



**Middle
East
Studies
Association**
of North America, Inc.

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August 9, 2012

President Mark G. Yudof
Office of the President
University of California
1111 Franklin Street, 12th Floor
Oakland CA 94607

Dear President Yudof:

I write to you on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom (CAF) to express our concern about aspects of the recently released report on “University of California Jewish Student Campus Climate” commissioned by the UC Campus Climate Advisory Council.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 3000 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

MESA rejects all forms of discrimination, bigotry and racism, including anti-Semitism, and it supports prompt and forceful action in response to anti-Semitic incidents on university campuses. We therefore understand the concerns that led to this effort to examine the experiences of Jewish students on UC campuses, and to the parallel report on “Muslim and Arab Student Campus Climate.” Nonetheless, we feel that the report and recommendations concerning the UC system’s Jewish students deploy a vague and expansive definition of hate speech, one that seems to encompass the expression of political opinions. As a result they frequently fail to draw a clear distinction between the legitimate expression of political views, on the one hand, and hate speech or anti-Semitism on the other. Criticism of Israel’s policies and of Zionism, including assertions that Israel is an “apartheid state,” are political statements, and even though they may be unwelcome to staunch supporters of Israel they do not constitute hate speech or anti-Semitism.

We recognize that speech and actions expressing intense criticism of Israel’s policies, and even challenging its legitimacy as a state, may make some students,

Jewish or otherwise, uncomfortable. This is, however, not sufficient justification for categorizing such speech and actions as hate speech or as anti-Semitic, or for prohibiting or restricting them. We are therefore distressed by the report's recommendation that UC "push its current harassment and nondiscrimination provisions further, clearly define hate speech in its guidelines, and seek opportunities to prohibit hate speech on campus," apparently in order to make it less likely that Jewish students will encounter opinions that make some of them uncomfortable. We believe that such use of hate speech guidelines clearly threaten not only the First Amendment's protection of free speech but also the principles of academic freedom that are so central to the mission and functioning of our institutions of higher education.

We therefore call on you to reiterate your commitment, as a matter of university policy, to defend the free expression of political opinions by UC students and faculty, including those that some members of the UC community may find repugnant, even as the university remains vigilant about expressions of anti-Semitism and other forms of racism. We further ask that you explicitly disassociate yourself from the language and recommendations contained in this report, because its advocacy of a broad and loose definition of hate speech may undermine the First Amendment rights of UC students and faculty as well as the principles of academic freedom.

We thank you for your attention to this matter and look forward to your response at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Fred M. Donner".

Fred M. Donner
MESA President
Professor of Near Eastern History, University of Chicago