

March 23, 2021

Dear Colleagues,

I am writing because I notice that UTFa Council is preparing to vote on a motion to oppose the adoption of the IHRA definition of anti-Semitism (or, as the Anti-Defamation League prefers, 'antisemitism'¹) by the university administration. This motion, and a related effort to urge such an adoption, were recently advanced by members of UTFa even though some of our colleagues and staffers from the Division of HR & Equity are currently serving on a university-wide Anti-Semitism Working Group. That group is currently inviting feedback and consultation from students, faculty, and staff.²

I am writing in support of a motion to table, or withdraw, the motion at least until after the Anti-Semitism Working Group concludes its mission. I am sending this letter because I think that there is much to say on the topic, this is a complicated topic with nuances, qualifications and empirical justifications that would be best conveyed through writing with footnotes.

Even though I do not personally know many of the members of the working group, I am confident that they are dedicated to the purpose of the working group and are working towards making our community of scholars and students a better place.

I have no doubt that the members of the committee are aware of the sensitivity of many in the Jewish community to terms like apartheid or the employment of holocaust imagery in criticism of Israeli government policies.³ Our colleagues are surely cognizant that many in the Jewish community believe that activists advocating boycott, divestment and sanctions of Israel or companies that supply the Israeli military extends a long tradition of boycotts of Jewish businesses by those who hate Jews.⁴ They are just as aware the critics of Israel deny these charges and suggest that the IHRA definition infringes on their speech.⁵

I am similarly confident that committee members respect that critics of Israeli policy are entitled to freedoms of expression promised by the university, provincial policies, and the federal Charter of Rights and Freedom. Likewise, our colleagues know that researchers at our university insist on being able to pursue scholarship into subjects of their choice, and many of us exercise the freedom to use our status as respected academics to advocate against injustice anywhere and everywhere in the world.⁶

I assert that a motion by UTFa would have little effect on the committee's perceptions. No vote we take as a council would persuade anyone attentive to university politics that there is anything but intensely

¹ <https://www.adl.org/spelling> ; I will use 'anti-Semitism' in this letter, following the convention commonly employed by the university, UTFa, and most dictionaries.

² <https://hrandequity.utoronto.ca/news/anti-semitism-working-group-survey>

³ Sharansky, Natan. "3D test of anti-semitism: Demonization, double standards, delegitimization." *Jewish Political Studies Review* 16, no. 3-4 (2004); Bnei Brith of Canada. "Standing Against Boycott, Divestment & Sanctions (BDS) Unfairly Targeting Israel" January 2021

https://drive.google.com/file/d/1bYqMtPm5oLAsW5_FyZtwJ7dXsFjMeQKL/view

⁴ A recent review of the controversy can be found here: Halbfinger, David M., Michael Wines, and Steven Erlanger. "Is BDS Anti-Semitic? A Closer Look at the Boycott Israel Campaign." *The New York Times* 27 (2019).

⁵ For example: Gould, Rebecca R. "The IHRA Definition of Antisemitism: Defining Antisemitism by Erasing Palestinians." *The Political Quarterly* 91, no. 4 (2020): 825-831.

⁶ Maxey, Ian. "Beyond boundaries? Activism, academia, reflexivity and research." *Area* 31, no. 3 (1999): 199-208.

felt divisions within the academic community over the Israeli-Palestinian conflict, or that as a faculty we stand united backing one side or the other in that conflict, let alone take one side during periodic campus disputes related to that conflict.

The preferences of the faculty, and our concerns to work in a place free of discrimination while enjoying academic freedoms of expression and research forms only part of the considerations of the committee. Any recommendations the working group makes must also be cognizant of the legal and political context. The current provincial government imposed the Chicago Principles of free speech on university campuses on all institutions of higher learning shortly after winning a parliamentary majority. This action followed a campaign during which they promised to vigilantly protect freedom of expression on university campuses. Both the provincial and federal governments have also formally adopted the IHRA definition of anti-Semitism without any members of the government suggesting that one contradicts or supersedes the other. Yet, the motion criticizes right-wing populism and reaffirms the right of freedom of expression without regard for the Ontario context. In Ontario, a right-wing populist government won election with a prominent, explicit campaign promise to protect the right of expression on campuses.⁷ In other jurisdictions, it is reasonable to be concerned about the role of government in infringing on academic freedoms, but I want to point out that the resolution is inaccurate about our government.⁸ This matters because it makes a statement reaffirming UTFa support for freedom of expression consistent with the right-wing populist government and redundant: the province and our university⁹ both include such guarantees that conform to the Chicago Principles.¹⁰

It is hard to imagine the working group recommending the IHRA definition if it is seen as infringing on the university's 30-year old free speech rules. If it did, there would surely be a lengthy consultative process before the speech policy is revised, especially under the current government. I am confident that should the working group make any policy recommendations to Simcoe Hall, UTFa members will have ample opportunity to weigh in on any recommendations before they are adopted.

We can imagine a wide range of possible recommendations made by the Anti-Semitism Working Group. We might find that the working group recommends that the university to move forward on adopting the IHRA definition, the IHRA definition with examples, or a qualified modification of the IHRA definition that might make it more relevant and applicable to the university context, or more sensitive to concerns that the definition would suppress campus political debate.¹¹ One such modification was formulated by Cambridge University this winter.¹² I can also conceive that the working group might decide that existing

⁷ https://www.ontariopc.ca/plan_for_the_people

⁸ Full disclosure: I am not a Canadian citizen and did not vote for, or against, this government and one should not interpret these comments as an endorsement of their policies. As a scholar of politics, I am merely pointing out the incongruity and inaccuracy in the statement.

⁹ <https://governingcouncil.utoronto.ca/secretariat/policies/freedom-speech-statement-may-28-1992>

¹⁰ <https://freeexpression.uchicago.edu> I want to note that in the US, there are two [main] competing standards: The Chicago Principles emerge from universities to defend and protect free speech, while the Goldwater standards was developed by a right-wing think tank that lobbies state governments to pass legislation to impose their principles on universities. <https://goldwaterinstitute.org/campus-free-speech/>

¹¹ There is also variation in whether the IHRA definition, with and without examples, are legally binding. See Cardaun, Sarah K. *Countering Contemporary Antisemitism in Britain: Government and Civil Society Responses Between Universalism and Particularism*. Brill, 2015.

¹² <https://www.cam.ac.uk/news/the-university-of-cambridge-has-formally-adopted-the-ihra-definition-of-antisemitism>

university policies are sufficient. Perhaps the committee will recommend that the university adopt amendments inspired by, or echoing, the IHRA definition without a formal reference to that definition.¹³

One must ask, has UTFA considered all of the various options associated with the debate over the IHRA definition? I doubt it. My reading of the motion suggests to me that the university has a choice between accepting the IHRA definition or not accepting the definition when the reality is that universities and governments have adopted the definition in part. It is not clear to me whether this resolution would put UTFA in opposition to the full definition with examples with legal authority, any policy with a mention of IHRA, or support for the Cambridge formulation which seeks to protect freedom of expression and academic freedom in ways that the original IHRA definition never needed – or intended – to grapple with? At a minimum, the resolution’s stance must be clarified.

I find other issues with the wording of the resolution. First, the motion against the IHRA definition is similar to President Gertler’s own Statement on Anti-Semitism and Racism¹⁴ in scope and messaging, but fails to improve upon that statement nor reference it. Second, I was struck by how much this very resolution inadvertently demonstrates the very intent of the IHRA definition: to help decision-makers assess whether an action is anti-Semitic.

In contrast to the IHRA’s effort to define anti-Semitism over the course of a lengthy process completed in close collaboration with the Jewish community; in the current resolution we find an effort by UTFA (in sentence three) to define anti-Semitism that manages to both be nebulous and restrictive of the forms anti-Semitism might take. This statement vaguely makes mention of the distinctiveness of anti-Semitism, but then connects it to other “isms” and phobias without regard for either the historical expression of anti-Semitism, different varieties of anti-Semitism,¹⁵ or contemporary rhetoric around accusations of anti-Semitism that frequently (and quite unusually) binds anti-Semitism to arguments about political conflicts in a foreign land.¹⁶

To note only one example: “Faithism” is not even found in most English dictionaries. “Faithism” is described by the Ontario Human Rights Commission¹⁷ in a manner consistent with how Jewish students may be disadvantaged by tests and events held on Jewish holiday or the Sabbath. Indubitably, those disadvantages may be similar to other religious accommodations (or lack thereof). However, it should go without saying that much anti-Semitism, especially its most virulent and violent forms of the last century, did not rest on “faithism” but rather on perceived race/ethnicity of being Jewish. This is most clearly exemplified both by the state executions of those who converted from the Jewish faith and their children or even grandchildren, but also the suppression of work by artists born Jewish but had converted like Mahler or ones with Jewish parentage like Mendelssohn.

¹³ Please see the existing statement on Equity, Diversity and Excellence <https://governingcouncil.utoronto.ca/secretariat/policies/equity-diversity-and-excellence-statement-december-14-2006> and the current administration’s statement on anti-Semitism and racism <https://www.president.utoronto.ca/statement-on-anti-semitism-and-racism>

¹⁴ <https://www.president.utoronto.ca/statement-on-anti-semitism-and-racism>

¹⁵ Kucia, Marek, Marta Duch-Dyngosz, and Mateusz Magierowski. "Anti-Semitism in Poland: survey results and a qualitative study of Catholic communities." *Nationalities Papers* 42, no. 1 (2014): 8-36

¹⁶ Cohen, Florette, Lee Jussim, Kent D. Harber, and Gautam Bhasin. "Modern anti-Semitism and anti-Israeli attitudes." *Journal of Personality and Social Psychology* 97, no. 2 (2009): 290.

¹⁷ <http://www.ohrc.on.ca/en/iii-background-and-context/4-systemic-faithism>

In conclusion, I feel we are doing a disservice by rushing to bring this matter to vote by casting the IHRA definition as either something to support or oppose without letting a committee of our peers and colleagues have a chance to make a thoughtful and studied recommendation. In contrast to that process, UTFAs efforts appear to be neither thoughtful, fitting nor effective.

Yours,

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