



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

1219 N Santa Rita Ave
The University of Arizona
Tucson AZ 85721 USA

520 621-5850
520 626-9095 fax
caf@mesana.org
www.mesana.org



March 21, 2016

Janet Napolitano
President of the University of California
via email: president@ucop.edu

Board of Regents of the University of California
via email: regentsoffice@ucop.edu

Dear President Napolitano and Members of the Board of Regents,

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to express our concern about the conflation of anti-Zionism with anti-Semitism that appears in the "Final Report of the Regents Working Group on Principles Against Intolerance." We regard this conflation as a threat to the right to free speech at the University of California and to the academic freedom of the university's faculty.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, MESA publishes the *International Journal of Middle East Studies* and has nearly 3,000 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.

We are in complete agreement with the Regents Working Group that, as its Report puts it, "Anti-Semitism and other forms of discrimination have no place in the University," and we endorse its "call on University leaders actively to challenge anti-Semitism and other forms of discrimination when and wherever they emerge within the University community." Moreover, the "Principles of Tolerance" that the Regents Working Group has formulated seem unobjectionable. However, we find it troubling that the Report's "Contextual Statement" declares that "Anti-Semitism, anti-Zionism and other forms of discrimination have no place at the University of California," thereby conflating anti-Zionism with anti-Semitism. It may be true, as the Contextual Statement suggests, that "opposition to Zionism" can in some instances mask "assertions of prejudice and intolerance toward Jewish people and culture." But by asserting that anti-Zionism as such is a form of "prohibited discrimination and intolerance" the Report defines legitimate criticisms of Israel and of Zionism as inherently and self-evidently discriminatory, thereby demonizing one specific political viewpoint and infringing on free and open discussion of an issue of public concern.

Although the Principles of Tolerance rightly call for responding to potentially offensive speech with more speech rather than with disciplinary action, certain forms of speech are nevertheless potentially subject to disciplinary action at the University of California under Section 102.09 of the Policies Applying to Campus Activities, Organizations, and Students. If anti-Zionism is conflated with anti-Semitism or treated as a covert manifestation of it, then any criticism of Israel might conceivably be perceived as harassment under these policies. This would surely constitute a violation of the First Amendment rights of students, staff, and faculty at



March 21, 2016
Page 2

the University of California as well as a violation of the university's own academic freedom protections under Policy 010 of the Academic Personnel Manual. It would also undermine the principles of academic freedom that all institutions of higher education have a duty to respect and defend.

As we have noted in previous letters to the Board of Regents and to President Napolitano regarding this issue, Policy 010 states that the university's educational goals "cannot be achieved unless students and faculty are free. . .to express the widest range of viewpoints in accord with the standards of scholarly inquiry" and that "No student can abridge the rights of other students when exercising their right to differ." To its credit, the Final Report of the Working Group reiterates that "[a]s a public university, First Amendment principles and academic freedom principles must be paramount in guiding the University's response to instances of bias, prejudice and intolerance and its efforts to create and maintain an equal campus learning environment for all" and asserts that "Each member of the University community is entitled to speak, to be heard, and to be engaged based on the merits of their views, and unburdened by historical biases, stereotypes and prejudices." Defining anti-Zionism as a form of discrimination against Jews, and therefore equivalent to anti-Semitism, contradicts these commitments.

We therefore urge the President and the Board of Regents of the University of California to explicitly reject the Final Report's conflation of anti-Zionism with anti-Semitism and to make it clear that, in denouncing anti-Semitism and all other forms of bigotry and racism, the university remains committed to honoring free speech rights and the principles of academic freedom by guaranteeing that all members of the university community can engage in open discussion of public issues, including those related to the Israeli-Palestinian conflict and Zionism.

Yours sincerely,

A handwritten signature in black ink that reads "B. Baron" followed by a long horizontal flourish.

Beth Baron
MESA President
Professor, City University of New York

A handwritten signature in black ink that reads "Amy W. Newhall" in a cursive style.

Amy W. Newhall
MESA Executive Director
Associate Professor, University of Arizona