave of terror attacks against Israel by Palestinian organizations and the assassination of Israel's Prime Minister Yitzhak Rabin, hailed by Jews opposed to the peace process. As negotiations broke down over a two-state solution and the situation amounted to a de facto one-state solution, more discussion began to emerge on both sides about a one-state solution. For most Jews, however, the one-state model produces a great deal of anxiety because it suggests an end to the idea of the Jewish State—where Jews are the majority, where the country is run according to Jewish (but democratic) practices, and where it remains a shelter for Jews throughout the world. Jews fear that if the country loses its Jewish character, they could be driven from it. This concern is magnified by Arab rhetoric and by attacks on Jews in Israel and abroad—phenomena which blur the line between hostility against Israel (anti-Israel) and against Jews (antisemitism—whatever the term means, if anything) and which carry a message of danger for many Jews. Calls for a one-state solution communicate the same message, and thus inspire the same anxiety. Originally, the working title for the conference was *Imagining a Bi-National Constitutional Democracy in Israel/Palestine*. However, very early in the planning stages, Israeli members of the advisory committee warned the organizers that given how charged the notion of a one-state model is, the title was likely too provocative.⁴ The organizers broadened the focus of the conference to include exploration of the possibility of a two-state solution, and changed the title to *Israel/Palestine: One State or Two?*

4. These positions have been firmly staked out in newsletters and then in blogs. For a snapshot of some of the discourse, see Raphael Israeli, ed, *Dangers of a Palestinian State* (Jerusalem: Gefen Publishing House, 2002); Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket, 2011) at 178–81 (Barghouti rejects the idea of a bi-national state in favour of a state for all its citizens).

I. Competing Views of Academic Freedom

In analyzing the controversy over the substance of the conference, Thompson approaches the matter from the standpoint of academic freedom. He devotes a chapter to a history of the idea of academic freedom, emphasizing that in its nineteenth century European manifestations, the idea centered on the protection of unhindered learning and teaching, and did not necessarily include the right of faculty members to speak on contemporary events. Thompson then goes on to discuss incidents in early twentieth century America in which professors lost their jobs for advocating controversial views, leading to the founding of the American Association of University Professors (AAUP). In several places, Thompson refers to the AAUP's 1915 *Declaration on Academic Freedom and Academic Tenure*, which sets out principles on two aspects of academic freedom. The first is that critical discourse in the classroom, fostered by the teacher, is a "privileged communication" not for the "public at large", and certainly not for "sensational newspapers".⁵ The second speaks to the benefits of sharing critical thinking with society at large and the role of academics in stimulating such thinking, even if they have no special expertise in the subject at hand. Arguably, in contrast to the view of academic freedom that prevailed in Europe, these principles privilege the role of faculty members beyond the classroom.⁶ They may also embody a sense of elitism and distrust of the masses in a democracy. In the words of the AAUP Declaration:

Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual . . . [The university] should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become part of the accepted intellectual food of the nation or of the world.⁷

5. "1915 Declaration of Principles on Academic Freedom and Academic Tenure", online: American Association of University Professors <<http://www.aaup.org>>.

6. Thompson, *supra* note 3 at 181.

7. *Ibid* at 185-86, 291-92.

The AAUP's view of academic freedom, which Thompson appears to adopt, is unrestricted. Ideas deserve to be investigated, without qualification, with the academy providing the stimulation for public discourse.

In addition to the unfettered view of academic freedom advocated by Thompson, by the CAUT and by the AAUP, there is another, more restrained view.⁸ The early years of the twentieth century were a time of massive immigration into North America, especially for Jewish refugees from eastern Europe. This led to a sharp rise in xenophobia and isolationism in all sectors of American society.⁹ The decisive moment came in August 1913 when Leo Frank, a Jewish factory manager in Georgia, was sentenced to death for killing an employee who was young, white, female and Christian. The trial was widely publicized, and its controversial verdict led directly to the establishment of the Anti-Defamation League (ADL) a month later by B'nai Brith, a Jewish fraternal organization. The ADL was designed to present Jews in the best possible light, and it came into being at the same time that the AAUP was organizing to defend the rights of faculty members. In 1915—the year Frank was lynched from his jail cell, and the year the AAUP released its *Declaration on Academic Freedom*—the ADL issued the *Statement of Policy of the B'nai Brith Anti-Defamation League*. It, too, reflects concerns about the potential risks of democracy, at least for Jews, especially in cultural vehicles—libraries, schools, books, periodicals, plays and films—and it called for limits on speech that might give offence to Jews. For example: “Public and university libraries will be furnished with lists of books on Jewish subjects, which, in the opinion of the League . . . maliciously and scurrilously traduce the

8. See e.g. Peter Lowe & Annemarie Jonson, “‘There is No Such Thing as Free Speech’: An Interview with Stanley Fish” (1998), online: 9 *Australian Humanities Review* 3 <<http://www.australianhumanitiesreview.org>>.

9. See Stanley McKenna, “Reviving a Prejudice: Jewish Patronage Not Welcomed at Manhattan Beach” in Paul Mendes-Flohr & Jehuda Reinharz, eds, *The Jew in the Modern World: A Documentary History*, 2d ed (New York: Oxford University Press, 1995) at 465–68; Mark Wishnitzer, “Jewish Immigration into the United States: 1881–1948” in *ibid* at 472–73; Abraham Cahan, “The Russian Jew in America” in *ibid* at 474–76; Henry Ford, “The International Jew: The World’s Problem” in *ibid* at 512–14.

character of the Jew . . . [and which] the proper authorities will be urged to withdraw . . . from general circulation".¹⁰

Like the AAUP and ADL documents from 1915, *No Debate* takes the view not only that there are those who know better than others, but that their enlightened wisdom will lead to progress on a linear path—a teleological view often pejoratively referred to as “the Whig interpretation of history”.¹¹ Following Ze’ev Sternhall of the Hebrew University of Jerusalem, Thompson points to a rational, academic tradition of enlightenment, liberalism, and “equality for all citizens” dating back to the eighteenth century—as opposed to an anti-enlightened, reactionary tradition which incorporated anti-Jewish sentiments and actions clustered under the rubric of antisemitism.¹² The thread which runs through Thompson’s book is that if university faculty members in general—and the conference organizers at York in particular—are left alone, enlightenment will prevail.

An alternative understanding of enlightenment challenges that notion of progress and raises questions about the benefits of unlimited academic freedom. In 1952, J. L. Talmon, also of the Hebrew University of Jerusalem, suggested that enlightened reason produced intolerance, a tradition he called totalitarian democracy (as opposed to what he called liberal democracy).¹³ When Jews failed to follow the enlightenment program and continued to maintain their own ways, it was the enlightened of Europe, often professors, who assailed them most harshly.¹⁴ This understanding of the limits of enlightenment also points

10. The Anti-Defamation League, “A Statement of Policy” in *ibid* at 507–08.

11. Herbert Butterfield, *The Whig Interpretation of History* (London, UK: G Bell and Sons, 1931).

12. Thompson, *supra* note 3 at 33.

13. J.L. Talmon, *The Origins of Totalitarian Democracy* (London: Secker & Warburg, 1966) at 1–13, 104–06, 110–18, 132–43, 209–24, 226–55; *Totalitarian Democracy and After: International Colloquium in Memory of Jacob L. Talmon, Jerusalem, 21–24 June 1982* (Jerusalem: The Magnes Press for The Israel Academy of Sciences and Humanities, 1984); Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1968) at 1–11.

14. François-Marie Arouet (Voltaire), “Jews” in Mendes-Flohr & Reinhartz, *supra* note 9 at 304–05; Isaac de Pinto, “An Apology for the Jewish Nation” in *ibid* at 305–07; François-Marie Arouet (Voltaire), “Reply to de Pinto” in *ibid* at 308.

to the question of who should determine the limits to academic freedom.

Thompson's whiggish depiction of emancipation raises further doubts about enlightenment. He himself notes that the French Revolution did not grant rights to all Jews immediately, but only after debates and delays.¹⁵ Then Napoleon continued to challenge those rights, and after his military defeats, Jews lost many of the rights he granted to them in other dominions (including the Germanic and Italian lands).¹⁶ Contrary to Thompson's interpretation of emancipation, no other revolution (in Europe or beyond) really considered equality for the poor, for women or for blacks, among others. Significantly, as Jews were begrudgingly granted rights across Europe, new accusations against them—based on so-called enlightened ideas—questioned their inherent racial compatibility with European society.¹⁷

Thompson's optimistic view of higher education leads him to conclude that the grounding of the social sciences and humanities in the Age of Enlightenment led to the identification of such evils as racism, colonialism, sexism and religious persecution. Although he overlooks the role of enlightenment in contributing to these evils, especially on the part of professors at universities, he offers this necessary corrective, quoted from Noam Chomsky: "[T]here are few limits to the capacity of respected Western intellectuals to interpret brutality, atrocities and racist horrors as exemplifying the highest values and noblest aspirations."¹⁸ In a similar vein, Thompson describes the rising mob frenzy in American universities at the start of the First World War. In 1917, only two years after the AAUP's *Declaration on Academic Freedom*, that association allowed faculty members to be dismissed for anti-war activities or for having Teutonic origins or sympathies. That experience, repeated after the Second World War for faculty members in

15. The French National Assembly, "Debate on the Eligibility of Jews for Citizenship" in *ibid* at 116, n 1; The French National Assembly, "The Constitution of France" in *ibid* at 117.

16. Napoleon I, "The 'Infamous Decree'" in *ibid* at 139–41; Frederick William III, "Emancipation in Prussia" in *ibid* at 141–43.

17. "Political and Racial Antisemitism" in *ibid*, ch VII at 302–63.

18. Thompson, *supra* note 3 at 31.

America and Canada, casts doubt on academic freedom as a rampart that can make the university safe for all.¹⁹

No matter how important the principle of academic freedom might be, its implications were not discussed in any depth in the course of the controversy about *Mapping Models of Statehood*. Nor is academic freedom considered critically in *No Debate*, despite the existence of values that compete with it. An analysis by York University President Emeritus Harry W. Arthurs, quoted in *No Debate*, considered the idea that anything allowed to interfere with academic freedom must serve a higher value. The only such value Arthurs could come up with was human life.²⁰ The responses of members of the Jewish community to *Mapping Models of Statehood* can be better understood as an attempt to invoke that higher value.

Thompson overlooks how Jews, especially Holocaust survivors and their families, perceive antisemitism, and the importance they place on Israel as a refuge from it. Antisemitism was protected, or at least allowed to exist, in European and North American universities during their lifetime. A view of academic freedom that conjures up a flashback to those days, or demands a change in what many Jews believe is the appropriate nature of Israel, sends them a message of danger. Thompson rightly lauds the merits of academic freedom among scholars—for example, in the debate between historians about the origins of the Second World War—but he overlooks the fact that a different and more challenging aspect of academic freedom was at play in the controversy surrounding *Mapping Models of Statehood*. Here, the issue involved a community that felt threatened. Though communal anxiety of that sort should not be the sole basis for policy choices, it must at least be recognized and taken into account.²¹

19. *Ibid* at 192–94.

20. *Ibid* at 7, 168, 171, 212.

21. For examples of concerns in the Jewish community about antisemitism on campuses, see “Contentions Universities Receive Legal Warning About Anti-Semitism on Campuses” (8 September 2011), online: Shurat HaDin Israel Law Center <<http://www.israellawcenter.org>>; Cary Nelson & Kenneth Stern, “Anti-Semitism on Campus”, online: American Association of University Professors <<http://www.aaup.org>> .

The ultimate (and only imperfectly resolvable) question faced by everyone involved in the conference was how to determine the appropriate limits of academic freedom in the particular circumstances. At its core the controversy was born from competing attempts to draw lines that each group felt others should not cross. To map the conference and the book, I will refer to the major groups or institutions involved in the controversy—the conference organizers, York University, the federal government, and organizations in the Jewish community. Drawing primarily on the information provided by Thompson, I will seek to describe some of the concerns of each of those groups. I will also point to some lessons for the future, including considerations for the planning of future events in highly controversial subject areas.²²

II. The Major Players

A. *The Conference Organizers*

Complaints were made that the conference was not in the organizers' areas of scholarly expertise, and therefore that they alone should not have been allowed to take a leading role in it.²³ Of particular concern was one organizer who was referred to as a doctoral student at York,²⁴ although he had law degrees from Hebrew University and the University of Toronto, was a member of the Israeli Bar who practiced law in Israel and the West Bank, and had served as legal advisor to the Negotiation Affairs Department of the Palestine Liberation Organization.²⁵ The other three organizers were law professors with long and impressive resumes indicating that at least two of them had

22. The book describes the conduct of named individuals during the controversy and offers evaluations of it in a way that might in my view violate their privacy. I will avoid such references.

23. Thompson, *supra* note 3 at 153, 167–68, 271.

24. *Ibid* at 56–57, 101.

25. Jon Thompson, "Appendix A: Members of the Conference Organizing Committee", online: Canadian Association of University Teachers <<http://www.caut.ca>> (it is possible to find all of the appendices on this site).

done advanced research and study in Israel. Significantly, most of the eleven members of the conference's International Advisory Board were Israelis. In any event, the conference organizers, like academics at any university, were surely entitled to plan and arrange a conference that did not directly coincide with their own areas of research. Not to mention the fact that those who purported to judge the fit between the academic qualifications of the organizers and the subject matter of the conference were reaching beyond their own areas of expertise in doing so.

Credentials aside, Thompson presents a picture of shortcomings on the part of the organizers of the conference. In planning it, they mixed scholarly aspirations, advocacy and naiveté. In their early application for financial support from York University, they wrote that "a single bi-national state may be the most promising path to future peace and security".²⁶ In contrast, their subsequent call for papers said that the purpose of the conference was to explore "which state models offer promising paths to resolving the Israeli-Palestinian conflict".²⁷ In Thompson's words, the organizers were proposing either "a serious scholarly debate on possible models for statehood among well-informed advocates of different models"²⁸ or an "open discussion by experts . . . in an academic setting".²⁹ So were the participants to be advocates or experts? Is there a difference? If there is, does the difference matter?

With respect to the prospective audience, the conference organizers seemed to have hoped for the best in matters of civility. However, if free and open discussion is to occur, bringing to campus provocative speakers on highly charged subjects requires more than a vague faith in academic freedom to ensure that free and open discussion will occur. The organizers' insistence that the conference be held at York's downtown Toronto campus, which is more easily accessible than its more remote main campus, made it far more likely that protesters would subvert the academic nature of the conference.³⁰

26. Thompson, *supra* note 3 at 51.

27. *Ibid* at 53, 60.

28. *Ibid* at 49, 69-70.

29. *Ibid* at 49.

30. *Ibid* at 52.

The organizers quickly found themselves caught between university administrators' assurances of respect for their academic freedom and what Thompson variously categorizes as demands or suggestions from the same administrators to adjust the content of the program, especially to attain "balance".³¹ Balance, however, is not an analytical concept but rather a code word: when supporters of Israel do not like something, they claim it is not balanced; if supporters of Palestinians do not, it is not "even-handed". Thompson recounts several ways in which the organizers tried to accommodate contradictory requests from the university—requests which may not have amounted to an infringement of academic freedom but were certainly difficult to fulfill. The organizers' efforts in this regard included invitations to potential speakers who might have brought a wider range of viewpoints (balance, as it were). However, those people refused to become involved, sometimes for fear of negative reaction from the Jewish community.³²

B. York University

What is the obligation of a university in the face of public criticism? Should it be deterred by threats of marches, boycotts, or harsh op-ed pieces by people who are not affiliated with the university? Does every citizen have standing to influence the policies of a public university?³³ These questions involve not only academic freedom, but also community sensitivities and donor relations. Before answering them in the case of *Mapping Models of Statehood*, university administrators needed to know more about Jewish community organizations and their spokespersons, and the differences among them. The readers of *No Debate* also need to know more in this regard than Thompson tells them; he puts all of those diverse organizations and individuals under the rubric of the "Israel Lobby". Among them were the Jewish Defense League of Canada, B'nai Brith Canada, the Canadian Council for Israel and Jewish Advocacy, NGO-Monitor, Hasbara, Campus Watch, University Outreach Committee, and the Canadian Academic Friends

31. *Ibid* at 55–57, 67, 70, 72, 75, 79, 87, 106, 110, 128, 152.

32. *Ibid* at 50, 77, 92.

33. *Ibid* at 57–58, 71, 73, 79–80, 84, 119, 144–45.

of Israel. Much information about each of these groups can easily be found online, on their own internet pages and elsewhere. The university could readily have learned much about the larger issues involved in the controversy from the many websites devoted to advocacy for Israel and criticism of it.³⁴ Nothing new was invented in Toronto, nor was the controversy about the conference simply a local event.³⁵ If the administration had learned more about the Jewish groups and their goals, and about the differences in their perspectives, it would have been better able to determine what sort of approach might have encouraged moderation over the course of the conference.³⁶ University officials should also have consulted with disinterested parties on campus, at other universities and in the Jewish community, to help them decide how seriously to take each threat before circulating it for deliberation at the highest levels. It seems that too many in the administration dissipated too much unfocused energy on this matter.³⁷ If their efforts had been more informed and better targeted, they would not likely have (for example) suggested to conference organizers that they meet with irate members of the Jewish community.³⁸

It is true that despite the pressure the university administration was under, it did not succumb to issuing public statements on the conference program or on the question of balance among the chosen speakers. Privately, however the administration was less steadfast in this regard. It held to two competing ideas: first, the idea that any “[r]eference to donations makes a just cause cheaper than necessary”,³⁹ and second (and in tension with the first), the need for balance and expertise, which was

34. See e.g. Mitchell G Bard, “Tortured or Tenuous: Defining the Role of Faculty in Supporting Israel on Campus” (May 2004), online: Jewish Virtual Library <<http://www.jewishvirtuallibrary.org>>; “Scholars for Peace in the Middle East”, online: <<http://www.spme.net>>; “Campus Watch: Monitoring Middle East Studies on Campus”, online: <<http://www.campus-watch.org>>; “Israel Academia Monitor”, online: <<http://www.israel-academia-monitor.com>>; “AMEU Americans for Middle East Understanding”, online: <<http://www.ameu.org>>.

35. Thompson, *supra* note 3 at 16, 28–29.

36. *Ibid* at 58, 143.

37. *Ibid* at 110–12, 115.

38. *Ibid* at 58.

39. *Ibid* at 108.

conveyed to the organizers behind closed doors. The reality though is that it is virtually impossible for organizers of a conference on any topic, let alone on such a heated one, to have an event that is balanced, even-handed or apolitical.⁴⁰

For its part, a university must do more than speak in platitudes about academic freedom; it must wrestle with how members of the institution can exercise that academic freedom, while remaining sensitive to competing ideas, and with how to ensure a minimum level of civility. In the absence of good will, civility can only be enforced through rules and procedures. There appear to have been few if any protocols in place to guide York's administrators in situations like the one they found themselves in with respect to *Mapping Models of Statehood*. In the absence of any guidelines on how best to deal with public outcry in matters involving disapproval over academic freedom, the administration seems to have let itself be drawn into the daily drama of the controversy. University administrators have an obligation to assert the autonomy of their institution, and other stakeholders in the university, including students, faculty, alumni and donors, have standing to challenge how the administration meets that obligation. For university events, it is best met by ensuring that procedures are in place to deal with any controversy that touches on the institution's autonomy and on academic freedom.

One example from *No Debate* makes very clear the need for appropriate procedures. Some high-ranking university administrators met with a representative of a group that wanted to sponsor a lecture series entitled *Islam, Fundamentalism and Canadian Values*, as a way to balance what he claimed was a one-sided anti-Jewish climate at York. That lecture series would have included talks by popular authors and speakers known for their warnings about the dangers of Islam. In its response, the administration fell right into the trap: it raised questions about the content of the proposed lectures, thereby unwittingly conceding the idea that there are content-based limits to academic freedom. Belatedly recognizing that the approach had undercut its support for academic freedom, the university issued a statement emphasizing that the lectures were rejected not because of their content

40. *Ibid* at 67-68.

but on a procedural matter—that is, on the basis that outside donors could not initiate programs without going through the proper academic channels. The administration should simply have referred the potential donor to the proper academic and advancement channels, instead of meeting with him and allowing those channels to be bypassed.⁴¹

One procedural suggestion that emerged after *Mapping Models of Statehood* had been held was to establish a Standing Committee on Campus Dialogue.⁴² The suggestion was marred by the idea that the committee would have a mandate to supervise the balance, quality, academic standards, and what some have called the “viewpoint neutrality” of events.⁴³ This misses the point that what any such committee must seek to ensure is that all events are held to the same standards of conduct, not to standards of balance; its role should not be to evaluate credentials or content, but only to lay down standards of civility and appropriate procedures.⁴⁴

Another procedural proposal called for a confidential hotline for reporting perceived abuses of the podium.⁴⁵ Such a thing would lead to exactly the opposite of an open campus community committed to a climate of trust and dialogue—though it must be admitted that some people (holding many different points of view) might not want to build such a climate.

The bottom line, unfortunately, is that *public* events on Israel/Palestine are very likely to turn into circuses. Because of the inevitable involvement of agitators of various persuasions, it is impossible to maintain an environment of civility in the short term. As the AAUP Declaration of 1915 recognized, classrooms and lecture halls are the appropriate forum for academic discourse, and academic freedom is for members of the academic community, not for the general public.

41. *Ibid* at 115.

42. *Ibid* at 163.

43. *Ibid* at 163, 167.

44. As for its composition, the committee should have a mixture of students, faculty and administrators, some of them elected and some appointed, and it should seek consensus among its members.

45. Elyse Lackie et al, “Submission to the York U Task Force on Student Life, Learning and Community” (28 July 2009), online: The Centre for Israel & Jewish Affairs <<http://www.cija.ca>>.

Universities do not have to allow outsiders of any sort into classes, lectures or conferences, and organizers of university events have the right (and at times the obligation) to restrict texting, recording and other forms of monitoring. Not every conference has to be heralded with press releases, online publicity or provocative titles—the terms “Israel” or “Palestine” in any title are enough to invite controversy. *Mapping Models of Statehood* started out as a reading group; perhaps it should have grown into no more than a closed circle of invited researchers, teachers, students, experts and activists. As individuals, we have all sorts of rights that we can exercise in private but not in public. Academic freedom is a right of the members of an academic institution; it is not for the barricades.

C. *The Federal Government*

No Debate expresses great concern with the Canadian government’s attempt to intervene in the SSHRC funding process in the case of *Mapping Models of Statehood*. The conference organizers’ application for a SSHRC grant received strong support from peer reviewers, and was successful—not an easy achievement in a highly competitive process. SSHRC’s funding decisions are supposed to be based strictly on peer review, and to be at arm’s length from politics. Nevertheless, when the government received complaints about the conference from some members of the Jewish community, it asked SSHRC to reconsider the grant it had made.⁴⁶ The government treated those complaints as if they represented the views of the entire Jewish community (there were few countervailing protests by other members of that community). The Jewish organizations may have seen themselves as invoking values higher than those embodied in academic freedom, but the government’s move nonetheless was an affront to the independence of SSHRC, the university and the conference organizers.

D. *Jewish Community Organizations*

46. Thompson, *supra* note 3 at 110, 124.

In Canada, as in other countries, powerful and well-resourced groups who share an ideology with the government in power can sometimes influence policies and procedures of government agencies that are supposed to be removed from the political process. However well-meaning the efforts of those groups may be, they are short-sighted. History shows that Jews (and others) who gain influence with those in power and use it to support their own interests do not consider what might happen when they fall out of favour—or when their friends fall out of power. Jewish history has been a story of Jews making alliances with one group against others, sometimes winning and sometimes losing, but often mistaking short-term political and economic gains for long-term appreciation and security. When their fortunes turn, they interpret political reversals as religious or racial rejection, and sometimes call it antisemitism. There always arises a new Pharaoh who knows not Joseph, or Sheldon.⁴⁷

That being said, Jews do have a right to be concerned about the excesses of academic freedom. Everybody does. History shows that many ugly ideas have lurked in the shadows of academic discourse. Would those at the university who were so principled about the right to hold a conference on one state or two states be equally quick to defend a conference on the value of eugenics, or the myth of climate change, or the threat posed by Islam? Would those who opposed *Mapping Models of Statehood* apply the requirement of balance to a biology course (which would mean having to teach the theory of intelligent design), or to a history course (which would mean having to present both sides of the Spanish Inquisition)?

The voices purporting to speak for the Jewish community asserted that the conference would lead to war, mass terror and nuclear confrontation. They were afraid that it would support extremists against Israel and would discredit, de-legitimatize and bash Israel with accusations of neo-colonialism and apartheid.⁴⁸ They accused the

47. Exodus 1:8; Sheldon Adelson, an American casino magnate and strong supporter of the government of Prime Minister Benjamin Netanyahu of Israel, is contributing millions of dollars to the Republican US presidential campaign of Newt Gingrich. As Gingrich's candidacy falters, so might Adelson's influence—especially among those whose campaigns he attempted to undermine.

48. Thompson, *supra* note 3 at 54–55, 64–65, 107–08, 115–16, 126, 140–41.

university of complicity in allowing an atmosphere of racism, hate-mongering and antisemitism on Canadian campuses. One newspaper advertisement placed by a Jewish organization described a general condition of harassment and intimidation of Jewish students by professors and teaching assistants, and the appearance of swastikas and antisemitic graffiti all over campuses.⁴⁹ Such sweeping accusations are based on guilt by association, on misinformation, and on the conflation of a few events over many years. Critics see them as part of a strategy by the organized Jewish community to limit discussion on Israel.⁵⁰

There are several reasons why—as a university teacher, a Jew, an Israeli by choice and now almost a Canadian—I am concerned about these arguments. As Louis Brandeis wrote in 1913, “[s]unlight is the best of disinfectants”.⁵¹ If discussion on Israel and Palestine is as dangerous as it is said to be, and if it is forced to hide under a rock, how will people know how to recognize the danger, and how to prevent it? If students have no opportunity to study difficult questions about Israel/Palestine, how will they know how to respond to those questions? Campus advocacy for Israel includes such trivializations as handing out postcards boasting about that country’s achievements (for example, the invention of drip irrigation) or handing out condoms imprinted with a map of Israel and the slogan “size doesn’t matter”.⁵² This is not serious information; these are diversions, not engagements, and they are not at all compelling for most students and faculty members. Certain organizations support brief trips for Jewish students to Israel, but few will fund a semester of serious, in-depth study—especially for students who are not Jewish. This limits access to the best form of advocacy for Israel—encouraging people to experience the country itself. It also sends a message contrary to the tenets of democracy and equity which are

49. *Ibid* at 162.

50. *Ibid* at 102, 121, 125, 146–48.

51. Louis D Brandeis, “Other People’s Money—Chapter V: What Publicity Can Do”, *Harper’s Weekly* (20 December 1913), online: Louis D Brandeis School of Law <<http://www.law.louisville.edu>>.

52. “Size Doesn’t Matter”, *Jewish Tribune* (2 March 2010), online: Jewish Tribune <<http://www.jewishtribune.ca/news/2010/03/02/size-doesn>>; “Size Doesn’t Matter - Paradise” (8 March 2010) (video), online: YouTube <<http://www.youtube.com>>.

emphasized by supporters of Israel. Advocates for Israel must present a coherent history and a solid foundation for understanding Israel/Palestine issues; the danger to Israel does not lurk in academic monographs or in tenure files.⁵³ If hostility to open discussion about Israel and Palestine becomes a defining feature of Jewish life, might those with dissenting views (or even questions) distance themselves from the Jewish community and from Israel? Is that not the very reality those who opposed the conference worked so hard to avoid?

The opponents of *Mapping Models of Statehood* attempted to stop leading Israeli scholars from speaking at the conference—curiously, a more extreme approach than that of the Palestine Campaign for the Academic and Cultural Boycott of Israel, which is opposed to boycotting individual Israeli scholars.⁵⁴ Jewish opponents of the conference also threatened a boycott of York University and sanctions against it, thereby lending some legitimacy to the idea of academic boycotts—to which they purport to be so opposed, often on grounds of academic freedom. The conference represented a possible breakthrough opportunity for Israeli scholars to engage with scholars from around the world and with each other. Furthermore, the attempt by Jewish organizations to curtail the participation of scholars in the field of Israel studies could only undermine the normalization of the academic study of Israel.

Conclusion

No Debate leads us to reflect on what was accomplished by *Mapping Models of Statehood*, and by its critics. How many people changed their minds about Israel, drew closer to it, or (beyond some members of the Jewish community) actually cared? The critics of the conference demonstrated that they could intimidate the university⁵⁵—but after all the ruckus, it might now be easier to speak about a one-state solution, which is exactly what the critics of the conference wanted to prevent.

53. See e.g. Jane Kramer, “The Petition: Israel, Palestine, and a Tenure Battle at Barnard”, *The New Yorker* (14 April 2008) 50.

54. Barghouti, *supra* note 4 at 171.

55. Thompson, *supra* note 3 at 85.

Had the critics' campaign not taken place, all that would likely have happened is that even fewer people would have slogged through yet another academic conference. As for the deliberations at the conference, what did they produce? Did the scholars and activists who took part come up with any new or at least any clearer formulations of the issues involved in a one-state or two-state solution? Did any books, articles, or new educational programs result? Did any members of the Jewish community find an opportunity to consider the different options for a solution? As we have seen, reactions by the university and the government did provide an occasion to consider a few important matters: the role of university administrators in such controversies; the need for protocols to protect debate while maintaining civility; and the role of government in relation to the decisions of academic funding agencies.

No Debate is an important part of the growing documentation on the role of discourse on Israel/Palestine in higher education. It is a timely and thoughtful book that is relevant to anyone who works in a university setting, certainly in controversial areas, and especially on anything touching on Israel/Palestine. University faculty and administrators, government officials and Jewish community leaders should read it, no matter what their opinion of *Mapping Models of Statehood*. From it, we all might learn something about how to have a conference, or how not to.

