

How the state Assembly tries to limit what I can teach

In preparing my syllabus for my introductory course on the Middle East this semester, it gives me pause the California Assembly is still on record declaring that discussing certain well-documented historic incidents in modern Middle Eastern history should “not be tolerated in the classroom.” This unprecedented attack on academic freedom came in the form of a resolution (HR 35), co-sponsored by 66 of the 88 Assembly members, which passed by a voice vote in 2012.

The resolution purports to be in opposition to anti-Semitic activities on university campuses, yet defines “anti-Semitism” so broadly as to include student activism targeting certain policies of Israel’s right-wing government plus professors and others who acknowledge certain well-documented war crimes committed by Israeli forces.

For example, Israeli historians researching Israeli archives have found evidence confirming that, during the period of Israel’s war of independence between 1947 and 1949, Zionist forces forcibly removed many tens of thousands of Palestinians from their homes who were never able to return, what is today known as “ethnic cleansing.” According to the state Assembly, however, making note of this fact constitutes an “anti-Semitic activity” that should be banned from university campuses.

Acknowledging such ethnic cleansing, however, should not be considered anti-Semitic or even anti-Israel. It in no way negates Israel’s right to exist or its right to self-defense. Indeed, many existing countries in the world, not the least of which is the United States, came into being as a result of such atrocities and worse against their indigenous populations. Many other governments, including some of Israel’s Arab neighbors, have also engaged in crimes against humanity. Any effort, therefore, to use the tragic events in Israel/Palestine in the late 1940s as an excuse to delegitimize the state of Israel cannot be justified.

However, it did happen and the California Legislature has no right to tell me or any other professor that I cannot say it did.

The resolution was non-binding, was passed only by the lower house of the Legislature, was renounced by university presidents as a clear violation of academic freedom, and would not have passed constitutional muster had it actually become law. However, it would be naïve to deny that the resolution has had a chilling effect — particularly for tenure-track faculty at state universities — to know that such a broad bipartisan majority of legislators believe professors should not be allowed to teach what they know is historically accurate.

Other activities labeled by the Legislature as “anti-Semitic activities” that should not be allowed on campuses include citing certain other well-documented Israeli war crimes in more recent history and student campaigns calling on their universities to divest from corporations supporting the Israeli occupation.

As a result, a broad coalition of student, faculty, peace, human rights, civil liberties, and other organizations mobilized this past year to convince the Legislature to amend or replace HR 35. There were certainly no objections to having the Assembly on record opposing anti-Semitism on California campuses, but legislators were alerted that allowing this resolution to stand as written constitutes a dangerous infringement on academic freedom.

Unfortunately, the Democratic-controlled Legislature refused to act, shattering the myth that Democrats care more about academic freedom than do Republicans.

It would appear, then, that the leadership of both political parties in the California Assembly remains determined to intimidate professors into not teaching certain historical facts that they know to be true to suppress the discussion of controversial policies by important strategic allies of the United States. It may only be a matter of time before the Legislature seeks to ban mention of the Armenian genocide so as not to reflect badly on Turkey (an important NATO ally), or prohibit discussion of the ongoing violations of international humanitarian law by Morocco (another U.S. ally that, like Israel, is illegally occupying a neighboring country.) Or even forbid discussion of controversial events in U.S. history.

This is why, regardless of one’s views on the Israeli-Palestinian conflict, we must encourage our legislators to amend or replace HR 35 now.