

The Hebrew University of Jerusalem

Faculty of Social Sciences

Political Science Department

Academic Freedom in Contemporary Israel

Abstract:

The last few years have been turbulent years for academic freedom in the Israeli higher education system. In this paper we will review the extent of the changes in Israeli universities through reviewing three different cases in which the question of academic freedom has been raised. Examining the cases of Prof. Ilan Pappé, Prof. Neve Gordon and Dr. Yeruham Levitt and the dispute regarding them, allows us to understand both the threats and the positive points regarding academic freedom. Our analysis leads us to the conclusion that academic freedom in contemporary Israel is narrowing and must be protected.

Manal Shalabi, email: manal.shalabi@mail.huji.ac.il

Shai Gortler, email: shai.gortler@mail.ac.il

introduction

This paper asks to clarify the definition of academic freedom, and the degree of its application in Israeli universities in our time. The Israeli case is a relatively interesting one in regard to academic freedom: on the one hand, Israeli universities are ranked highly in global ratings of academic level, with reference to its population size, while on the other hand Israeli universities are struggling with an atmosphere of political duress that has become extremely visible in the last years. Several right-wing affiliated associations have published papers that claim that Israeli universities, and political science and sociology departments specifically, are radically left-winged and are not supervised sufficiently (Galnoor 2009). These publication lead to an ongoing political campaign, that is directed at influencing academic conduct in Israel and indorsed by members of the Israeli parliament and government. This research will review these pressures briefly but will not focus on them, for our focus shall be upon the events occurring inside the Higher Education system in Israel. The only exception to this rule shall be the actions carried out by Israel's minister of education, Gideon Sa'ar, due to his role as chairman of the Israeli Council of Higher Education (MALAG).

The question of academic freedom has been raised recently in the U.S. as well, Mainly in regard to political and academic changes that have occurred since 9\11. The American Association of University Professors published a list of threats to academic freedom that have resulted by the pass of the "patriot act" and other laws or declarations which include monitoring of university libraries by the department of homeland security, limitations on scientific journals from publishing articles from countries under trade embargo, limitations on non-U.S. citizens scholars which wish to study or teach and the U.S and more (Doumani 2006: 18-19).

Similarly to the situation in the U.S, though for different reasons, our argument is that in the last few years, academic freedom in Israel is narrowing, and therefore it must be protected.

The methodology we chose to conduct this research with is through a description and analysis of three distinct cases from the last years which are the most publicly known cases in

which questions of academic freedom have been raised. The first two cases are of scholars from political science departments and the third, although occurred in a pharmacology department, was in a course that has a philosophical element. To focus our research we have decided not to look at cases regarding academic freedom in the exact sciences, although these might be very interesting. These are the cases we refer to:

- (a) Prof. Ilan Pappé, who left Haifa university for Exeter university in the U.K after what he describes as scheming by Haifa university officials because of his description of the 1948 war as the “ethnic cleansing of Palestine”
- (b) Prof. Neve Gordon, who was condemned and asked to resign by Ben Gurion University officials after publishing an article in the L.A times that supports the Boycott, Divestments and Sanctions movement.
- (c) Dr. Yeruham Frank Levitt, who’s employment in BGU was terminated after students complained of homophobic and sexist remarks allegedly made by him in a “medical ethics” class in the Pharmacy department.

At this point we will like to disclose our past ties with each of these individuals or cases: Shai Gortler was a research assistant of Prof. Gordon during the period that shall be described below. Shai also arranged a anti-homophobia student demonstration in response to a demonstration in BGU which protested the actions that BGU took against Dr. Levitt. Manal Shalabi is part of the “Haddash” party chapter in Haifa in which Prof. Pappé was also part of.

Most of the events hereby presented took place in the last couple of years and so there are few academic sources that refer to them. therefore the sources we used in this paper to portray the line of events are mostly taken from Israeli press. We also held interviews, some personal and some via email, with the following individuals: Dr Iris Agmon, head of the Forum for the Protection of Public Education- an NGO that regards guarding academic freedom as one of its core principles and keeps track of changes in this field, Prof. Neve Gordon, Prof. Ilan Pappé and Prof. Riad Agabaria, Head of the pharmacy department in BGU.

As young Political Science scholars, our interest in the field of academic freedom is double- it provides an opportunity to gaze at the very core of academic performance and also of academic politics. For us it is therefore both an interesting theoretical subject and a chance to better our understanding of the system we see our future in.

Literature review

Academic freedom has many definitions, some of which are contradicting, the basic point of argument being whether academic freedom is the right of the university as a institution or an individual right of the researchers themselves. Robert Post, for example, relies upon the “1915 declaration” and claims that universities have a social function and academic freedom is given to them in order to withhold this function. Academic freedom is conceived, according to Post, as the price the public must pay in return for the social good of advancing knowledge, but if academic freedom will be conceived as a individual right it could not effectively counter public demand for restrictions on scholarly liberties (Post 2006: 73).

Judith Butler rejects Post’s classification of academic freedom as an institutional right designed only to protect universities from financial and political pressure and not as a individual right of scholars. Butler claims that Post’s perspective is too narrow and that academic freedom is designated also to protect scholars from threats within the universities (Butler 2006). Like Butler, Milton Fisk in his book “Two concepts of Academic freedom” argues that Academics are not nearly so free as we have led ourselves to believe, and that the right of academics freedom we possess is inadequate and excessively limited. He argues that the only academic activity allowed according to professional standards is thought to be that which serves the interests of the dominate, capitalist class, Fisk develops a general theoretical account of rights and applies it to claims about the right to academic freedom. (Jones 1975: 37).

Academic freedom is commonly regarded as the right of academics in their many disciplines to be left free from interference or punishment to teach and to publish what they sincerely believe to be true. Fisk argues that academics presently have no such right, In particular,

he claims that the exercise of freedom is restricted to activities consistent with the tendencies of the ruling class. Given this theoretical account of rights, together with the observation that faculty members are dependent on the capitalist class, the only way to get a broader right to academic freedom is to change the power structure in society. The class of academic functionaries will then no longer be subject to the tendencies of capitalists (ibid: 38).

John Searle (1971) who was chairman of the academic freedom committee of the university of California, argues that the classical theory of academic freedom and the heart of any theory of academic freedom is that professors should have the right to teach, conduct research and publish their research without interference and that students should have the corresponding right to study and learn. The justification for these rights derives from a theory of what the university is and how it can best achieve its objectives. these are not general human rights like the right of free speech, they are special rights that derive from particular institutional structures, which are created by quite specific sets of constitutive rules, in that they not derive from a general theory of man and society but from special theory of an institution and the conditions of functioning of that institution (Searle 1971: 86-87).

The university, according to Searle, is an institution designed for the advancement and dissemination of knowledge. The purpose of the university is to benefit the community that created and maintains it. This amounts to two axioms: knowledge is of that value and the university is an institution for the furtherance of that value, but in order of that knowledge be attained and validated, we need an epistemology, a theory of knowledge. Knowledge is most likely to be advanced through free inquiry and that claims to knowledge can only be validated as knowledge as opposed to dogma or speculation – by being subjected to the tests of free inquiry.(ibid: 89).

Like Searle, Rorty argues that the politics of academic life are inevitably the politics of the ruling group who finance it and whose interests are reinforced at the cost of other groups. He sees no way to avoid the conflict that emerges between the different groups in the universities. The fate of academic freedom will depend on many Social and economic factors, we require

principles of justice when situations are not generous enough to provide for all. (Rorty 1971: 109). With a similar argument, Sargia Shechter (2006) contends That the greatest danger for the universities, is losing their autonomy- this lost might be caused by the relation between the university and the government, a relation created from the basic need of every institute in finance recourses. (Shechter 2006: 41).

The Israeli case:

Chaim Gans (1987) views Academic freedom as a right given to scholars and not only to institutions. Gans divides this right to two different parts: the freedom to research and teach, and the freedom of expression and action outside the academia. Gans further claims that scholars should enjoy excess liberties regarding their political actions because of the social role of the academia. Gans claims that academic freedom should allow every scholar to express his political view even if these views are not linked directly to his or hers field of expertise, the reason for this, Gans claims, is that all scholars are committed to the quest towards truth and therefore society as a whole shall gain from their political stands.

Former minister of education in Israel, Amnon Rubinstein (2010) harshly disagrees with Gans's opinion and claims that academic freedom does not include statements that are removed from the scholars field of expertise, and even in his field the scholar is not allowed to express opinions that damage the institution to which the scholar belongs. Rubinstein claims that the scholar's freedom of speech is bounded to the obligation not to damage the academia itself (Rubinstein 2010: 53). For this reason Rubinstein calls upon each academic institution to formulate an ethical code that will limit it's scholars ability to express views that might hurt the university they belong to.

Itzhack Galnoor (2009) claims that the academic freedom of Israeli higher education institutions is under threat by extreme nationalistic and religious groups the aim at "silencing 'non-loyal' voices inside as well as outside the universities" (Galnoor 2009: 541) and also by the process of privatization. In the eyes of Galnoor, in the first decades of their existence, in spite of

the highly politicized nature of public life in early Israel and especially with regard to other institutions, Israeli higher education institutions managed to maintain their academic freedom and were independent from political pressure. Galoor specifies the threats that now characterize the pressure on academic freedom in Israel which include political intimidation in the frame of violent attacks such as the attack on Ze'ev Sternhall, or political pressure from groups such as "Im Tirzu" or the academia monitor (Galnoor: 2009).

Case descriptions

(a) Ilan Pappe is an Historian and political scientist whose main area of interest is the 1948 war. Pappe taught at the university of Haifa until 2008, when he left for a teaching position at the university of Exeter in the U.K. Pappe claims the reason he left Israel is because, after receiving many death threats, he did not feel he and his family were safe and also because he "felt stifled as an intellectual".¹ Pappe is known in Israel for being one of the "new historians"- a group of historians rewriting the history of the conflict in the middle east, not from the Zionist perspective and with a special focus on the 1948. Pappe's opinion on the Israeli objectives of this war are that the Israeli government and army were maintaining a policy of "ethnic cleansing" towards the Palestinian inhabitants of the land.

According to Pappe, it was because of this description of the events of the 1948 war that he started to suffer scheming in Haifa university, which climaxed when Pappe announced that he supported the academic boycott on Israeli universities by the Association of University Teachers in the U.K. another controversy Pappe was involved in was the Katz-Alexandroni controversy², in which Pappe accused the University of Haifa in blindly adopting the national narrative and not assisting Katz in his struggle (Pappe 2002). Pappe was not Katz's thesis instructor but decided to help him after he saw the way Haifa

¹ <http://www.guardian.co.uk/education/2009/jan/20/interview-ilan-pappe-historian>

² Katz thesis claimed that the Alexandroni brigade massacred and expelled the inhabitant of the Palestinian village Tantura. Consequently, veterans of Alexandroni took Katz to court.

university officials treated Katz. Because of his assistance to Katz, Pappé himself was boycotted in Haifa university's faculty of humanities (ibid: 212).

(b) On August 20th 2009, Prof. (then Dr.) Neve Gordon, head of the political science department at BGU, published an opinion article in the Los Angeles times, calling for the boycott of Israel in order to stop its continuing deterioration to an apartheid state.³ Israel's consul to Los Angeles wrote to BGU'S president Rivka Carmi and said that he received letters from the university's donor that said that they will withhold their donations because of Gordon's article. Carmi then published a response that said that "Academics that feel this way about their country, are welcome to find other lodgings".⁴ Furthermore, BGU's rector called for Gordon's resignation from his position as head of the political science department, a call that was backed by Carmi.⁵

More than a year afterwards the council for higher education (MALAG), which is the supervising board for all the universities in Israel and is headed by the minister of education, published a statement according to which calling for a boycott on Israel is wrong and "undermines the very essence of a free academic system in Israel... the council of higher education calls for every institution to find ways to cope with the matter".⁶

The first version of BGU's ethical code was written in 2007 by Yani Nevo of the philosophy department. According to this ethical code, "the limits of academic freedom are the limits of the professional statement".⁷ Following Gordon's statements, the ethical

³ <http://articles.latimes.com/2009/aug/20/opinion/oe-gordon20>

⁴ <http://www.haaretz.co.il/hasite/spages/1109273.html>

⁵ <http://www.ynet.co.il/articles/0,7340,L-3768280,00.html>

⁶ Decision no. 493. In MALAG website: <http://www.che.org.il/template/default.aspx?PagelD=190>

⁷ <http://bgu.ac.il/NR/rdonlyres/A3113932-0457-4532-BF64-6DCCB9D700CD/42373/ecode.pdf>

code was changed so that staff members of BGU shall not use the name of the institution when publishing their political or religious views.⁸

- (c) On July 2010, Dr. Yeruham Levitt, a emeritus lecturer in the faculty of health sciences, received notice that the “Medical ethics” course which he teaches shall be discontinued and that he will no longer be hired by the university. Levitt was accused of un-orderly conduct that hurt his students feelings, after students complained on some remarks Levitt supposedly made in a debate on whether or not same sex couples are entitled to have children through surrogacy, remark such as “ homosexuals are doomed for a life of misery without a family” and “I for once have an urge to ‘hit’ on female students of this class, but it is socially not acceptable, so I overcome it”.⁹ According to the head of the department of pharmacy, Riad Agabaria, Levitt was invited to a teaching committee that discussed his conduct and refused to apologize on his statements and therefore the committee decided to terminate the course and not to re-hire Dr. Levitt the continuing year.

Discussion

Itzhak Galnoor praises the Israeli higher education system for maintaining a relatively high level of academic freedom during the first decades of the state of Israel (Galnoor 2009). The cases mentioned above raise the question whether the reason for the high level of academic freedom in the past was because scholars did not dispute the mainstream political agenda. In recent years and especially with the escalation of the Israeli-Palestinian conflict, Israeli society has become much more polarized, and critical discourse has become much more widespread. It is in this light that we wish to analyze the different tides that effect academic freedom in Israeli universities.

In our interview with Ilan Pappé, he expresses the opinion that while in some fields of research the state of academic freedom is reasonable, in the fields of middle eastern studies and

⁸ <http://www.ynet.co.il/articles/0,7340,L-4012367,00.html>

⁹ These quotes were given by one of the student which complained on Dr. Levitt remarks.

any research committed on the Palestinians, Zionism and equivalent areas, academic freedom is very limited and its condition is deteriorating. According to Pappe, the university of Haifa took actions that severely hurt his academic freedom, actions including threats of disciplinary trials that could expel him from the university, preventing him from working freely and hurting his promotion.

Pappe's case is surely not an undisputed one- his decision to leave Haifa university and Israel surely made some officials at Haifa university happy, but it was not imposed on him- the decision was made by Pappe himself. Even though, Pappe understood that it would be hard for him to continue conducting research in Israel, and so, even if it was not impossible for him to continue his research within Haifa university, this case could help imply a phenomenon accruing inside Israeli universities. Pappe was not the first critical scholar to choose to leave Israel: Tania Reinhard, a linguist from Tel Aviv University left Israel in 2007 due to feelings similar to the ones raised by Pappe.

The main lesson that can be taught by Pappe's case, is that the two core issues that dealing with might lead to narrowing of one academic freedom are Israeli-Palestinian relations and the boycott. Another interesting lesson regards the university's role in (not) protecting Teddy Katz, whose thesis was the subject of the dispute that led to Pappe's many disappointment from the Israeli establishment- Pappe blamed the university for not providing Katz with legal aid and even supporting Katz persecutors. Pappe claims that legal aid was denied from Katz because his ideas were not in line with the Zionist narrative about the 1948 war. This claim also can point out the direction in which academic freedom in Israel is heading.

There are many similarities between the reasons that both Ilan Pappe and Neve Gordon felt that their academic freedom was in danger: in both cases the main interest of the researcher was the Israeli-Palestinian conflict and in both cases the researcher's support of the boycott was a major catalyst for the events to follow. This shows that that in contemporary Israel the main threat to academic freedom is for research held on the Israeli- Palestinian conflict, with conclusion that

are critical of the Israeli policy. Also, a ex-academic support of the boycott is also something that has major implications on the sense of threat that these two scholars felt.

As Galnoor states, the biggest threat toward academic freedom in Israel comes from the calls of movement like “Im Tirzu” and “academia monitor” and also from political pressure on the universities (Galnoor 2009). These threats are all manifested in Gordon’s case: “ Im Tirzu” have called for BGU to fire Gordon¹⁰ and have also threatened to contact BGU’s donors to ask them to stop donating money to the university until Gordon is fired.¹¹ The minister of education also published an announcement condemning Gordon’s article¹² and said that he will act against scholars who call for the boycott of the Israeli academia, and in the same announcement expressed his support for organizations such as “Im Tirzu”.¹³

Gideon sa’ar, Israel’s current minister of education, led to the council of higher education announcement that it leaves the decision to what to do with lecturers who support boycott to each university. As noted, the MALAG called upon each university to think of ways to handle its own lecturers if they support the boycott. In an interview we made with Neve Gordon, he raised his concern that these ethical codes might be a step towards disciplining scholars and limiting academic freedom. This might imply that the real dangers academic freedom might encounter, come not from the outside forces threatening it but rather from forces inside the universities which cooperate with these calls.

On the other hand, when the academic establishment is strong enough to stand external pressures, it manages, at least so far, to withstand these pressures. For example, when Gordon published the article in the L.A times, he was the head of BGU’s political science department, an office elected in each department by its members. After the article was published, BGU’s rector,

¹⁰ http://www.imti.org.il/show_art.php?id=573

¹¹ <http://www.haaretz.co.il/hasite/spages/1184992.html>

¹² <http://www.nrg.co.il/online/1/ART1/933/080.html>

¹³ <http://www.haaretz.co.il/hasite/spages/1175330.html>

Prof. Jimmy Weinblatt, met with members from Gordon's department and said that he believes that Gordon should resign from his post as chair of the department, a statement that was backed by BGU'S president, Rivka Carmi.¹⁴

According to Gordon, his department, although not supportive of his call for boycotting Israel, supported his right to publish his views on the matter and so, did not support Weinblatt's call for him to be replaced. This shows the importance of scholars themselves in protecting other scholars from external forces. The fact that as opposed to most universities in the U.S, Israeli department chairs and other decision makers such as the university rector are chosen by faculty member helps minimize external threats. Because of the importance of the members of each department in protecting other members from external threats there is a chance that those who wish to limit the political expression that are critical towards Israel's policies, will try to influence the composition of the departments.

Our argument that the most sensitive juncture of academic freedom is between a scholar and his department is manifested also in the case of Dr. Yeruham Levitt. The decision to terminate Levitt's employment at BGU was made by the teaching committee chaired by the pharmacology department's chair Prof. Riad Agabaria. In a interview we held with Prof. Agabaria he said that Levitt's employment at the department was terminated because he hurt the students feeling. This terminology raises questions about the ability of "feeling" to be a hard index. for example, if a student feelings are offended because the lecturer used the term "occupation" regarding Israel's policy, would that be enough reason for dismissing him?

Prof. Agabaria told us that he thinks that if Dr. Levitt would have apologized on his remarks, the sever actions taken against him would not have occurred. This means that Dr. Levitt insisted on his right to express his opinion in class. Dr. Levitt did apologize for his remarks later

¹⁴ <http://www.ynetnews.com/articles/0,7340,L-3768528,00.html>

in a joint declaration with BGU president Rivka Carmi, a declaration in which Carmi also apologized for stating in a radio interview that Levitt's remark were sexual harassment.¹⁵

The definition of sexual harassment in Israel regarding sexual orientation is “ a degrading or humiliating reference directed at a person in relation to his gender or sexuality, including sexual orientation”¹⁶. The offended student did complain to BGU's student association coordinator of treatment of sexual harassment, but due to the fact that the complaint was also made to the vice Dean of the Faculty of Health Sciences, the sexual harassment complaint was not checked by the universities Commissioner for treatment of sexual harassment. The university also neglected to fully investigated the case before its decision to terminate Dr. Levitt's employment.

The Levitt case is a deferent violation of rights than the other cases exemplified because Levitt was actually fired by the university. Levite is a emeritus professor and therefore has no tenure and so the department could terminate his employment in a relatively easy way. Although we believe that the student's complaint should have been answered by the university, we are not sure that firing Dr. Levitt was a proportional response, for this case clearly signals to all lecturers without tenure that they are at greater risk that tenured lecturers.

Conclusion

The different parts of academic freedom- freedom of research, freedom of teaching and freedom to express ideas outside the academia (Gans 1987) are all reflected in the cases discussed earlier: The reactions towards Pappé research ,Gordon's ex-academic remarks and Levitt's thoughts on a matter discussed in class. All of these provide us with a wide perspective on academic freedom in Israel in the recent years. It can be inhered from these cases that Israeli Academic freedom is narrowing and measures must be taken to prevent it this situation from escalating. Threats from political and financial powers must be met with clear statements by university presidents that

¹⁵ We hold a copy of the document published by Prof. Carmi and Dr. Levitt.

¹⁶http://www.bgu4u.co.il/download/files/%D7%97%D7%95%D7%A7_%D7%9C%D7%9E%D7%A0%D7%99%D7%A2%D7%AA_%D7%94%D7%98%D7%A8%D7%93%D7%94_%D7%9E%D7%99%D7%A0%D7%99%D7%AA.pdf

academic research, teaching and publishing shall not be subordinated to external forces. Even more importantly, solidarity between scholars must be empowered so that the Israeli academic system could withstand these threats.

Bibliography

- Butler, J. 2006. "Academic norms, contemporary challenges : a reply to Robert Post on academic freedom" in Beshara Doumani (ed.) Academic freedom after 9/11. New York: Zone books.
- Doumani, B. 2006. "introduction" in Beshara Doumani (ed.) Academic freedom after 9/11. New York: Zone books.
- Galnoor, I. 2009. "Academic freedom in political duress: Israel". Social research. 76: 2.
- Gans, C. 1987. "Academic freedom" Eyunei mishpat. 12.[in Hebrew]
- Jones, H. (1971). "Academic Freedom as a Moral Right" in M, L. Pincoffs (ed.) The concept of Academic Freedom. Pp37-51.
- Pappe, I. 2002. "The Katz and Tantura cases: history, historiography, law and academia" Teoria vebikoret 20. Pp. 191-218. [in Hebrew]
- Post, R. 2006. "The structure of academic freedom" in Beshara Doumani (ed.) Academic freedom after 9/11. New York: Zone books.
- Rorty, A. 1971. "Dilemmas of Academic and Intellectual freedom" in M, L. Pincoffs (ed.) The concept of Academic Freedom. The University Of Texas Press. Pp 97-111.
- Rubinstein, Amnon. 2010. "Freedom of academic speech" Mishpat ve asakim 13. Pp. 11-59. [in Hebrew]
- Schechter, S. 2006. Cracks in Ivory Tower . Zivonim Press.
- Searle, J. 1971. "The Concept Of Academic Freedom" in M, L. Pincoffs (ed.) The Concept Of Academic Freedom. The University of Texas Press. Pp 86-96.