

The Very Foundations of the University

A Response to the [AAUP Journal of Academic Freedom, Volume 4](#)

By Kenneth L. Marcus and Sitara Kedilaya

The modern Western university faces an existential threat. The danger is not what you think. It is not the cuts in government funding,¹ the skyrocketing cost of tuition, the explosion of student debt,² the rise of massive open online courses,³ the decline of residential learning,⁴ or the death-spiral of the humanities. These developments may be unfortunate. But the worst threat, if our leading academic minds are to be trusted, is what it always has been: *the Jews*. And once again it is the Jews that must be stopped. This, at any rate, is what can be gleaned from some current scholarly hand-wringing about academic freedom.

Needless to say, the watchdogs of the new Jewish threat are not so crass as to derogate the “Jews” explicitly. They choose instead to use euphemisms like “Zionists” or “defenders of Israel.” For example, consider the petition circulated in 2007 by the so-called “Ad Hoc Committee to defend the University.”⁵ The petition boasts more than 650 academic signatories, from universities such as Harvard, Brown, Columbia, Georgetown, and Yale. These academic luminaries charge “groups portraying themselves as defenders of Israel” with “vociferous campaigns” (Jews are nothing if not noisy) targeting universities in an effort to “threaten academic freedom and the core mission of institutions of higher education in a democratic society.” In other words, noisy Jewish complaints threaten core institutions of democracy.

Too many academics embrace this narrative: Zionists threaten the university by suppressing speech contrary to their nefarious interests, especially their conspiracy to hide crimes inflicted by Israelis on innocent Palestinians. In a representative recent example, an article by David Lloyd and Malini Johar Schueller in the 2013 issue of *The Journal of Academic Freedom* warns that Israel’s supporters threaten “to undermine the very foundations of the university.”⁶ Such warnings resonate with age-old stereotypes of the Jews as fantastically powerful, diabolically conspiratorial, and cosmically dangerous.

The Zionist threat consists, we are told, of “orchestrated complaints by pro-Israel students” who insist that “criticism of Israel is tantamount to anti-Semitism.” This is an old canard. No serious commentator argues any such thing. Yet this straw man argument is so frequently trotted out that Alan Dershowitz once offered a hefty reward to anyone who could come up with an example of a reputable person who had actually made the argument.

In Lloyd and Schueller’s minds, Jewish students and faculty face no discrimination, while those who “critique” Israel face “campaigns of distortion, intimidation, threats of termination and denial or loss of tenure. . . .” The logic of this narrative requires its exponents to deny the persistence of anti-Semitism in contemporary academia, the absence of anti-Israel bias, and the inexistence of anti-Israel censorship.

Such thinking misconstrues the reality for students on many campuses. The truth is that anti-Semitism is still a very real problem at many universities. At U.C. Irvine, Jewish students

1 <http://www.theguardian.com/commentisfree/2010/dec/17/death-universities-malaise-tuition-fees>

2 <http://usatoday30.usatoday.com/money/perfi/college/story/2011-10-19/student-loan-debt/50818676/1>

3 <http://www.forbes.com/sites/singularity/2012/10/19/the-future-of-online-vs-residential-education/>

4 <http://www.forbes.com/sites/singularity/2012/10/19/the-future-of-online-vs-residential-education/>

5 <https://sites.google.com/site/defenduniversity/>

6 <http://www.aaup.org/sites/default/files/files/JAF/2013%20JAF/LloydSchueller.pdf>

endured threats, insults, rock-throwing, stalking, vandalism, and the destruction of a Holocaust memorial.⁷ At U.C. Berkeley, a Jewish student was rammed with a loaded shopping cart for holding a sign that reads, “Israel wants peace.”⁸ To the extent that speech rather than violence is involved, it has been rather different than the entrenched suggest. At Irvine, for example, it has meant calling Jews “dirty Jew” and “fucking Jew” and telling them to “go back to Russia” and “burn in Hell” and insisting that “Jewish students are the plague of mankind” and that “Jews should be finished off in the ovens.”

Needless to say, those who perceive Zionists as a fundamental threat cannot acknowledge the existence of widespread intimidation, threats and suppression against *pro*-Israel campus speakers. Thus, for example, they cannot admit that anti-Israel activists, some of whom are known as the “Irvine 11,” loudly and repeatedly disrupted the February 8, 2010 lecture of Ambassador Michael Oren at Irvine in a coordinated attempt to intimidate and silence him. Lloyd and Schueller, characteristically enough, defend those who tried to silence Oren while lambasting those who defend him.

Similarly, those who see Zionists as a fundamental threat must redefine anti-Semitism narrowly.⁹ In order to condemn Jewish advocates, they must deny that anti-Semitism is the serious problem on many university campuses that the U.S. Commission on Civil Rights asserts it is.¹⁰ In other words, they must create a safe haven for those anti-Jewish bigots who cast their anti-Jewish rhetoric in terms of Israel. Nowadays, most anti-Semites, even of the extreme right-wing variety, understand that they can easily avoid censure by casting their anti-Jewish rhetoric in the guise of anti-Israelism. To whitewash resurgent anti-Semitism, anti-Israel activists must resist authoritative definitions of anti-Semitism, such as the U.S. Department of State definition, the EUMC Working Definition, and California House Resolution 35. These definitions emphasize that criticism of Israel need not be anti-Semitic but that there are circumstances in which anti-Semitism can be discerned in anti-Israel hostility.

The Foundations of the University must be weak indeed if they should crumble at efforts to resist anti-Semitic bigotry. The question is whether they are strong enough to endure those who misuse academic freedom as a shield to defend bigotry.

Kenneth L. Marcus is the President and General Counsel of and Sitara Kedilaya is a Civil Rights Legal Fellow at the Louis D. Brandeis Center for Human Rights Under Law (www.brandeiscenter.com).

7 <http://www.commentarymagazine.com/article/a-blind-eye-to-campus-anti-semitism/>

8 <http://www.berkeleyside.com/2011/03/07/jewish-student-sues-uc-berkeley-over-assault-by-palestine-supporter/>

9 <http://www.fathomjournal.org/policy-politics/defining-antisemitism-down/>

10 <http://www.usccr.gov/pubs/050306FRUSCCRRCAS.pdf>